**P8_TA(2015)0368**

**Trade in certain goods which could be used for capital punishment, torture or other treatment or punishment ***I**


(Ordinary legislative procedure: first reading)

**Amendment 1**

Proposal for a regulation
Recital 8

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(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.</td>
<td>(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.</td>
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<sup>1</sup> The matter was referred back to the committee responsible for reconsideration pursuant to Rule 61(2), second subparagraph (A8-0267/2015)
Amendment 2

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.*

Amendment 3

Proposal for a regulation
Recital 19 a (new)

*Text proposed by the Commission*

(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*

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Amendment 4

Proposal for a regulation
Article 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, 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;"

Amendment 5

Proposal for a regulation
Article 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 provision of ancillary services is included in this definition. Ancillary services are transportation, financial services, insurance or re-insurance, or general advertising or promotion, including via internet;

Amendment 6

Proposal for a regulation
Article 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

Amendment

(l) 'broker' means any natural or legal person or partnership resident or established in, or a national of, a Member
that carries out services defined under point (k) from the Union into the territory of a third country;

State of the Union, or a subsidiary of a legal person or partnership, that carries out services defined under point (k);

**Amendment 7**

**Proposal for a regulation**

**Article 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);

**Amendment 8**

**Proposal for a regulation**

**Article 1 – point 2 – point c**

Regulation (EC) No 1236/2005

**Article 2 – point n**

*Text proposed by the Commission*

(n) ‘exporter’ means any natural or legal person or partnership on whose behalf an export declaration is made, that is to say the person who, at the time when the declaration is accepted, holds a contract with the consignee in the third country concerned and has the necessary power for determining the sending of the goods out of the customs territory of the Union. If no export contract has been concluded or if the holder of the contract does not act on its own behalf, the exporter means the person who has the necessary power for determining the sending of the item out of the customs territory of the Union. Where the benefit of a right to dispose of the goods belongs to a person established outside the Union pursuant to the contract on which the export is based, the exporter shall be considered to be the contracting

*Amendment*

(n) ‘exporter’ means any natural or legal person or partnership on whose behalf an export declaration is made, that is to say the person who, at the time when the declaration is accepted, holds a contract with the consignee in the third country concerned and has the necessary power for determining the sending of the goods out of the customs territory of the Union. If no export contract has been concluded or if the holder of the contract does not act on its own behalf, the exporter means the person who has the necessary power for determining the sending of the item out of the customs territory of the Union. Where the benefit of a right to dispose of the goods belongs to a person established outside the Union pursuant to the contract on which the export is based, the exporter shall be considered to be the contracting
party established in the Union; party resident or established in the Union;

**Amendment 9**

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

*Text proposed by the Commission*

(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.

**Amendment 10**

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

*Text proposed by the Commission*

(3a) The following article is inserted:  
'Article 4b  
Transit prohibition  
1. Any transit of goods listed in Annex II shall be prohibited, irrespective of the origin of such goods.  
2. By way of derogation from paragraph 1, the competent authority may authorise a transit of goods listed in Annex II, if it is demonstrated that, in the country to which the goods will be exported, such goods will be used for the exclusive purpose of public display in a museum in view of their historic significance.'

**Amendment 11**

Proposal for a regulation  
Article 1 – point 3 b (new)  
Regulation (EC) No 1236/2005  
Article 4 c (new)
(3b) The following article is inserted:

‘Article 4c

Prohibition of commercial marketing and promotion

Online and offline commercial marketing and promotion activities within the Union, by any natural or legal person or partnership, for the purpose of the transfer of goods listed in Annex II shall be prohibited.’

Amendment 12

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

Text proposed by the Commission

1. Decisions on applications for authorisations in respect of the export of goods listed in Annex IIIa shall be taken by the competent authorities on a case by case basis, taking into account all relevant considerations, including in particular whether an application in respect of an essentially identical export has been dismissed by another Member State in the preceding three years and considerations about intended end-use and the risk of diversion.

Amendment 13

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

Text proposed by the Commission

1a. The competent authority, taking into account all relevant evidence, shall,
along with Member States, ensure that all companies marketing security equipment and those organising trade fairs and other events where such equipment is marketed, 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 marketing such equipment may become prohibited and authorisations relating to it may be withdrawn.

Amendment 14

Proposal for a regulation
Article 1 – point 5 b (new)
Regulation (EC) No 1236/2005
Article 6 – paragraph 2

Present text

(5b) In Article 6, paragraph 2 is replaced by the following:

2. The competent authority shall not grant any authorisation when there are reasonable grounds to believe that goods listed in Annex III might be used for torture or other cruel, inhuman or degrading treatment or punishment, including judicial corporal punishment, by a law enforcement authority or any natural or legal person in a third country.

The competent authority shall take into account:
— available international court judgements,
— findings of the competent bodies of the UN, the Council of Europe and the EU, and reports of the Council of Europe’s European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment and of the UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment.

Other relevant information, including available national court judgements, reports or other information prepared by

Amendment

2. The competent authority shall not grant any authorisation when there are reasonable grounds to believe that goods listed in Annex III and Annex IIIa might be used for torture or other cruel, inhuman or degrading treatment or punishment, including judicial corporal punishment, by a law enforcement authority or any natural or legal person in a third country.

The competent authority shall take into account:
— available international court judgements,
— findings of the competent bodies of the UN, the Council of Europe and the EU, and reports of the Council of Europe’s European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment and of the UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment.

Other relevant information, including available national court judgements, reports or other information prepared by
civil society organisations and information on restrictions on exports of goods listed in Annexes II and III applied by the country of destination, may be taken into account.  

Amendment 15  

Proposal for a regulation  

Article 1 – point 5 c (new)  

Regulation (EC) No 1236/2005  

Article 6 a (new)  

Text proposed by the Commission  

Amendment  

(5c) 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 IIIa if the 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 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, pursuant to paragraphs 1 and 2, on the transit of an item not listed in Annex III or IIIa, shall inform the other Member States and the Commission.'  

Amendment 16  

Proposal for a regulation
Article 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 Annexes III and 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.

Amendment 17

Proposal for a regulation  
Article 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 Annexes III and 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.
Amendment 18
Proposal for a regulation
Article 1 – point 6 a (new)
Regulation (EC) No 1236/2005
Article 7 aa (new)

Text proposed by the Commission

Amendment

6a. The following article is inserted:
‘Article 7aa

Exchange of best practices
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.’

Amendment 19
Proposal for a regulation
Article 1 – point 7
Regulation (EC) No 1236/2005
Article 7c – paragraph 3 – point 3.3 (new)

Text proposed by the Commission

Amendment

3.3. The Commission, in cooperation with competent authorities of the Member States and third countries where appropriate, shall adopt best practice guidelines on the verification of end-use.’

Amendment 20
Proposal for a regulation
Article 1 – point 7 a (new)
Regulation (EC) No 1236/2005
Chapter III b (new) – Article 7e (new)

Text proposed by the Commission

Amendment

(7a) The following Chapter is inserted:
‘Chapter III b

Non-listed goods
Article 7e

Catch-all clause

1. An authorisation shall be required for the export of items not listed in the Annexes to this Regulation if the exporter has been informed by the competent authorities of the Member State in which it 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 items which it proposes to export, not listed in Annex II, III or 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, it shall notify the authorities of the Member State in which it 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, pursuant to paragraphs 1 and 2, on the export of item not listed in Annex II, III or IIIa, shall immediately inform the other Member States and the Commission thereof and indicate precise reasons for the imposition of an authorisation requirement. Member States shall also immediately inform the Commission of any modifications made to measures adopted under paragraphs 1 and 2.

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. When 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
6. Medicinal products, as defined in Directive 2001/83/EC of the European Parliament and of the Council\(^{1a}\), shall be excluded from the scope of this Article.


**Amendment 21**

**Proposal for a regulation**  
**Article 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.*

**Amendment 22**

**Proposal for a regulation**  
**Article 1 – point 8 a (new)**  
Regulation (EC) No 1236/2005  
Article 10 – paragraph 2
2. If a customs declaration is made concerning goods listed in Annexes II or III, and it is confirmed that no authorisation has been granted pursuant to this Regulation for the intended export or import, the customs authorities shall detain the goods declared and draw attention to the possibility to apply for an authorisation pursuant to this Regulation. If no application for an authorisation is made within six months of time after the detention, or if the competent authority dismisses such an application, the customs authorities shall dispose of the detained goods in accordance with applicable national legislation.

Amendment

2. If a customs declaration is made concerning goods listed in Annex II, III, or IIIa and it is confirmed that no authorisation has been granted pursuant to this Regulation for the intended export or import, the customs authorities shall detain the goods declared and draw attention to the possibility to apply for an authorisation pursuant to this Regulation. If no application for an authorisation is made within six months of time after the detention, or if the competent authority dismisses such an application, the customs authorities shall dispose of the detained goods in accordance with applicable national legislation.'
### Amendment 24

**Proposal for a regulation**  
**Article 1 – point 12**  
Regulation (EC) No 1236/2005  
Article 12 a – paragraph 3

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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>3. If it considers that there is no need to ask for supplementary information or, where applicable, upon receipt of the supplementary information it has requested, the Commission shall within <strong>six months</strong> commence the procedure for the adoption of the requested amendment or inform the requesting Member States of the reasons for not doing so.</td>
<td>3. If it considers that there is no need to ask for supplementary information or, where applicable, upon receipt of the supplementary information it has requested, the Commission shall within <strong>three months</strong> commence the procedure for the adoption of the requested amendment or inform the requesting Member States of the reasons for not doing so.</td>
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### Amendment 25

**Proposal for a regulation**  
**Article 1 – point 12 a (new)**  
Regulation (EC) No 1236/2005  
Article 13 – paragraph 1

<table>
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<th>Present text</th>
<th>Amendment</th>
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| 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. | (12a) In Article 13, paragraph 1 is 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.**’ |

### Amendment 26

**Proposal for a regulation**  
**Article 1 – point 12 b (new)**  
Regulation (EC) No 1236/2005  
Article 13 – paragraph 3a (new)
(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.’

Amendment 27

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

Text proposed by the Commission

Amendment

Article 15a deleted

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.

Amendment 28

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

Text proposed by the Commission

Amendment

(15a) The following article is inserted;

'Article 15c

Anti-Torture Coordination Group

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 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 Anti-Torture Coordination Group shall, whenever it considers it to be necessary, consult exporters, brokers and other relevant stakeholders, including from all parts of civil society with relevant expertise in matters covered by this Regulation.


Amendment 29

Proposal for a regulation

Article 1 – point 15 b (new)
Regulation (EC) No 1236/2005
Article 15d (new)

Text proposed by the Commission

(15b) The following article is inserted:

'Article 15d

1. By... *, and every three years thereafter, the Commission shall review the implementation of this Regulation and present a comprehensive implementation and impact assessment report to the European Parliament and to the Council, which may include proposals for its amendment. Member States shall provide to the Commission all appropriate information for the preparation of the report.

2. Special sections of the report shall deal with:

(a) the Anti-Torture Coordination Group and its activities, examinations and consultations. Information that the Commission provides on the Coordination
Group’s examinations and consultations shall be treated as confidential pursuant to Article 4 of Regulation (EC) No 1049/2001. Information shall, in any case, be considered to be confidential if its disclosure is likely to have a significantly adverse effect upon the supplier or the source of such information;

(b) 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.

(c) comprehensive information on the nature and effect of measures taken by the Member States pursuant to Article 17, including operation of the penalty regimes introduced by Member States, and assessment whether such regimes are effective, proportionate and dissuasive.

* OJ: please insert date: three years after the entry into force of this Regulation.’

Amendment 30

Proposal for a regulation
Article 1 – point 15 c (new)
Regulation (EC) No 1236/2005
Article 17 – paragraph 2.a (new)

Text proposed by the Commission

(15c) In Article 17, the following paragraph is added:

‘2.a The Commission shall assess whether rules on penalties laid down by Member States are of a similar nature and effect.’

Amendment

Amendment 31

Proposal for a regulation
Article 1 – point 15 – point (-a) (new)
Regulation (EC) No 1236/2005
Annex III – column 2 – points 1 and 2
### Present text

1. Goods designed for restraining human beings, as follows:

1.1. Shackles and gang chains

Notes:

1. Shackles are restraints consisting of two cuffs or rings fitted with a locking mechanism, with a connecting chain or bar.

2. This item does not control the leg restraints and gang chains prohibited by item 2.3 of Annex II.

3. This item does not control ‘ordinary handcuffs’. Ordinary handcuffs are handcuffs which meet all the following conditions:

   — their overall dimension including chain, measured from the outer edge of one cuff to the outer edge of the other cuff, is between 150 and 280 mm when both cuffs are locked;

   — the inside circumference of each cuff is a maximum of 165 mm when the ratchet is engaged at the last notch entering the locking mechanism;

   — the inside circumference of each cuff is a minimum of 200 mm when the ratchet is engaged at the first notch entering the locking mechanism; and

   — the cuffs have not been modified to cause physical pain or suffering.

1.2. Individual cuffs or rings fitted with a locking mechanism, having an inside circumference exceeding 165 mm when the ratchet is engaged at the last notch entering the locking mechanism

Note:

This item includes neck restraints and other individual cuffs or rings fitted with a locking mechanism, which are linked to

### Amendment

**(-a)** In Annex III, in the second column, points 1 and 2 are replaced by the following:

‘1. Goods designed for restraining human beings, as follows:

1.1. Shackles and gang chains

Notes:

1. Shackles are restraints consisting of two cuffs or rings fitted with a locking mechanism, with a connecting chain or bar.

2. This item does not control the leg restraints and gang chains prohibited by item 2.3 of Annex II.

3. This item does not control ‘ordinary handcuffs’. Ordinary handcuffs are handcuffs which meet all the following conditions:

   — their overall dimension including chain, measured from the outer edge of one cuff to the outer edge of the other cuff, is between 150 and 280 mm when both cuffs are locked;

   — the inside circumference of each cuff is a maximum of 165 mm when the ratchet is engaged at the last notch entering the locking mechanism;

   — the inside circumference of each cuff is a minimum of 200 mm when the ratchet is engaged at the first notch entering the locking mechanism; and

   — the cuffs have not been modified to cause physical pain or suffering.

1.2. Individual cuffs or rings fitted with a locking mechanism, having an inside circumference exceeding 165 mm when the ratchet is engaged at the last notch entering the locking mechanism

Note:

This item includes neck restraints and other individual cuffs or rings fitted with a locking mechanism, which are linked to
ordinary handcuffs by means of a chain

1.3. Spit hoods: hoods, including hoods made of netting, comprising a cover of the mouth which prevents spitting

Note: This item includes spit hoods which are linked to ordinary handcuffs by means of a chain

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

2.1. Portable electric discharge weapons that can target only one individual each time an electric shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns

Notes:

1. This item does not control electric shock belts and other devices falling within item 2.1 of Annex II

2. This item does not control individual electronic shock devices when accompanying their user for the user's own personal protection

2.2. Kits containing all essential components for assembly of portable electric discharge weapons controlled by item 2.1

Note:

The following goods are considered to be essential components:

— the unit producing an electric shock,
— the switch, whether or not on a remote control, and
— the electrodes or, where applicable, the wires through which the electrical shock is to be administered

2.3. Fixed or mountable electric discharge weapons that cover a wide area and can target multiple individuals with electrical shocks

ordinary handcuffs by means of a chain

1.3. Spit hoods: hoods, including hoods made of netting, comprising a cover of the mouth which prevents spitting

Note: This item includes spit hoods which are linked to ordinary handcuffs by means of a chain

1.3.a Chairs, boards and beds fitted with straps

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

2.1. Portable electric discharge weapons that can target only one individual each time an electric shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns

Notes:

1. This item does not control electric shock belts and other devices falling within item 2.1 of Annex II

2. This item does not control individual electronic shock devices when accompanying their user for the user's own personal protection

2.2. Kits containing all essential components for assembly of portable electric discharge weapons controlled by item 2.1

Note:

The following goods are considered to be essential components:

— the unit producing an electric shock,
— the switch, whether or not on a remote control, and
— the electrodes or, where applicable, the wires through which the electrical shock is to be administered

2.3. Fixed or mountable electric discharge weapons that cover a wide area and can target multiple individuals with electrical shocks
Amendment 32

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

Point 6 of Article 1 and, to the extent that it inserts Article 7d, point 7 of Article 1 shall apply as from 1 January 2015.

Amendment

Point 6 of Article 1 and, to the extent that it inserts Article 7d, point 7 of Article 1 shall apply as from 1 February 2016.

Amendment 33

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

Text proposed by the Commission

Benin

deleted

Amendment 34

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

Text proposed by the Commission

Gabon

Amendment 35

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

Text proposed by the Commission

Liberia

deleted
Amendment 36
Proposal for a regulation
Annex II – Part 2
Regulation (EC) No 1236/2005
Annex IIIb

Text proposed by the Commission
Amendment

Madagascar
deleted

Amendment 37
Proposal for a regulation
Annex II – Part 2
Regulation (EC) No 1236/2005
Annex IIIb

Text proposed by the Commission
Amendment

Mongolia
deleted

Amendment 38
Proposal for a regulation
Annex II – Part 2
Regulation (EC) No 1236/2005
Annex IIIb

Text proposed by the Commission
Amendment

Sao Tome and Principe
deleted