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European Parliament agrees stricter rules for dual-use technology exports

No more spyware for dictators

The European Parliament has today backed a report from Greens/EFA rapporteur Klaus Buchner, proposing much stricter rules for EU exports of dual-use items (goods which can be used for either civilian or military purposes). The report introduces the possibility to control exports of cyber-surveillance items on human rights grounds. This would cover devices for intercepting and locating mobile phones, circumventing passwords or identifying internet users.

Greens/EFA rapporteur **Klaus Buchner** comments:

"The European Parliament has delivered on its promise to strengthen the EU's human rights policy by making exports of surveillance technology stricter. The European Union has a responsibility to make sure that its exports are not used by governments to limit fundamental rights and freedoms. We must not be complicit in human rights violations abroad. We have already seen how dangerous these technologies can be when they are abused by governments, most notably in the clamp down on the Arab Spring. At a time when the space for civil society and human rights activists is being put under threat by repression, and warfare is increasingly based on dual-use items, this is a much needed reform.

"The EU's existing regulations on conflict minerals and torture equipment show that we can have a value-based trade policy. The Member States must urgently agree a common position so that we can progress to trilogue negotiations on this key legislation."

Background

The report is on the recast of the "Control of exports, transfer, brokering, technical assistance and transit of dual-use items". Dual-use items are goods which can be used for military as well as for civilian purposes and include items as diverse as drones, high performance computers, cyber security testing equipment and certain chemicals, which can be used both as agriculture fertilizers or as a base for explosives. About 10 percent of EU exports fall under dual use.

The previous recast in 2011 introduced a range of General Export Authorizations for specific export destinations and specific items. At the time, following the violent suppression of the Arab Spring by way of internet surveillance (including exports of European surveillance technology to countries such as Libya, Egypt, Bahrain and also earlier Iran in the context of the 2009 "green movement"), the Greens/EFA group

joined calls for the inclusion of cyber-surveillance items in the control regime. While this was rejected by Commission and Council, the three EU institutions issued a common statement promising the inclusion of cyber spyware for the next recast of the Dual-Use legislation.

The main instrument to achieve this is the “Human Rights Catch-All” provision: in case of doubt that a specific cyber surveillance item could be used to violate human rights, the exporter must notify the national competent authority. If the national authority rejects the export and if no “qualified majority” of the other Member States objects to that decision, the items is placed on a EU-wide list of items for which all exports need to get an authorization. In that way, in short time, a list of controlled cyber-surveillance items will be established.

The Council has yet to agree its final position.

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