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THE EUROPEAN UNION**

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COVER NOTE

From : General Secretariat of the Council
to : Delegations

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Subject Council Statement of 13 December 2004 further to the first stage of the Peer Review of Member States' Export Control Systems for Dual Use Goods conducted in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction

Delegations will find attached a Statement adopted by the Council on 13 December 2004 further to the first stage of the Peer Review of Member States' Export Control Systems for Dual Use Goods conducted in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction.

Council Statement of 13 December 2004 further to the first stage of the Peer Review of Member States' Export Control Systems for Dual Use Goods conducted in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction.

The Action Plan against Proliferation of WMD endorsed by the European Council in Thessaloniki in June 2003 includes a commitment to reinforce the efficiency of export controls in an enlarged Europe, and to successfully conduct a Peer Review of national export controls to disseminate good practices by taking special account of the challenges of enlargement.

The European Union's rules for the control of exports of dual use items and technology (i.e. items and technology which may be used either for civilian or military purposes including the development of weapons of mass destruction) are contained in Regulation (EC) No. 1334/2000. The Regulation lays down strict procedures for controlling exports of all dual-use items identified for control in the four international export control regimes and the Chemical Weapons Convention. It also provides the basis for Member States to control exports of any non-listed dual use item they consider presents proliferation risks.

As a follow up to the Thessaloniki Action Plan and in implementation of the Strategy Against Proliferation of Weapons of Mass Destruction, Member States, the Commission Services and the Council Secretariat have worked in close cooperation in order to prepare and contribute to the successful execution of the Peer Review process. The exercise has proved most useful and has contributed greatly to the enhancement of the efficiency of EU export controls. During visits which took place between February and July 2004, all Member States, assisted by a Task Force, had the opportunity to compare practices, learn from each other's experiences and make suggestions for improvements.

Based on these suggestions and an analysis of national systems, the Task Force has made recommendations for follow-up to further improve EU export controls and thereby enhance Member States' capabilities to prevent access by undesirable end-users, including terrorists in third countries, to dual use items relevant for WMD purposes. Such recommendations, which are listed below, will be acted upon without delay.

Recommendations for strengthening the efficiency of the EU export control system:

- ensure transparency and awareness of legislation implementing the EU system;
 - minimise any significant divergence in practices amongst Member States;
 - investigate the possibilities for adding controls on transit and transshipment;
 - provide assistance in recognition of dual-use items subject to control;
 - improve exchanges of information on denials, and consider the creation of a data base to exchange sensitive information;
 - agree best practices for the enforcement of controls;
 - improve transparency to facilitate harmonisation of implementation of controls on non-listed items (catch-all);
 - enhance interaction with exporters;
 - agree best practices for controlling intangible transfers of technology.
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