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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 6 May 2015

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the
European Union

No. Cion doc.: C(2015) 2884 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 6.5.2015
amending Council Regulation (EC) No 1236/2005 concerning trade in
certain goods which could be used for capital punishment, torture or
other cruel, inhuman or degrading treatment or punishment

Delegations will find attached document C(2015) 2884 final.

Encl.: C(2015) 2884 final



EUROPEAN
COMMISSION

Brussels, 6.5.2015
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COMMISSION DELEGATED REGULATION (EU) .../...

of 6.5.2015

**amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods
which could be used for capital punishment, torture or other cruel, inhuman or
degrading treatment or punishment**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EC) No 1236/2005 empowers the Commission to amend, by means of delegated acts, Annex I thereto listing the competent authorities which may grant the authorisations referred to in Articles 3(2) and 4(2) and the authorisations for exports referred to in Article 5.

The list at Annex I was last published by means of Regulation (EU) No 585/2013 of 20 June 2013. With effect from the date of the entry into force of the Treaty of Accession of Croatia, a competent authority in Croatia was added by means of Regulation (EU) No 517/2013 of 13 May 2013.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The second sentence of Article 12 of Regulation (EC) No 1236/2005 provides that Annex I shall be amended on the basis of information supplied by the Member States. Having received a request from France to amend the data concerning its competent authority, the Commission services have asked each Member State to verify the data concerning its competent authority.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated act replaces Annex I to Regulation (EC) No 1236/2005. It lists the competent authorities which may grant authorisations in accordance with Regulation (EC) No 1236/2005. It also provides an address for notifications to the European Commission.

COMMISSION DELEGATED REGULATION (EU) .../...

of 6.5.2015

amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 punishment¹, and in particular Article 12 thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1236/2005 lists the competent authorities to which specific functions related to the implementation of that Regulation are attributed.
- (2) Belgium, Bulgaria, Denmark, Germany, Estonia, Ireland, Spain, France, Croatia, Latvia, Lithuania, Austria, Portugal, Romania, Slovakia, Finland and the United Kingdom have requested that the information concerning their competent authorities be amended.
- (3) It is appropriate to publish the full updated list of competent authorities. Regulation (EC) No 1236/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1236/2005 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

¹ OJ L 200, 30.7.2005, p. 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 6.5.2015

For the Commission
The President
Jean-Claude JUNCKER