

## **FRENCH POLICY ON EXPORT CONTROLS FOR CONVENTIONAL ARMS AND DUAL-USE GOODS AND TECHNOLOGIES**

By participating in the Wassenaar Arrangement since its inception, France wished to further contribute to enhancing regional and international security and stability.

France has effectively been involved for a long time in action aimed at forestalling regional instability and supporting arms control efforts, yet without prejudice to its sovereignty and security or that of its allies, nor to its cooperation commitments.

French policy on arms exports is thus the policy of a country that sits in the most important international fora, signs and ratifies the texts which further arms control throughout the world, and adopted over sixty years ago a stringent legal framework for national control of arms exports.

### **1. French policy on arms exports complies with the commitments given by France in respect of arms control**

France is deeply involved in all efforts aimed at disarmament and in the fight against proliferation of weapons of mass destruction and their delivery systems. France has always participated in and staunchly supported international exercises aimed at developing information exchanges, confidence and transparency<sup>1</sup>.

In the field of conventional arms, France exercises stringent export control by basing its decisions on a series of criteria. They include respect for the Purposes and Principles of the Charter of the United Nations, human rights, embargoes and other globally-agreed restrictive measures, arms control, and non-contribution to regional instability or to the prolongation of ongoing armed conflicts. France also supports efforts aimed at preventing and fighting arms trafficking.

The obligations pertaining to the commitments given were incorporated into French legal and regulatory texts. As OSCE Member States recalled in Prague in 1992, effective national arms control is of "*the utmost importance*". For France, the effectiveness of such control is a constant preoccupation as it constitutes the best guarantee of a responsible arms export policy.

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<sup>1</sup> The annual report to the Parliament on France's arms exports is available on [http://www.defense.gouv.fr/portal\\_repository/1090093383\\_\\_0001/fichier/getData?\\_&ispopup=1](http://www.defense.gouv.fr/portal_repository/1090093383__0001/fichier/getData?_&ispopup=1)

## **2. French policy on arms exports complies with the criteria laid down by the United Nations, the OSCE and the European Council**

In October 1991, the UN Security Council adopted guiding principles for transfers of the conventional arms of its member states, France included. These principles monitor the implications of arms sales: legitimate self-defence requirements of the buyer country, response to the threats it is faced with, risk of the worsening of conflicts, and so on.

As an OSCE Member State, France has approved the principles governing transfers of conventional arms determined by participating countries. These principles take account of the political, economic and social situation of the importing country and the implications of imports not only in that country but also throughout the region. France has also taken part to numerous initiatives, among them the one that led to the adoption in 2000 of the OSCE Document on Small Arms and Light Weapons.

France's responsible nature and its attachment to the principles of restraint and transparency have further manifested themselves in the joint initiative with the United Kingdom on a European Code of Conduct on arms exports. This Code, which was adopted by the Council of the European Union on 8 June 1998, represents for EU Member States, within the framework of the Common Foreign and Security Policy (CFSP), a key development in a highly sensitive area.

The Code of Conduct gives a detailed definition of the common criteria applicable to national arms export policies, on the basis of the eight Common Criteria agreed at the Luxembourg and Lisbon European Councils in June 1991 and in June 1992:

- Respect for the international commitments of Member States, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations.
- Respect of human rights in the country of final destination.
- The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts.
- Preservation of regional peace, security and stability.
- National security of the Member States, as well as that of friendly and allied countries.
- Behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law.
- Existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions.
- Compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources.

To facilitate convergence in applying the criteria, the Code of Conduct introduced a bilateral consultation mechanism, following an export denial issued by a Member State.

### **3. Exports of conventional arms and dual-use goods are subject to stringent control by French policy**

Arms exports are prohibited in France, unless a governmental authorization is granted (Art. 13 of the legislative decree of 18 April 1939). **France has a very strict arms export control system** which is implemented in several stages:

- prior authorization to negotiate,
- authorization to conclude a sales operation,
- authorization to export equipment.

Decisions relating to exports are taken at the Prime Minister level. He is assisted by the *Commission Interministérielle pour l'Etude des Exportations de Matériels de Guerre - CIEEMG* (Interministerial Commission for the Study of Military Equipment Exports), chaired by the Secretary General of National Defence. The Interministerial Commission's assessment of suitable timing for exports takes into account the international criteria listed above. The procedure governing arms exports is published in the *Journal Officiel* (Official gazette). It is accompanied, as a rule, by a clause prohibiting re-exports and, in the event of transfers of classified information, by a security agreement.

As to **export controls for dual-use goods**, they were introduced in France by a decree of 1944. Since 1995, export controls for dual-use goods are implemented in accordance with rules defined by a European regime, that has been amended by the EU Regulation 1334/2000 of 22 June 2000. This Regulation set the principles of exports controls and the lists of controlled goods and technologies. These lists, that are common to all EU member states, are regularly implemented and are published in the *Journal Officiel des Communautés européennes* (EC Official gazette).

Export controls are assumed by the French authorities, which deliver<sup>2</sup> export licences for each export of Dual-Use<sup>3</sup> goods to a country outside the European Union. A similar procedure is necessary for transmissions of softwares or technologies by electronic mean, fax or telephone.

The commitments given by France in respect of arms control are an integral part of its export policy which is subject to one of the most stringent national control procedures.

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<sup>2</sup> Visit the Ministry of Industry website: [www.industrie.gouv.fr/pratique/bdusage/index.htm](http://www.industrie.gouv.fr/pratique/bdusage/index.htm) and also the Customs website: <http://www.douane.gouv.fr/dab/html/03-077.html> (only available in French)

<sup>3</sup> Also visit the website [www.ssi.gouv.fr/fr/reglementation/index.html#crypto](http://www.ssi.gouv.fr/fr/reglementation/index.html#crypto) for the cryptographic goods

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