



**2014/0005(COD)**

25.6.2015

# **AMENDMENTS**

## **18 - 61**

**Draft report**  
**Marietje Schaake**  
(PE554.890vv02-00)

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/2014/01 – C8-0014/2014 – 2014/0005(COD))



**Amendment 18**  
**Tiziana Beghin**

**Proposal for a regulation**  
**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) The promotion of goods prohibited under this Regulation or national law takes place at Union trade fairs and exhibitions in several Members States.***

Or. en

**Amendment 19**  
**Tiziana Beghin**

**Proposal for a regulation**  
**Recital 6 b (new)**

*Text proposed by the Commission*

*Amendment*

***(6b) The promotion by companies takes place in several Members States of a range of goods currently not prohibited by this Regulation but which are inappropriate for use by law enforcement officials and which could facilitate torture or other cruel, degrading or inhuman treatment or punishment, including certain direct contact electric shock devices.***

Or. en

**Amendment 20**  
**Aldo Patriciello**

**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, 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, ***for torture or for other cruel, inhuman or degrading treatment or punishment.***

Or. it

**Amendment 21**  
**Tiziana Beghin**

**Proposal for a regulation**  
**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) The existing Regulation has failed to adequately control a further range of goods including restraint chairs, acoustic devices and millimetre wave weapons.***

Or. en

**Amendment 22**  
**Aldo Patriciello**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) It is necessary to prohibit brokers in the Union from providing brokering services in relation to goods whose export and import are prohibited as such goods have no practical use other than for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. Prohibiting the provision of such services serves the purpose of protecting public morals.

*Amendment*

(12) It is necessary to prohibit brokers in the Union from providing brokering services in relation to goods whose export and import are prohibited as such goods have no practical use other than for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. Prohibiting the provision of such services serves the purpose of protecting public morals *and respecting the principles of human dignity which underpin European values, as embodied in the Treaty on European Union and the Charter of Fundamental Rights of the European Union.*

Or. it

**Amendment 23**

**Ska Keller**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Recital 19 a (new)**

*Text proposed by the Commission*

*Amendment*

*(19a) 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 cruel, degrading or inhuman treatment or punishment, or where there are reasonable grounds to believe that the transfer of those items would lead to the facilitation or the commission of capital punishment, torture or other cruel, degrading or inhuman treatment or punishment. Powers granted under the targeted end-use clause should not extend to medical products that could be used for the purpose of capital punishment,*

## Amendment 24

Tiziana Beghin

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 1

Regulation (EC) No 1236/2005

Article 1

#### *Text proposed by the Commission*

This Regulation lays down Union rules governing trade with third countries in goods that could be used for the purpose of capital punishment or for the purpose of torture or other cruel, degrading or inhuman treatment or punishment, and governing also the provision of brokering services **and** the supply of technical assistance related to such goods.

#### *Amendment*

This Regulation lays down Union rules governing trade with third countries in goods that could be used for the purpose of capital punishment or for the purpose of torture or other cruel, degrading or inhuman treatment or punishment, and governing also the provision of brokering services, the supply of technical assistance related to such goods, ***the commercial promotion and marketing of such goods, also via internet.***

Or. en

## Amendment 25

Inmaculada Rodríguez-Piñero Fernández

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2 – point a a (new)

Regulation (EC) No 1236/2005

Article 2 – point f

#### *Present text*

(f) 'technical assistance' means any technical support related to repairs, development, manufacture, testing, maintenance, assembly or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical

#### *Amendment*

***(aa) Point (f) is replaced by the following:***

(f) 'technical assistance' means any technical support related to repairs, development, manufacture, testing, maintenance, assembly, ***usage, practices*** or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical

assistance includes verbal forms of assistance and assistance provided by electronic means;

assistance includes verbal forms of assistance and assistance provided by electronic means;

Or. en

*(This amendment seeks to amend a provision within the existing act – Article 2(f) – that was not referred to in the Commission proposal.)*

## **Amendment 26**

**Ska Keller**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 2 – point a a (new)**

Regulation (EC) No 1236/2005

Article 2 – point f

#### *Present text*

(f) 'technical assistance' means any technical support related to repairs, development, manufacture, testing, maintenance, assembly or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical assistance includes verbal forms of assistance and assistance provided by electronic means;

#### *Amendment*

#### ***(aa) Point (f) is replaced by the following:***

'(f) 'technical assistance' means any technical support related to repairs, development, manufacture, testing, maintenance, assembly, **use** or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical assistance includes verbal forms of assistance and assistance provided by electronic means;'

Or. en

#### *Justification*

*This amendment seeks to amend a provision within the existing act - Article 2 f - that was not referred to in the Commission proposal. The amendment seeks to add the word 'use' to clarify the definition of technical assistance.*

**Amendment 27**  
**Tiziana Beghin**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a a (new)**

Regulation (EC) No 1236/2005

Article 2 – point f

*Present text*

"(f) 'technical assistance' means any technical support related to repairs, development, manufacture, testing, maintenance, assembly or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical assistance includes verbal forms of assistance and assistance provided by electronic means;"

*Amendment*

***(aa) Point (f) is replaced by the following:***

"(f) 'technical assistance' means any technical support related to repairs, development, manufacture, testing, maintenance, assembly, ***use*** or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical assistance includes verbal forms of assistance and assistance provided by electronic means;"

Or. en

*(This amendment seeks to amend a provision within the existing act – Article 2(f) – that was not referred to in the Commission proposal.)*

**Amendment 28**  
**Inmaculada Rodríguez-Piñero Fernández**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point c**

Regulation (EC) No 1236/2005

Article 2 – point l

*Text proposed by the Commission*

(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;***

*Amendment*

(l) "broker' means any natural ***person, resident or national of a Member State, or*** legal person or partnership ***and their subsidiaries,*** established in a Member State, that carries out services defined under point (k);

Or. en



## Amendment 29

Tiziana Beghin

### 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 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;

#### *Amendment*

(l) “broker’ means any natural person, resident or *national of a Member State, or legal person or partnership* established in a Member State that carries out services defined under point (k) from the Union into the territory of a third country *or outside the Union by a non EU-based subsidiary of an EU company*;

Or. en

## Amendment 30

Ska Keller

on behalf of the Verts/ALE Group

### 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 31**  
**Inmaculada Rodríguez-Piñero Fernández**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 a (new)**

*Present text*

1. Any export of goods which have no practical use other than for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment, listed in Annex II, shall be prohibited, irrespective of the origin of such **equipment**.

The supply of technical assistance related to goods listed in Annex II, **whether for consideration or not, from the customs territory of the Community**, to any person, entity or body in a third country shall be prohibited.

*Amendment*

**(2a) Article 3(1) is replaced by the following:**

1. Any export of goods which have no practical use other than for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment, listed in Annex II, shall be prohibited, irrespective of the origin of such **goods**.

The supply of technical assistance related to goods listed in Annex II **or to the facilitation or commission of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment, by any natural person, resident or national of a Member State or legal person or partnership and their subsidiaries established in a Member State**, to any person, entity or body in a third country shall be prohibited.

Or. en

*(This amendment seeks to amend a provision within the existing act – Article 2(f) – that was not referred to in the Commission proposal.)*

**Amendment 32**  
**Ska Keller**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3 a (new)**  
Regulation (EC) No 1236/2005  
Article 4b (new)

*Text proposed by the Commission*

*Amendment*

**(3a) The following Article is added:**

**Article 4b**

***Prohibition of commercial marketing and promotion***

***Commercial marketing and promotion within the Union by Union and non-Union registered companies and individuals for the purpose of transfer of goods listed in Annex II shall be prohibited. These commercial marketing and promotion activities shall include those done using intangible sources, notably internet. Other ancillary services, including transportation, financial services, insurance and re-insurance, shall also be prohibited.***

Or. en

**Amendment 33**

**Inmaculada Rodríguez-Piñero Fernández**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 a (new)**

Regulation (EC) No 1236/2005

Article 4b (new)

*Text proposed by the Commission*

*Amendment*

***(3a) The following article is inserted :***

**Article 4b**

***Prohibition of commercial marketing and promotion***

***On- and offline commercial marketing and promotion within the Union, by any natural or legal person or partnership, with a view to a potential transfer of goods listed in Annex II shall be prohibited.***

Or. en

**Amendment 34**

**Tiziana Beghin**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 a (new)**

Regulation (EC) No 1236/2005

Article 4 b (new)

*Text proposed by the Commission*

*Amendment*

***(3a) The following Article is added:***

***'Article 4b'***

***Prohibition of commercial promotion and marketing***

***Commercial promotion, marketing and e-commerce activities within the Union by Union or non-Union registered companies and individuals for the purposes of transfer of goods listed in Annex II shall be prohibited.***

Or. en

**Amendment 35**

**Santiago Fisas Ayxelà**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4**

Regulation (CE) n°1236/2005

Article 5– paragraph 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. 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 has knowledge or well-founded suspicion that goods in a shipment are intended to be***

*used, wholly or in part, for torture or other cruel, inhuman or degrading treatment or punishment in a third country outside the customs territory of the Union.*

Or. en

**Amendment 36**  
**Tiziana Beghin**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5 a (new)**  
Regulation (EC) No 1236/2005  
Article 6 – paragraph 1a (new)

*Text proposed by the Commission*

*Amendment*

***-1 In Article 6, the following paragraph is inserted:***

***(1a) The competent authority, taking into account all relevant evidence, shall conduct, along with Member States, appropriate promulgation activities in order to ensure that all companies promoting security equipment and those organising trade fairs and other events where such equipment is promoted, are made aware of the fact that such equipment could be used for torture and other cruel, degrading or inhuman treatment or punishment and that it could eventually be prohibited to expose and be devoid of the authorisations.***

Or. en

**Amendment 37**  
**Ska Keller**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) The following article is inserted:***

***Article 6a***

***Transit authorisation requirement***

***1. An authorisation shall be required for the transit of goods listed in Annex III or Annex IIIa if an economic operator has been informed by the competent authorities of the Member State where the transit occurs that the items in question are or may be intended, in their entirety or in part, for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.***

***2. If an economic operator is aware that the goods in transit listed in Annex III or Annex IIIa are intended, in their entirety or in part, for the purpose of capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, it shall notify the competent authorities, which shall decide whether or not it is expedient to make the transit concerned subject to authorisation.***

***3. A Member State which imposes an authorisation requirement, in application of paragraphs 1 and 2, on the transit of an item not listed in Annex III or Annex IIIa, shall immediately inform other Member States and the Commission.***

Or. en

**Amendment 38**

**Ska Keller**

on behalf of the Verts/ALE Group

**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 **and 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 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 39**

**Ska Keller**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

regulation (EC) No 1236/2005

Article 7a – 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 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.

*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 **and Annex IIIa**, 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 that could aid the commission of capital***

*punishment, torture or other cruel,  
inhuman or degrading treatment or  
punishment.*

Or. en

*Justification*

*Technical assistance that could potentially aid the commission of judicial executions, torture or other ill-treatment may well be delivered independently of the supply of equipment currently falling under the scope of the Regulation.*

**Amendment 40**

**Inmaculada Rodríguez-Piñero Fernández**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6 a (new)**

Regulation (EC) No 1236/2005

Article 7 aa (new)

*Text proposed by the Commission*

*Amendment*

***6a. After Article 7a, the following article  
is inserted:***

***Article 7aa***

***Member States are encouraged to promote  
best practice between suppliers of  
technical assistance to ensure that this  
assistance contributes positively to  
combating torture and other cruel,  
inhuman or degrading treatment or  
punishment***

Or. en

**Amendment 41**

**Ska Keller**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6 a (new)**

Regulation (EC) No 1236/2005

Article 7aa (new)



***(6a) After Article 7a, the following Article is inserted:***

***Article 7aa***

***Targeted end-use clause***

***1. A Member State shall prohibit or suspend the transfer of a security-related item not listed in Annexes II and III that clearly has no practical use other than for the purpose of capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, or when there are reasonable grounds to believe that the transfer of this item would lead to the facilitation of the commission of capital punishment, torture or other cruel, inhuman or degrading treatment or punishment;***

***2. Member States shall notify the Commission of any measures adopted pursuant to paragraph 1 immediately after their adoption and shall indicate the precise reason for adopting such measures.***

***3. Member States shall also immediately notify the Commission of any modifications made to measures adopted pursuant to paragraph 1.***

***4. The Commission shall publish the measures notified to it pursuant to paragraphs 2 and 3 in the C series of the Official Journal of the European Union.***

***5. The Commission shall determine whether such goods should be added to the relevant Annex in order for their transfer to be prohibited or made subject to authorisation.***

***6. Powers granted under the targeted end-use clause should not extend to medical products that could be used for the purpose of the capital punishment.***

Or. en

**Amendment 42**  
**Inmaculada Rodríguez-Piñero Fernández**

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

*Text proposed by the Commission*

*Amendment*

***(6a) After Article 7aa, the following article is inserted:***

***Article 7ab***

***Suspensions of individual transfers***

***1. A Member State shall prohibit or suspend an individual transfer of items that are covered under the scope of this Regulation but are not currently listed in the Annexes, when these items have no practical use other than for the purposes of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment, or when there is evidence that the transfer of these items to a particular end-user would lead to the facilitation or commission of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment;***

***2. Member States shall notify the Commission of any measures adopted pursuant to paragraph 1 immediately after their adoption and shall indicate the precise reason for such measures.***

***3. Member States shall also immediately notify the Commission of any modifications of measures adopted pursuant to paragraph 1.***

***4. The Commission shall publish the measures notified to it pursuant to paragraphs 2 and 3 in the C series of the Official Journal of the European Union.***

***5. The Commission shall determine whether such goods should be added to***

*the relevant Annex in order for their transfer to all or specified end users or destinations be prohibited or made subject to authorisation.*

Or. en

**Amendment 43**  
**Santiago Fisas Ayxelà**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 7**  
Regulation (CE) n°1236/2005  
Article 7 b–paragraph 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 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 has knowledge or a well-founded suspicion that goods in a shipment wholly or in part are intended to be used for capital punishment in a third country outside the customs territory of the Union.*

Or. en

**Amendment 44**  
**Sander Loones**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 7 a (new)**  
Regulation (EC) N° 1236/2005  
Article 1 – point 7 da (new)

***(7a) The following Chapter shall be inserted:***

***'Chapter III aa***

***Catch-all clause***

***Article 7da***

***1. An authorisation shall be required for the export of items designed or marketed for law enforcement not listed in Annex II or Annex III if the exporter has been informed by the competent authorities of the Member State in which he resides or is established that the items in question are or may be intended, in their entirety or in part, for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment.***

***2. If an exporter has reasonable grounds to believe that items which he proposes to export, not listed in Annex II or Annex III, are intended, in their entirety or in part, for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment, he shall notify the authorities of the Member State in which he resides or is established, which shall decide whether or not it is expedient to make the export concerned subject to authorisation.***

***3. Medicines and pharmaceutical products are not covered by the scope of this Article, but solely by the Urgency Procedure of Article 15b.***

***4. A Member State which imposes an authorisation requirement, in application of paragraphs 1 and 2, on the export of items not listed in Annex II or Annex III, shall, where appropriate, inform other Member States and the Commission.***

***5. The other Member States shall give all due consideration to this information and***

*shall inform their customs administration and other relevant national authorities.*

*6. Where imperative grounds of urgency so require, the Commission shall adopt delegated acts adding items referred to in paragraphs 1 and 2 to Annex II or Annex III. The procedure provided for in Article 15b shall apply to delegated acts adopted pursuant to this paragraph.*

Or. en

### *Justification*

*The exemption of medicines from the catch-all clause is proposed on the basis that there is no ambiguity around the definitions of particular pharmaceuticals in the way that there may be for certain products in the law enforcement sector. Pharmaceutical products have specific definitions in terms of both chemical compositions and customs codes, and as a result can be effectively regulated using a list based system, provided that the listing can be updated swiftly in response to new information. The Urgency Procedure of article 15b allows new medicines to be listed without delay, and as such negates the need for a catch-all clause in the medicinal context. This amendment would preserve patients' access to life saving medicines.*

### **Amendment 45**

**Santiago Fisas Ayxelà**

### **Proposal for a regulation**

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

Regulation (EC) N° 1236/2005

Article 1 – point 7 da (new)

*Text proposed by the Commission*

*Amendment*

*(7a) The following Chapter shall be inserted:*

*'Chapter III aa*

*Catch-all clause*

*Article 7da*

*1. An authorisation shall be required for the export of any items not listed in Annex II, Annex III or Annex IIIa, with the exception of medicines or pharmaceutical products, if the exporter has been informed by the competent authorities of*

*the Member State in which he resides or is established that the items in question are or may be intended, in their entirety or in part, for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment.*

*2. If an exporter is aware that the non-pharmaceutical items which he proposes to export, not listed in Annex II, Annex III or Annex IIIa, are intended, in their entirety or in part, for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment, he shall notify the authorities of the Member State in which he resides or is established, which shall decide whether or not it is expedient to make the export concerned subject to authorisation.*

*3. A Member State which imposes an authorisation requirement, in application of paragraphs 1 and 2, on the export of a non-pharmaceutical item not listed in Annex III or Annex IIIa, shall, where appropriate, inform the other Member States and the Commission.*

*4. The other Member States shall give all due consideration to this information and shall inform their customs administration and other relevant national authorities.*

*5. Where imperative grounds of urgency so require, the Commission shall adopt delegated acts adding items referred to in paragraphs 1 and 2 to Annex II, Annex III or Annex IIIa. The procedure provided for in Article 15b shall apply to delegated acts adopted pursuant to this paragraph.'*

Or. en

**Amendment 46**  
**Ska Keller**  
on behalf of the Verts/ALE Group

## **Proposal for a regulation**

### **Article 1 – paragraph 1 – point 8**

Regulation (EC) No 1236/2005

Article 8 – paragraph 6

#### *Text proposed by the Commission*

6. By way of derogation from paragraph 5, where medicinal products are to be exported by a manufacturer to a distributor, the manufacturer shall provide information on the arrangements made and the measures taken to prevent these products from being used for capital punishment, on the country of destination and, if it is available, information on the end-use and the end-users of the goods.

#### *Amendment*

6. By way of derogation from paragraph 5, where medicinal products are to be exported by a manufacturer to a distributor, the manufacturer shall provide information on the arrangements made and the measures taken to prevent these products from being used for capital punishment, on the country of destination and, if it is available, information on the end-use and the end-users of the goods. ***This information shall be accessible, upon request, to a relevant independent oversight body such as National Preventive Mechanism established under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or a national human rights institution in a Member State.***

Or. en

## **Amendment 47**

**Tiziana Beghin**

## **Proposal for a regulation**

### **Article 1 – paragraph 1 – point 10**

Regulation (EC) No 1236/2005

Article 11 – paragraph 1

#### *Text proposed by the Commission*

1. For customs risk management purposes, the customs authorities shall share relevant information in accordance with Article 4g of Commission Regulation (EEC) No 2454/93. \*

#### *Amendment*

1. For customs risk management purposes, the customs authorities shall share relevant information ***through a rapid alert system***, in accordance with Article 4g of Commission Regulation (EEC) No 2454/93. \*

**Amendment 48**

**Inmaculada Rodríguez-Piñero Fernández**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12**

Regulation (EC) No 1236/2005

Article 12a (new) – paragraph 2

*Text proposed by the Commission*

2. The Commission may, within three months, ask the requesting Member State to provide supplementary information, if it considers that the request fails to address one or more relevant points or that additional information on one or more relevant points is necessary. It shall communicate the points on which supplementary information needs to be provided.

*Amendment*

***2. Upon receipt of a request referred to in paragraph 1, the Commission shall immediately inform all Member States and circulate the information received from the requesting Member State. Pending a final decision by the Commission, Member States may immediately suspend transfers of the goods contained in the request.*** The Commission may, within three months, ask the requesting Member State to provide supplementary information, if it considers that the request fails to address one or more relevant points or that additional information on one or more relevant points is necessary. It shall communicate the points on which supplementary information needs to be provided.

Or. en

**Amendment 49**

**Ska Keller**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 a (new)**

Regulation (EC) No 1236/2005

Article 13 – paragraph 1

*Present text*

*Amendment*

***(12a) In Article 13, the paragraph 1 is***



1. Without prejudice to Article 11, ***the Commission and the*** Member States shall, ***upon request***, inform each other of ***the*** measures taken under this Regulation and supply ***each other with any*** relevant information at their disposal in connection with this Regulation, in particular information on authorisations granted and refused.

***replaced by the following:***

1. Without prejudice to Article 11, ***each*** Member State shall inform ***the*** ***Commission*** of measures taken under this Regulation and supply ***any*** relevant information at their disposal in connection with this Regulation, in particular information on authorisations granted and refused, ***as well as in relation to measures taken under the targeted end-use clause. The Commission shall forward the information to other Member States.***

Or. en

#### **Amendment 50**

**Ska Keller**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 b (new)**

Regulation (EC) No 1236/2005

Article 13 – paragraph 3a (new)

*Text proposed by the Commission*

*Amendment*

***(12b) In Article 13, the following paragraph is inserted:***

***3a. The Commission shall make annual report compiled of annual activity reports referred to in paragraph 3. The report shall be made publicly available.***

Or. en

#### **Amendment 51**

**Ska Keller**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 14**

Regulation (EC) No 1236/2005

Article 15

(14) *Article 15 is deleted.*

(14) *Coordination Group*

*1. A Coordination Group chaired by a representative of the Commission shall be established, to which each Member State shall appoint a representative. The Coordination Group shall examine any question concerning the application of this Regulation which may be raised either by the chair or by a representative of a Member State.*

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

*3. The Chair of the Coordination Group shall, whenever he/she considers it to be necessary, consult exporters, brokers and other relevant stakeholders affected by this Regulation, including civil society representatives.*

*4. The Coordination Group may receive information and proposals related to the effectiveness of the Regulation from all sides of civil society with relevant expertise.*

Or. en

**Amendment 52**

**Santiago Fisas Aixelà**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***Article 15 c***

***Review***

***Every three years the Commission shall present a report to the European Parliament and the Council on the implementation of this Regulation.***

Or. en

**Amendment 53**

**Ska Keller**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

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

Regulation (EC) No 1236/2005

Article 16

*Text proposed by the Commission*

*Amendment*

***(15a) Article 16 is inserted:***

***Review of the implementation***

***1. Every three years the Commission shall present a report to the European Parliament and the Council on the implementation of this Regulation, accompanied, if necessary, by appropriate legislative proposals. Member States shall provide all appropriate information to the Commission for the preparation of the report.***

***2. The review from paragraph 1 shall include information on national licensing decisions by Member States, reporting to the Commission by Member States, notification and consultation mechanisms among 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.*

*3. A dedicated section of this report shall also provide an overview of the activities, examinations and consultations of the Coordination Group, which shall be subject to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council\*.*

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*\* Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001., p. 43)*

Or. en

#### **Amendment 54**

**Ska Keller**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 15 b (new)**

Regulation (EC) No 1236/2005

Annex II – point 2.2a (new)

*Text proposed by the Commission*

*Amendment*

*(15b) Paragraph 2.2.a shall be inserted to Annex II:*

- direct contact electric shock batons, stun guns and stun shields intended for law enforcement purposes;*
- prisoner hoods intended for law enforcement purposes*
- prisoner control pliers*

Or. en

**Amendment 55**  
**Tiziana Beghin**

**Proposal for a regulation**  
**Article 1 - paragraph 1 - point 15 b (new)**  
Regulation (EC) No 1236/2005  
Annex II – point 2.2a (new)

*Text proposed by the Commission*

*Amendment*

***Paragraph 2.2a shall be inserted to Annex II:***

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

Or. en

**Amendment 56**  
**Ska Keller**  
on behalf of the Verts/ALE Group

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

*Text proposed by the Commission*

*Amendment*

***(15 c) The following items shall be added to Annex III:***

- chairs, boards and beds fitted with straps***
- acoustic devices for the purpose of crowd/riot control***
- millimetre wave weapons***

Or. en

**Amendment 57**  
**Tiziana Beghin**

**Proposal for a regulation**  
**Annex I – points 1.7.a to 1.7.e (new)**

*Text proposed by the Commission*

*Amendment*

***points 1.7.a to 1.7.e is inserted to Annex IIIa:***

***1.7.a hydromorphone***

***1.7.b midazolam***

***1.7.c pancuronium bromide***

***1.7.d rocuronium bromide***

***1.7.e vecuronium bromide***

Or. en

**Amendment 58**  
**Tiziana Beghin**

**Proposal for a regulation**  
**Annex II - Part 2**  
Regulation (EC) No 1236/2005  
Annex IIIb (new)

*Text proposed by the Commission*

*Amendment*

***Benin***

***deleted***

Or. en

*Justification*

*This country still retains death penalty in its legislation*

**Amendment 59**  
**Tiziana Beghin**

**Proposal for a regulation**  
**Annex II - Part 2**  
Regulation (EC) No 1236/2005  
Annex IIIb (new)

*Text proposed by the Commission*

*Amendment*

***Liberia***

***deleted***

Or. en

*Justification*

*This country still retains death penalty in its legislation*

**Amendment 60**

**Tiziana Beghin**

**Proposal for a regulation**

**Annex II - Part 2**

Regulation (EC) 1236/2005

Annex IIIb (new)

*Text proposed by the Commission*

*Amendment*

***Madagascar***

***deleted***

Or. en

*Justification*

*This country still retains death penalty in its legislation.*

**Amendment 61**

**Tiziana Beghin**

**Proposal for a regulation**

**Annex II - Part 2**

Regulation (EC) No 1236/2005

Annex IIIb (new)

*Text proposed by the Commission*

*Amendment*

***Mongolia***

***deleted***

Or. en

*Justification*

*This country still retains death penalty in its legislation.*