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From: General Secretariat of the Council
On: 12 July 2018
To: Working Party on Codification of Legislation

No. prev. doc.: 9406/18 - COM (2018) 316 final

Subject: 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)
- Opinion of the Consultative Working Party of Legal Services

Delegations will find attached the opinion of the Consultative Working Party of Legal Services regarding the above mentioned subject.



GROUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels,

12 JUL. 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 (codification)

COM(2018) 316 final 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'*.

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.

