



**COUNCIL OF  
THE EUROPEAN UNION**

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**STATEMENT OF THE COUNCIL'S REASONS**

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**Subject:** Position of the Council at first reading with a view to the adoption of 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  
– Statement of the Council's reasons  
Adopted by the Council on 21 February 2012

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## **I. INTRODUCTION**

1. The Commission adopted its proposal on 27 September 2010<sup>1</sup>.
2. The European Parliament adopted its position at first reading at its plenary session on 13 September 2011 approving the Commission proposal without amendments<sup>2</sup>.
3. On 5 December 2011, the Council reached a political agreement on the text of the proposal<sup>3</sup>.
4. In accordance with Article 294 of the Treaty, the Council adopted its position at first reading on 21 February 2012.

## **II. OBJECTIVE**

The proposal aims at bringing Regulation (EC) No 428/2009<sup>4</sup> in line with the latest developments under the relevant international export control regimes<sup>5</sup>, in order to further limit the risk of sensitive dual-use items being used for military purposes and/or in proliferation programmes, while ensuring that legitimate trade is not hindered.

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<sup>1</sup> 14933/10.

<sup>2</sup> 13964/11.

<sup>3</sup> 17331/11.

<sup>4</sup> OJ L 134, 29.5.2009, p. 1.

<sup>5</sup> Australia Group (AG) for biological and chemical items; Nuclear Suppliers Group (NSG) for civil nuclear items, the Missile Technology Control Regime (MTCR) and the Wassenaar Arrangement (WA) for conventional arms and dual-use goods and technologies.

### **III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING**

The Council's first reading position is the result of informal contacts between the European Parliament, the Commission and the Council, as provided for in points 16 to 18 of the Joint declaration on practical arrangements for the co-decision procedure<sup>6</sup>.

The approach proposed by the Commission as well as all the main elements contained in its proposal have been retained. In addition, the Council's first reading position includes a number of modifications of a more technical nature as regards the control lists for dual use goods and technology. Similarly, certain definitions have been updated. To make the Regulation as up-to-date as possible, these modifications reflect the most recent changes agreed under the international export control regimes, and which had therefore not yet been included in the Commission proposal.

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<sup>6</sup> OJ C 145, 30.6.2007, p. 5.