



**COUNCIL OF
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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 8 March 2012

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc.: COM(2012) 101 final

Subject: Communication from the Commission to the European Parliament -
Position of the Council on 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

Delegations will find attached Commission document COM(2012) 101 final.

Encl.: COM(2012) 101 final



EUROPEAN COMMISSION

Brussels, 8.3.2012
COM(2012) 101 final

2010/0262 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on 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**

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position of the Council on 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

1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council 27/09/2010
(document COM(2010) 509 final – 2010/0262 COD):

Date of the position of the European Parliament, first reading: 13/09/2011

Date of adoption of the position of the Council: 21/02/2012

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The EU dual-use export control system, as set out in Regulation (EC) No 428/2009, requires an authorisation for the export of dual-use items listed in Annex I to the Regulation. Under Article 15 of the Regulation, "the list of dual-use items set out in Annex I shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that Member States have accepted as members of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties".

The objective of the Commission's proposal is therefore to update the control list set out in Annex I of the Regulation, by introducing modifications agreed in the international export control regimes.

3. COMMENTS ON THE POSITION OF THE COUNCIL

The original proposal of the Commission covered modifications of the control list agreed in the international export control regimes in 2009. The Council's position envisages further updating the control list with modifications agreed in the export control regimes in 2010. Including both the 2009 and 2010 control list modifications in the current update exercise will allow the EU to adhere to its international commitments with regard to export controls and will significantly help EU exporters.

4. COMMENTS ON THE POSITION OF THE EUROPEAN PARLIAMENT

The European Parliament endorsed the original proposal of the Commission on 13 September 2011 and has expressed its support for integrating additional modifications to the control list in line with international commitments as suggested by the Council.

5. CONCLUSION

The Commission accepts the position taken by the Council.