



2018/0160(COD)

6.11.2018

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (codification)
(COM(2018)0316 – C8-0210/2018 – 2018/0160(COD))

Committee on Legal Affairs

Rapporteur: Lidia Joanna Geringer de Oedenberg

(Codification – Rule 103 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (codification) (COM(2018)0316 – C8-0210/2018 – 2018/0160(COD))

(Ordinary legislative procedure – codification)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2018)0316),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0210/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Interinstitutional Agreement of 20 December 1994 - Accelerated working method for official codification of legislative texts¹,
 - having regard to Rules 103 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0000/2018),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance;
1. Adopts its position at first reading, taking over the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 102, 4.4.1996, p. 2.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 12 July 2018

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a regulation of the European Parliament and of the Council concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (codified text)
COM(2018)0316 of 24.5.2018 – 2018/0160(COD)**

Having regard to the Inter-institutional Agreement of 20 December 1994 on an accelerated working method for official codification of legislative texts, and in particular to point 4 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 13 June 2018 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a Regulation of the European Parliament and of the Council codifying Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. The text of footnote no. 11 should be adapted so as to read as follows: *'Approved by Resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 of the Economic and Social Council of the United Nations'*.
2. In recital 45, the words *'in accordance with Directive 95/46/EC of the European Parliament and of the Council'* should be adapted so as to read *'in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council'*.
3. In the reference box preceding recital 52, the indication *'2016/2134 recital 24'* should have read *'1236/2005 recital 24'*.
4. In Article 27, the words *'in accordance with the rules laid down in Directive 95/46/EC'*

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

should be adapted so as to read '*in accordance with the rules laid down in Regulation (EU) 2016/679*'.

5. In Annex VII, the current title of the form ('*authorisation for export or import of goods that could be used for torture (Regulation (EC) No 1236/2005*') should be adapted so as to read '*authorisation for export or import of goods that could be used for torture (Regulation (EU) [...]*'. In point 15 of that form, the words '*pursuant to Article 9(1) of Regulation 1236/2005*' should be adapted so as to read '*pursuant to Article 21(1) of Regulation (EU) [...]*'. In the explanatory notes to the form, the footnote corresponding to the reference made to Commission Regulation (EU) No 1106/2012 in Box 6 should be adapted so as to read as follows: '*Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7)*'.

6. In Annex VIII, the current title of the form ('*authorisation for the supply of brokering services related to goods that could be used for torture or for capital punishment (Regulation (EC) No 1236/2005*') should be adapted so as to read '*authorisation for the supply of brokering services related to goods that could be used for torture or for capital punishment (Regulation (EU) [...]*'. In point 1 of the form, the words '*Authorisation Brokering Services (Regulation (EC) No 1236/2005)*' should be adapted so as to read '*Authorisation Brokering Services (Regulation (EU) [...])*'. In point 19, the words '*pursuant to Article 9(1) of Regulation (EC) No 1236/2005*' should be adapted so as to read '*pursuant to Article 21(1) of Regulation (EU) [...]*'.

7. In Annex IX, the current title of the form ('*authorisation for the supply of technical assistance related to goods that could be used for torture or for capital punishment (Regulation (EC) No 1236/2005*') should be adapted so as to read '*authorisation for the supply of technical assistance related to goods that could be used for torture or for capital punishment (Regulation (EU) [...]*'. In point 1 of the form, the words '*Authorisation Technical Assistance (Regulation (EC) No 1236/2005)*' should be adapted so as to read '*Authorisation Technical Assistance (Regulation (EU) [...])*'. In point 3, the indication '*7a*' should be replaced by '*15*' and the indication '*7e*' should be replaced by '*19*'. In point 15, the words '*pursuant to Article 9(1) of Regulation (EC) No 1236/2005*' should be adapted so as to read '*pursuant to Article 21(1) of Regulation (EU) [...]*'.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal is a straightforward codification of existing texts, without any change in their substance.

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