



**COUNCIL OF  
THE EUROPEAN UNION**

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#### **INFORMATION NOTE**

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From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

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Subject: **ADOPTION OF LEGISLATIVE ACT FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING**

Proposal for 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 – Outcome of the European Parliament's second reading (Brussels, 2 to 3 April 2014)

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#### **I. VOTE**

Since no amendment had been adopted, the President of the European Parliament declared the Council's position at first reading approved.

The text of the European Parliament's legislative resolution is annexed to this note.

## **II. ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING**

Since the European Parliament has approved the Council's position at first reading, the act in question is deemed to have been adopted in the wording which corresponds to the Council's position at first reading, as provided for in Article 294 (7)(a) of the TFEU.

After signature by the President of the European Parliament, the President of the Council and the Secretaries-General of the two Institutions, the act in question will be published in the *Official Journal* of the European Union.

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## **Community regime for the control of exports, transfer, brokering and transit of dual-use items \*\*\*II**

**European Parliament legislative resolution of 3 April 2014 on the Council position 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 (18086/1/2013 – C7-0093/2014 – 2011/0310(COD))**

### **(Ordinary legislative procedure: second reading)**

*The European Parliament,*

- having regard to the Council position at first reading (18086/1/2013 – C7-0093/2014),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2011)0704),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 72 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on International Trade (A7-0236/2014),
1. Approves the Council position at first reading;
  2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
  3. Takes note of the Commission statements annexed to this resolution;
  4. Notes that the act is adopted in accordance with the Council position;
  5. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  6. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication, together with all the statements annexed to this resolution, in the *Official Journal of the European Union*;
  7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 68 E, 7.3.2014, p. 112.

## ANNEX TO THE LEGISLATIVE RESOLUTION

### **Joint Statement by the European Parliament, the Council and the Commission on the review of the dual-use export control system**

The European Parliament, the Council and the Commission recognise the importance of continuously enhancing the effectiveness and coherence of the EU's strategic export controls regime, ensuring a high level of security and adequate transparency without impeding competitiveness and legitimate trade in dual-use items.

The three institutions consider that modernisation and further convergence of the system is needed in order to keep up with new threats and rapid technological changes, to reduce distortions, create a genuine common market for dual-use items (uniform level playing field for exporters) and continue serving as an export control model for third countries.

To this end, it is essential to streamline the process for updating the control lists (Annexes to the Regulation); strengthen risk assessment and exchange of information, develop improved industry standards, and reduce disparities in implementation.

The European Parliament, the Council and the Commission acknowledge the issues regarding the export of certain information and communication technologies (ICT) that can be used in connection with human rights violations as well as to undermine the EU's security, particularly for technologies used for mass-surveillance, monitoring, tracking, tracing and censoring, as well as for software vulnerabilities.

Technical consultations have been initiated in this respect, including in the framework of EU Dual Use Peer Visit, the Dual Use Coordination Group, and the export control regimes, and actions continue to be taken to address situations of urgency through sanctions (pursuant to Article 215 TFEU), or national measures. Efforts will also be intensified to promote multilateral agreements in the context of export control regimes, and options will be explored, to address this issue in the context of the on-going review of EU dual-use export control policy, and the preparation of a Commission Communication. In this context the three institutions took note of the agreement on 4 December 2013 by the Participating States of the Wassenaar Arrangement to adopt controls on complex surveillance tools that enable unauthorised access to computer systems, and on IP-network surveillance systems.

The European Parliament, the Council and the Commission also commit to further development of existing "catch-all" mechanism for dual-use items falling outside the Annex I of the Regulation, in order to further enhance the export control system and its application within the European single market.

## **Commission Statement on delegated acts**

In the context of this Regulation, the Commission recalls the commitment it has taken in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts.

## **Commission Statement on updating the Regulation**

In order to ensure a more integrated, efficient and coherent European approach to the movement (exports, transfer, brokering and transit) of strategic items, the Commission will put forward a new proposal for updating the Regulation as expeditiously as possible.