



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 20 January 2012**

---

---

**Interinstitutional File:  
2010/0262 (COD)**

---

---

**18144/11  
ADD 1**

**COMER 248  
PESC 1603  
CONOP 89  
ECO 151  
UD 355  
ATO 157  
CODEC 2315**

**DRAFT STATEMENT OF THE COUNCIL'S REASONS**

---

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  
- Draft statement of the Council's reasons

---

## **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>

## **II. OBJECTIVE**

The proposal aims at bringing Regulation (EC) 428/2009<sup>4</sup> in line with the latest developments at 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.

## **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 foreseen by points 16 to 18 of the Joint declaration on practical arrangements for the co-decision procedure<sup>6</sup>.

---

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

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

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

<sup>4</sup> Official Journal L 134, 29.05.2009, 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.

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

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. For the benefit of a most up-to-date regulation, these modifications reflect the most recent changes agreed at the international export control regimes, and which were therefore not yet included in the Commission proposal.

---