



2014/0005(COD)

15.6.2015

AMENDMENTS

20 - 72

Draft opinion
Barbara Lochbihler
(PE555.011v01-00)

Trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment

Proposal for a regulation
(COM(2014)0001 – C8-0014/2014 – 2014/0005(COD))

Amendment 20
Georgios Epitideios

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Articles 5, 6 and 7 of Regulation (EC) No 1236/2005 establish an export licensing system designed to **prevent** the relevant goods from being used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

Amendment

(3) Articles 5, 6 and 7 of Regulation (EC) No 1236/2005 establish an export licensing system designed to **prohibit** the relevant goods from being used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

Or. el

Amendment 21
Georgios Epitideios

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) These measures should not go beyond what is proportionate. They should, therefore, not prevent the export of medicinal products used for legitimate therapeutic purposes.

Amendment

(4) These measures should not go beyond what is proportionate. They should, therefore, not prevent the export of medicinal products used for legitimate therapeutic purposes: **it is sufficient to carry out strict controls for this purpose.**

Or. el

Amendment 22
Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Given the different characteristics of

Amendment

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capital punishment, on the one hand, and torture and other cruel, inhuman or degrading treatment or punishment on the other, it is appropriate to establish a specific export licensing system with a view to preventing the use of certain goods for capital punishment. Such a system should take into account the fact that a number of countries have abolished capital punishment for all crimes and have made an international commitment on this issue. As there is a risk of re-export to countries that have not done so, certain conditions and requirements should be imposed when authorising exports to countries that have abolished capital punishment. It is, therefore, appropriate to grant a general export authorisation for exports to those countries that have abolished capital punishment for all crimes and confirmed it with an international commitment.

capital punishment, on the one hand, and torture and other cruel, inhuman or degrading treatment or punishment on the other, it is appropriate to establish a specific export licensing system with a view to preventing the use of certain goods for capital punishment. Such a system should take into account the fact that a number of countries have abolished capital punishment for all crimes and have made an international commitment on this issue. As there is a risk of re-export to countries that have not done so, certain conditions and requirements should be imposed **and guaranteed** when authorising exports to countries that have abolished capital punishment. It is, therefore, appropriate to grant a general export authorisation for exports to those countries that have abolished capital punishment for all crimes and confirmed it with an international commitment.

Or. en

Amendment 23

Georgios Epitideios

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Given the different characteristics of capital punishment, on the one hand, and torture and other cruel, inhuman or degrading treatment or punishment on the other, it is appropriate to establish a specific export licensing system with a view to **preventing** the use of certain goods for capital punishment. Such a system should take into account the fact that a number of countries have abolished capital punishment for all crimes and have made an international commitment on this issue. As there is a risk of re-export to countries that have not done so, certain conditions

Amendment

(5) Given the different characteristics of capital punishment, on the one hand, and torture and other cruel, inhuman or degrading treatment or punishment on the other, it is appropriate to establish a specific export licensing system with a view to **averting** the use of certain goods for capital punishment. Such a system should take into account the fact that a number of countries have abolished capital punishment for all crimes and have made an international commitment on this issue. As there is a risk of re-export to countries that have not done so, certain conditions

and requirements should be imposed when authorising exports to countries that have abolished capital punishment. It is, therefore, appropriate to grant a general export authorisation for exports to those countries that have abolished capital punishment for all crimes and confirmed it with an international commitment.

and requirements should be imposed when authorising exports to countries that have abolished capital punishment. It is, therefore, appropriate to grant a general export authorisation for exports to those countries that have abolished capital punishment for all crimes and confirmed it with an international commitment.

Or. el

Amendment 24

Javier Couso Permuy, Pablo Iglesias

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) If a country has not abolished capital punishment in this way, the competent authorities should, when examining a request for an export authorisation, check whether there is a risk that the end-user in the country of destination would use the exported goods for such punishment. Appropriate conditions and requirements should be imposed to control sales or transfers to third parties by the end-user. If multiple shipments between the same exporter and end-user take place, the competent authorities should be allowed to review the status of the end-user on a periodic basis, e.g. every six months, rather than every time an authorisation is granted, without prejudice to their right to annul, suspend, modify or revoke an export authorisation in accordance with Article 9(4) of Regulation (EC) No 1236/2005 where warranted.

Amendment

(6) If a country has not abolished capital punishment in this way, the competent authorities should, when examining a request for an export authorisation, check whether there is a risk that the end-user in the country of destination would use the exported goods for such punishment. Appropriate conditions and requirements should be imposed to control sales or transfers to third parties by the end-user. If multiple shipments between the same exporter and end-user take place, the competent authorities should be allowed to review the status of the end-user on a periodic basis, e.g. every six months, rather than every time an authorisation is granted, without prejudice to their right to annul, suspend, modify or revoke an export authorisation in accordance with Article 9(4) of Regulation (EC) No 1236/2005 where warranted. ***In the case of countries that have not abolished capital punishment and that have signed association agreements with the European Union, the Union authorities should review those agreements in the light of the requirement agreed to by the***

parties that human rights be respected.

Or. es

Amendment 25
Georgios Epitideios

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) If a country has not abolished capital punishment in this way, the competent authorities should, when examining a request for an export authorisation, check whether there is a risk that the end-user in the country of destination would use the exported goods for such punishment. *Appropriate* conditions and requirements should be **imposed** to control sales or transfers to third parties by the end-user. If multiple shipments between the same exporter and end-user take place, the competent authorities should be allowed to review the status of the end-user on a periodic basis, e.g. every six months, rather than every time an authorisation is granted, without prejudice to their right to annul, suspend, modify or revoke an export authorisation in accordance with Article 9(4) of Regulation (EC) No 1236/2005 where warranted.

Amendment

(6) If a country has not abolished capital punishment in this way, the competent authorities should, when examining a request for an export authorisation, check whether there is a risk that the end-user in the country of destination would use the exported goods for such punishment. **Provision** should be **made for appropriate** conditions and requirements to control sales or transfers to third parties by the end-user. If multiple shipments between the same exporter and end-user take place, the competent authorities should be allowed to review the status of the end-user on a periodic basis, e.g. every six months, rather than every time an authorisation is granted, without prejudice to their right to annul, suspend, modify or revoke an export authorisation in accordance with Article 9(4) of Regulation (EC) No 1236/2005 where warranted.

Or. el

Amendment 26
Georgios Epitideios

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In order to limit the administrative

Amendment

(7) In order to limit the administrative

burden for exporters the competent authorities should be allowed to grant an exporter a global authorisation for all shipments of medicinal products from the exporter to a specific end-user during a fixed period of time, specifying a quantity corresponding to the end-user's normal use of the goods, **where deemed necessary**. Such authorisation would, in accordance with Article 9(1) of Regulation (EC) No 1236/2005 be valid for not more than twelve months with a possible extension of up to twelve months.

burden for exporters the competent authorities should be allowed to grant an exporter a global authorisation for all shipments of medicinal products from the exporter to a specific end-user during a fixed period of time, specifying a quantity corresponding to the end-user's normal use of the goods. Such authorisation would, in accordance with Article 9(1) of Regulation (EC) No 1236/2005 be valid for not more than twelve months with a possible extension of up to twelve months.

Or. el

Amendment 27

Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Granting a global authorisation would also be appropriate where a manufacturer needs to export medicinal products controlled by Regulation (EC) No 1236/2005 to a distributor in a country that has not abolished capital punishment, **provided** the exporter and the distributor have concluded a legally binding agreement requiring the distributor to apply **an appropriate** set of measures ensuring that the medicinal products will not be used for capital punishment.

Amendment

(8) Granting a global authorisation would also be appropriate where a manufacturer needs to export medicinal products controlled by Regulation (EC) No 1236/2005 to a distributor in a country that has not abolished capital punishment, **solely when both** the exporter and the distributor have concluded a legally binding agreement requiring the distributor to apply **a** set of measures ensuring that the medicinal products will not be used for capital punishment **in a direct or indirect manner**.

Or. en

Amendment 28

Georgios Epitideios

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) In order to limit the administrative burden for exporters the competent authorities should be allowed to grant an exporter a global authorisation in respect of goods that are controlled to prevent the relevant goods from being used for torture or for other cruel, inhuman or degrading treatment or punishment.

deleted

Or. el

Amendment 29

Javier Couso Permuy, Pablo Iglesias

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The European Union code of conduct on arms exports stipulates that Member States will not export arms that might be used for internal repression, including torture and other cruel, inhuman or degrading treatment or punishment.

Or. es

Amendment 30

Georgios Eptideios

Proposal for a regulation

Recital 13

Text proposed by the Commission

Amendment

(13) Where controls on exports are applied, the provision of brokering services and the supply of technical assistance in relation to any of the listed goods should be prohibited, if the broker or supplier of

(13) Where controls on exports are applied, the provision of brokering services and the supply of technical assistance in relation to any of the listed goods should be prohibited, if the broker or supplier of

technical assistance is aware that the relevant goods are or may be intended for capital punishment, when the controls are applied to prevent use for such punishment, or for torture or other cruel, inhuman or degrading treatment or punishment, when the controls are intended to prevent such use. ***An economic operator shall have grounds for suspecting that the goods are or may be intended for such non-legitimate use, inter alia, if a competent authority has informed it that the goods are or may be intended for such non-legitimate use,***

technical assistance is aware that the relevant goods are or may be intended for capital punishment, when the controls are applied to prevent use for such punishment, or for torture or other cruel, inhuman or degrading treatment or punishment, when the controls are intended to prevent such use.

Or. el

Amendment 31
Georgios Epitideios

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) In order to give economic operators and enforcement authorities some time to make the changes to their operational procedures that are needed to comply with and enforce these prohibitions, a short transitional period should be defined.

Amendment

(14) In order to give economic operators and enforcement authorities some time to make the changes to their operational procedures that are needed to comply with and enforce these prohibitions, a short transitional period ***of 6 months*** should be defined.

Or. el

Amendment 32
Javier Couso Permuy, Pablo Iglesias

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) It is appropriate to make it compulsory for customs authorities to share ***certain***

Amendment

(15) It is appropriate to make it compulsory for customs authorities to share

information with other customs authorities and, when they detect prohibited exports or imports of goods or exports of goods for which the required authorisation has not been granted, to inform the relevant authorities with a view to imposing penalties on the economic operator that committed the infringement.

information with other customs authorities and, when they detect prohibited exports or imports of goods or exports of goods for which the required authorisation has not been granted, to inform the relevant authorities with a view to imposing penalties on the economic operator that committed the infringement.

Or. es

Amendment 33
Georgios Epitideios

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) In order to adopt the provisions necessary for the application of Regulation (EC) No 1236/2005, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending Annexes I, II, III, IIIa, IIIb, IV and V to that Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, *including at expert level*. The Commission, when preparing and drawing-up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment

(17) In order to adopt the provisions necessary for the application of Regulation (EC) No 1236/2005, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending Annexes I, II, III, IIIa, IIIb, IV and V to that Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work. The Commission, when preparing and drawing-up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. el

Amendment 34
Mark Demesmaeker

Proposal for a regulation
Recital 19 a (new)

(19 a) A targeted end-use clause should be introduced in order for Member States to suspend or halt the transfer of security-related items not listed in Annexes II and III that clearly have no practical use other than for the purposes of capital punishment, torture or other ill-treatment, or where there are reasonable grounds to believe that the transfer of those items would lead to the facilitation or the commission of death penalty, torture or other ill-treatment. Powers granted under the targeted end-use clause should not extend to medicines, pharmaceuticals, and healthcare products.

Or. en

Amendment 35

Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a

Regulation (EC) No 1236/2005

Article 2 – point a

Text proposed by the Commission

(a) “torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from that person or from a third person information or a confession, punishing that person for an act that either that person or a third person has committed or is suspected of having committed, or intimidating or coercing that person or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted either by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. It does not, however,

Amendment

(a) “torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from that person or from a third person information or a confession, punishing that person for an act that either that person or a third person has committed or is suspected of having committed, or intimidating or coercing that person or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted either by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. It does not, however,

include pain or suffering arising only from, inherent in or incidental to, lawful penalties, but includes pain or suffering caused by the cumulative effects of deficiencies of the conditions of detention, such as cramped conditions of accommodation, lack of hygiene or of medical care and assistance, denial of contacts with the outside world, or an impoverished detention regime, irrespective of any specific or positive intention to inflict pain or suffering by those who are in charge of the prison or other place of detention, even if a natural person is deprived of his liberty in accordance with the law. Capital punishment is not deemed a lawful penalty under any circumstances;

include pain or suffering arising only from, inherent in or incidental to, lawful penalties, but includes pain or suffering caused by the cumulative effects of deficiencies of the conditions of detention, such as cramped conditions of accommodation, lack of hygiene, ***isolation, threats, humiliation*** or of medical care and assistance, denial of contacts with the outside world, or an impoverished detention regime, irrespective of any specific or positive intention to inflict pain or suffering by those who are in charge of the prison or ***the*** other place of detention, even if a natural person is deprived of his liberty in accordance with the law. Capital punishment is not deemed a lawful penalty under any circumstances;

Or. en

Amendment 36 **Georgios Eptideios**

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point a
Regulation (EC) No 1236/2005
Article 2 – point a

Text proposed by the Commission

a) ‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from that person or from a third person information or a confession, punishing that person for an act that either that person or a third person has committed or is suspected of having committed, or intimidating or coercing that person or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted either by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. It does not, however,

Amendment

a) ‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from that person or from a third person information or a confession, punishing that person for an act that either that person or a third person has committed or is suspected of having committed, or intimidating or coercing that person or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted either by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. It does not, however,

include pain or suffering arising only from, inherent in or incidental to, lawful penalties, ***but includes pain or suffering caused by the cumulative effects of deficiencies of the conditions of detention, such as cramped conditions of accommodation, lack of hygiene or of medical care and assistance, denial of contacts with the outside world, or an impoverished detention regime, irrespective of any specific or positive intention to inflict pain or suffering by those who are in charge of the prison or other place of detention, even if a natural person is deprived of his liberty in accordance with the law.*** Capital punishment is not deemed a lawful penalty under any circumstances;

include pain or suffering arising only from, inherent in or incidental to, lawful penalties. Capital punishment is not deemed a lawful penalty under any circumstances;

Or. el

Amendment 37

Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a

Regulation (EC) No 1236/2005

Article 2 – point b

Text proposed by the Commission

(b) 'other cruel, inhuman or degrading treatment or punishment' means any act by which severe pain or suffering, whether physical or mental, is inflicted on a person, when such pain or suffering is inflicted either by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. It does not, however, include pain or suffering arising only from, inherent in or incidental to, lawful penalties, but includes pain or suffering caused by the cumulative effects of deficiencies of the conditions of detention, such as cramped conditions of accommodation, lack of hygiene or of medical care and assistance,

Amendment

(b) 'other cruel, inhuman or degrading treatment or punishment' means any act by which severe pain or suffering, whether physical or mental, is inflicted on a person, when such pain or suffering is inflicted either by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. It does not, however, include pain or suffering arising only from, inherent in or incidental to, lawful penalties, but includes pain or suffering caused by the cumulative effects of deficiencies of the conditions of detention, such as cramped conditions of accommodation, lack of hygiene or of medical care and assistance,

denial of contacts with the outside world, or an impoverished detention regime, irrespective of any specific or positive intention to inflict pain or suffering by those who are in charge of the prison or other place of detention, even if a natural person is deprived of his liberty in accordance with the law. Capital punishment is not deemed a lawful penalty under any circumstances;

denial of contacts with the outside world, **isolation, threats, humiliation** or an impoverished detention regime, irrespective of any specific or positive intention to inflict pain or suffering by those who are in charge of the prison or other place of detention, even if a natural person is deprived of his liberty in accordance with the law. Capital punishment is not deemed a lawful penalty under any circumstances;

Or. en

Amendment 38

Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point c

Regulation (EC) No 1236/2005

Article 2 – point k – subparagraph 2

Text proposed by the Commission

For the purposes of this Regulation the sole provision of ancillary services is **excluded from** this definition. Ancillary services are transportation, financial services, insurance or re-insurance, or general advertising or promotion;

Amendment

For the purposes of this Regulation the sole provision of ancillary services is **included in** this definition. Ancillary services are transportation, financial services, insurance or re-insurance, or general advertising or promotion;

Or. en

Amendment 39

Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point c

Regulation (EC) No 1236/2005

Article 2 – point 1

Text proposed by the Commission

(l) "broker" means any natural or legal person or partnership resident or

Amendment

(l) "broker" means any natural or legal person or partnership resident or

established in a Member State *of the Union* that carries out services defined under point (k) *from the Union into the territory of a third country*;

established in a Member State *or a national of a Member State* that carries out services defined under point (k);

Or. en

Amendment 40

Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point c

Regulation (EC) No 1236/2005

Article 2 – point m

Text proposed by the Commission

(m) 'supplier of technical assistance' means any natural or legal person or partnership resident or established in a Member State of the Union that supplies technical assistance defined under point (f) *from the Union into the territory of a third country*;

Amendment

(m) 'supplier of technical assistance' means any natural or legal person or partnership resident or established in a Member State of the Union that supplies technical assistance defined under point (f);

Or. en

Amendment 41

Georgios Epitideios

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point m

Regulation (EC) No 1236/2005

Article 2 – point m

Text proposed by the Commission

m) 'supplier of technical assistance' means any natural or legal person or partnership resident or established in a Member State of the Union that supplies technical assistance defined under point (f) from the Union into the territory of a third country;

Amendment

m) 'supplier of technical assistance *or service*' means any natural or legal person or partnership resident or established in a Member State of the Union that supplies technical assistance *or any service* defined under point (f) from the Union into the territory of a third country;

Amendment 42
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EC) No 1236/2005
Article 2 – point ra (new)

Text proposed by the Commission

Amendment

(ra) 'transit' means a transport of non - Union goods, listed in Annexes, entering and passing through the customs territory of the Union with a destination outside the Union.

Or. en

Amendment 43
Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) No 1236/2005
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

For any export of goods listed in Annex III, an authorisation shall be required, irrespective of the origin of such goods. ***However, no*** authorisation shall be required for goods ***which only pass through the customs territory of the Union, namely those which are not assigned a customs approved treatment or use other than the external transit procedure under Article 91 of Council Regulation (EEC) No 2913/92, including storage of non-Union goods in a free zone of control type I or a free warehouse.***

For any export of goods listed in Annex III, an authorisation shall be required, irrespective of the origin of such goods. A ***transit*** authorisation shall ***also*** be required for goods ***listed in Annex III, even for goods that are in transit through the customs territory of the Union.***

Or. en

Amendment 44
Georgios Epitideios

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EC) No 1236/2005

Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. For any export of goods listed in Annex III, an authorisation shall be required, irrespective of the origin of such goods.

However, no authorisation shall be required for goods which only pass through the customs territory of the Union, namely those which are not assigned a customs approved treatment or use other than the external transit procedure under Article 91 of Council Regulation (EEC) No 2913/92, including storage of non-Union goods in a free zone of control type I or a free warehouse.

Amendment

1. For any export of goods listed in Annex III, an authorisation shall be required, irrespective of the origin of such goods.

Or. el

Amendment 45
Godelieve Quisthoudt-Rowohl

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EC) No 1236/2005

Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For any export of goods listed in Annex III, an authorisation shall be required, irrespective of the origin of such goods. However, no authorisation shall be required for goods which only pass through the customs territory of the Union, namely those which are not assigned a customs approved treatment or use other than the external transit procedure under Article 91

Amendment

For any export of goods listed in Annex III, an authorisation shall be required, irrespective of the origin of such goods. However, no authorisation shall be required for goods which only pass through the customs territory of the Union, namely those which are not assigned a customs approved treatment or use other than the external transit procedure under Article 91

of Council Regulation (EEC) No 2913/92, including storage of non-Union goods in a free zone of control type I or a free warehouse.

of Council Regulation (EEC) No 2913/92, including storage of non-Union goods in a free zone of control type I or a free warehouse - ***unless the broker knows or has grounds for suspecting that any part of a shipment of such goods is or may be intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a country that does not belong to the customs territory of the Union.***

Or. en

Amendment 46
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 1236/2005
Article 7a – paragraph 1

Text proposed by the Commission

1. A broker shall be prohibited from providing to any person, entity or body in a third country brokering services in relation to goods listed in Annex III, irrespective of the origin of such goods, if the broker ***knows or has grounds for suspecting*** that any part of a shipment of such goods is or may be intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a country that does not belong to the customs territory of the Union.

Amendment

1. A broker shall be prohibited from providing to any person, entity or body in a third country brokering services in relation to goods listed in Annex III, irrespective of the origin of such goods, if the broker ***has clear indications*** that any part of a shipment of such goods is or may be intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a country that does not belong to the customs territory of the Union.

Or. el

Amendment 47
Ignazio Corrao

Proposal for a regulation
Article 1 – paragraph 1 – point 6

Text proposed by the Commission

Amendment

1 a. The Member States should conduct appropriate promulgation activities so as to ensure that all companies promoting security equipment and also those companies organising trade fairs and other events where such equipment is promoted, are made aware of the Regulation and their obligations under it.

Or. en

Justification

This amendment seeks to amend a provision within the existing act - Article 7a - point 1

Amendment 48
Ignazio Corrao

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 1236/2005
Article 7a – paragraph 2

Text proposed by the Commission

Amendment

2. A supplier of technical assistance shall be prohibited from supplying to any person, entity or body in a third country technical assistance in relation to goods listed in Annex III, irrespective of the origin of such goods, if the supplier of such assistance knows or has grounds for suspecting that some or all of the relevant goods are or may be intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a country that does not belong to the customs territory of the Union.

2. A supplier of technical assistance shall be prohibited from supplying to any person, entity or body in a third country technical assistance in relation to goods listed in Annex III, irrespective of the origin of such goods, if the supplier of such assistance knows or has grounds for suspecting that some or all of the relevant goods are or may be intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a country that does not belong to the customs territory of the Union.

A supplier of technical assistance shall also be prohibited from giving instruction, advice, training or transmitting working

knowledge or skills in the use of Annex III or Annex IIIa goods intended to facilitate the commission of judicial executions or torture or other ill-treatment.

Or. en

Justification

This amendment seeks to amend a provision within the existing act - Art. 7a Point 2

Amendment 49
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 1236/2005
Article 7b – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. An authorisation shall be required for any export of goods listed in Annex IIIa, irrespective of the origin of such goods.
However, no authorisation shall be required for goods which only pass through the customs territory of the Union, namely those which are not assigned a customs approved treatment or use other than the external transit procedure under Article 91 of Council Regulation (EEC) No 2913/92, including storage of non-Union goods in a free zone of control type I or a free warehouse.

Amendment

1. An authorisation shall be required for any export of goods listed in Annex IIIa, irrespective of the origin of such goods.

Or. el

Amendment 50
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Article 1 – paragraph 1 – point 7

Text proposed by the Commission

An authorisation shall be required for any export of goods listed in Annex IIIa, irrespective of the origin of such goods. However, no authorisation shall be required for goods which only pass through the customs territory of the Union, namely those which are not assigned a customs approved treatment or use other than the external transit procedure under Article 91 of Council Regulation (EEC) No 2913/92, including storage of non-Union goods in a free zone of control type I or a free warehouse.

Amendment

An authorisation shall be required for any export of goods listed in Annex IIIa, irrespective of the origin of such goods. However, no authorisation shall be required for goods which only pass through the customs territory of the Union, namely those which are not assigned a customs approved treatment or use other than the external transit procedure under Article 91 of Council Regulation (EEC) No 2913/92, including storage of non-Union goods in a free zone of control type I or a free warehouse - ***unless the broker knows or has grounds for suspecting that any part of a shipment of such goods is or may be intended to be used for capital punishment in a country that does not belong to the customs territory of the Union.***

Or. en

Amendment 51
Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 1236/2005
Article 7b – paragraph 1 – subparagraph 1

Text proposed by the Commission

An authorisation shall be required for any export of goods listed in Annex IIIa, irrespective of the origin of such goods. ***However, no authorisation shall be required for goods which only pass through the customs territory of the Union, namely those which are not assigned a customs approved treatment or use other than the external transit procedure under Article 91 of Council Regulation (EEC) No***

Amendment

An authorisation shall be required for any export of goods listed in Annex IIIa, irrespective of the origin of such goods. ***A transit authorisation is required for goods which only pass through the customs territory of the Union;***

2913/92, including storage of non-Union goods in a free zone of control type I or a free warehouse.

Or. en

Amendment 52
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 1236/2005
Article 7c– paragraph 2

Text proposed by the Commission

The competent authority shall not grant any authorisation when there are ***reasonable grounds for believing*** that the goods listed in Annex IIIa might be used for capital punishment in a third country.

Amendment

The competent authority shall not grant any authorisation when there are ***clear indications*** that the goods listed in Annex IIIa might be used for capital punishment in a third country.

Or. el

Amendment 53
Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 1236/2005
Article 7c – paragraph 3.1

Text proposed by the Commission

3.1. If the manufacturer of a medicinal product containing any active substance listed in Annex IIIa requests an authorisation for exporting such product to a distributor in a third country, the competent authority shall make an assessment of the contractual arrangements made by the exporter and the distributor and the measures that they are taking to ensure that the medicinal products will not be used for capital punishment.

Amendment

3.1. If the manufacturer of a medicinal product containing any active substance listed in Annex IIIa requests an authorisation for exporting such product to a distributor in a third country, the competent authority shall make an assessment of the contractual arrangements made by the exporter and the distributor and the measures that they, ***as well as potential end-users, namely authorities,*** are taking to ensure that the medicinal

products will not be used for capital punishment.

Or. en

Amendment 54
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 1236/2005
Article 7c – paragraph 3.2

Text proposed by the Commission

3.2. If an authorisation is requested for exporting goods listed in Annex IIIa to an end-user in a third country, the competent authority shall assess the risk of diversion taking into account the contractual arrangements that apply and the end-use statement signed by the end-user, *if such a statement is provided. If no end-use statement is provided, it shall be up to the exporter to demonstrate who will be the end-user and what use will be made of the goods. If the exporter fails to provide sufficient information to assess the risk of diversion, the competent authority shall be deemed to have reasonable grounds for believing that the goods might be used for capital punishment.*

Amendment

3.2. If an authorisation is requested for exporting goods listed in Annex IIIa to an end-user in a third country, the competent authority shall assess the risk of diversion taking into account the contractual arrangements that apply and the end-use statement signed by the end-user.

Or. el

Amendment 55
Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 1236/2005
Article 7d – paragraph 3.2

Text proposed by the Commission

3.2. If an authorisation is requested for exporting goods listed in Annex IIIa to an end-user in a third country, the competent authority shall assess the risk of diversion taking into account the contractual arrangements that apply and the end-use statement signed by the end-user, if such a statement is provided. If no end-use statement is provided, it shall be up to the exporter to demonstrate who will be the end-user and what use will be made of the goods. If the exporter fails to provide sufficient information to assess the risk of diversion, the competent authority **shall be** deemed to have reasonable grounds for believing that the goods might be used for capital punishment.

Amendment

3.2. If an authorisation is requested for exporting goods listed in Annex IIIa to an end-user in a third country, the competent authority shall assess the risk of diversion taking into account the contractual arrangements that apply and the end-use statement signed by the end-user, if such a statement is provided. If no end-use statement is provided, it shall be up to the exporter to demonstrate who will be the end-user and what use will be made of the goods. If the exporter fails to provide sufficient information to assess the risk of diversion, the competent authority **is** deemed to have reasonable grounds for believing that the goods might be used for capital punishment **and hence will automatically decline the authorisation request.**

Or. en

Amendment 56
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 1236/2005
Article 7d – paragraph 1

Text proposed by the Commission

1. A broker shall be prohibited from providing to any person, entity or body in a third country brokering services in relation to goods listed in Annex IIIa, irrespective of the origin of such goods, if the broker **knows or has grounds for suspecting** that any part of a shipment of such goods is or may be intended to be used for capital punishment in a country that does not belong to the customs territory of the Union.

Amendment

1. A broker shall be prohibited from providing to any person, entity or body in a third country brokering services in relation to goods listed in Annex IIIa, irrespective of the origin of such goods, if the broker **has clear indications** that any part of a shipment of such goods is or may be intended to be used for capital punishment in a country that does not belong to the customs territory of the Union.

Amendment 57
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 1236/2005
Article 7d – paragraph 2

Text proposed by the Commission

2. A supplier of technical assistance shall be prohibited from supplying to any person, entity or body in a third country technical assistance in relation to goods listed in Annex IIIa, irrespective of the origin of such goods, if the supplier of technical assistance ***knows or has grounds for suspecting*** that some or all of the relevant goods are or may be intended to be used for capital punishment in a country that does not belong to the customs territory of the Union.’

Amendment

2. A supplier of technical assistance shall be prohibited from supplying to any person, entity or body in a third country technical assistance in relation to goods listed in Annex IIIa, irrespective of the origin of such goods, if the supplier of technical assistance ***has clear indications*** that some or all of the relevant goods are or may be intended to be used for capital punishment in a country that does not belong to the customs territory of the Union.

Amendment 58
Pablo Iglesias, Javier Couso Permuy

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 1236/2005
Article 7d – paragraph 2

Text proposed by the Commission

2. A supplier of technical assistance shall be prohibited from supplying to any person, entity or body in a third country technical assistance in relation to goods listed in Annex IIIa, irrespective of the origin of such goods, if the supplier of technical assistance knows or has grounds for suspecting that some or all of the

Amendment

2. A supplier of technical assistance shall be prohibited from supplying to any person, entity or body in a third country technical assistance in relation to goods listed in Annex IIIa, irrespective of the origin of such goods, if the supplier of technical assistance knows or has grounds for suspecting that some or all of the

relevant goods are or may be intended to be used for capital punishment in a country that does not belong to the customs territory of the Union.

relevant goods are or may be intended to be used for capital punishment in a country that does not belong to the customs territory of the Union. ***Additionally, the supplier of technical assistance is prohibited from giving instructions, advice, training, or transmitting knowledge and/or skills that could aid judicial executions.***

Or. en

Amendment 59

Ignazio Corrao

Proposal for a regulation

Article 1 – paragraph 1 – point 7 a (new)

Regulation (EC) No 1236/2005

Article 7a a (new)

Text proposed by the Commission

Amendment

Article 7a a

1) The Member State shall suspend or halt a specific transfer or relevant items that are covered under the scope of but which are not currently listed in the Annexes II, III and IIIa, that clearly have no practical use other than for the purposes of capital punishment, torture and other ill-treatment or where there is evidence that the specific transfer of items would be used to carry out the death penalty, torture and other ill-treatment.

2) The Member State shall report such transfer suspensions to the Commission and for the Commission to determine whether such goods should be added to the relevant Regulation Annex and their trade controlled or prohibited.

Or. en

Justification

This amendment seeks to add something to Article 7a

Amendment 60 **Georgios Epitideios**

Proposal for a regulation
Article 1 – paragraph 1 – point 8
Regulation (EC) No 1236/2005
Article 8 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The competent authorities of the Member States shall exchange information on all exporters deprived of the right to use the Union General Export Authorisation, ***unless they determine that a specific exporter will not attempt to export goods listed in Annex IIIa through another Member State.*** A secure and encrypted system for exchange of information shall be used for this purpose.

Amendment

The competent authorities of the Member States shall exchange information on all exporters deprived of the right to use the Union General Export Authorisation. A secure and encrypted system for exchange of information shall be used for this purpose.

Or. el

Amendment 61 **Pablo Iglesias, Javier Couso Permuy**

Proposal for a regulation
Article 1 – paragraph 1 – point 8
Regulation (EC) No 1236/2005
Article 8 – paragraph 5

Text proposed by the Commission

5. Applicants shall supply the competent authorities with all relevant information required for their applications for an individual or global export authorisation or for an individual import authorisation so that the competent authorities have complete information in particular on the end-user, the country of destination and the

Amendment

5. Applicants shall supply the competent authorities with all relevant information required for their applications for an individual or global export authorisation or for an individual import authorisation so that the competent authorities have complete information in particular on the end-user, the country of destination and the

end-use of the goods. The authorisation *may* be subject to an end-use statement, *if appropriate*.

end-use of the goods. The authorisation *must* be subject to an end-use statement.

Or. en

Amendment 62
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 11
Regulation (EC) No 1236/2005
Article 12

Text proposed by the Commission

Amendment

Article 12 is replaced by the following:

deleted

‘Article 12

Amendment of Annexes

The Commission shall be empowered, in accordance with Article 15a, to adopt delegated acts to amend Annexes I, II, III, IIIa, IIIb, IV and V. The data in Annex I regarding competent authorities of the Member States shall be amended on the basis of information supplied by the Member States.

Where, in the case of amendment of Annex II, III or IIIa, imperative grounds of urgency so require, the procedure provided for in Article 15b shall apply to delegated acts adopted pursuant to this Article.’

Or. el

Amendment 63
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EC) No 1236/2005
Article 13 – paragraph 2 (new)

Member States, in cooperation with the Commission, shall take appropriate measures to establish direct cooperation and exchange of information between competent authorities, in particular to eliminate the risk that possible disparities in the application of export controls to goods which could be used for capital punishment, torture of other cruel, inhuman or degrading treatment or punishment may lead to a deflection of trade, which could create difficulties for one or more Member States.

Or. en

Amendment 64
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 1236/2005
Article 15a

(15) After Article 15, the following Articles are inserted:

deleted

‘Article 15a

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 12 shall be conferred on the Commission for a period of five years from The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical

duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months from the notification of that act to the European Parliament and to the Council or if, before expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. el

Amendment 65
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 1236/2005
Article 15b

Text proposed by the Commission

Amendment

Article 15b

deleted

Or. el

Amendment 66

Georgios Epitideios

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 1236/2005

Article 15b – title

Text proposed by the Commission

Amendment

‘Article 16b

deleted

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph

2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 15a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.’

Or. el

Amendment 67

Godelieve Quisthoudt-Rowohl

Proposal for a regulation

Article 1 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

Article 15c

1. An Anti- Torture Coordination Group chaired by a representative of the Commission shall be set up. Each Member State shall appoint a representative to this Group. It shall examine any question concerning the application of this Regulation which may be raised either by the chair or by representative of a Member State.

2. The Chair of the Anti- Torture Coordination Group shall, whenever it considers it to be necessary, consult exporters, brokers and other relevant stakeholders concerned by this Regulation.

Or. en

Amendment 68
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Article 1 – paragraph 1 – point 15 b (new)
Regulation (EC) No 1236/2005
Article 15 d (new)

Text proposed by the Commission

Amendment

Article 15d

Every three years the Commission shall review the implementation of this Regulation and present a report to the European Parliament and the Council on its application, which may include proposals for its amendments. Member States shall provide to the Commission all appropriate information for the preparation of the report. Special section of the report shall deal with the Anti –

Torture Coordination Group and its activities, examinations and consolations which shall be treated as confidential pursuant to Article 4 of Regulation (EC) No 1049/2001.

Or. en

Amendment 69
Ignazio Corrao

Proposal for a regulation
Article 1 – paragraph 1 – point 15 c (new)
Regulation (EC) No 1236/2005
Article 15 e (new)

Text proposed by the Commission

Amendment

Article 15e

Every two years the Commission shall review the implementation of this regulation in consultation with relevant structures of the Council and European Parliament. This review should specifically include analysis of Annex II, Annex III and Annex IIIa to establish whether further goods designed or marketed for law enforcement should be added as appropriate. This review should specifically include the implementation of the Regulation by Member States including national licensing decisions, reporting to the Commission, notification and consultation mechanism amongst Member States, promulgation and enforcement.

The review procedure should analyse the operation of the penalty regimes introduced by Member States, and assess whether such regimes are effective, proportionate and dissuasive.

Or. en

Justification

This amendment seeks to add a provision

Amendment 70

Ignazio Corrao

Proposal for a regulation

Article 1 – paragraph 1 – point 15 d (new)

Regulation (EC) No 1236/2005

Annex II – paragraph 2 – paragraph 2

Text proposed by the Commission

Amendment

Paragraph 2.2. shall be inserted to Annex II:

- prisoner hoods intended for law enforcement purposes***
- prisoner control pliers***

Or. en

Justification

This amendment is to add a provision

Amendment 71

Ignazio Corrao

Proposal for a regulation

Article 1 – paragraph 1 – point 15 e (new)

Regulation (EC) No 1236/2005

Annex III – paragraph 1.3a (new)

Text proposed by the Commission

Amendment

The following items shall be added to Annex III:

- direct contact electric shock batons, stun guns and stun shields;***
- chairs, boards and beds fitted with straps;***

- *acoustic devices for the purpose of crowd/riot control;*
- *millimetre wave weapons*

Or. en

Justification

This amendment is to add a provision

Amendment 72
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 1236/2005
Annexes

Text proposed by the Commission

Amendment

(15) The Annexes are amended as follows:

deleted

a) In Annex III, section 4 is deleted

b) A new Annex IIIa, the text of which is set out in Annex I to this Regulation, is added.

c) A new Annex IIIb, the text of which is set out in Annex II to this Regulation, is added.

Or. el