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NOTE

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.

11132/18



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1 2 JUIL 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'.

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.

- 4. In Article 27, the words 'in accordance with the rules laid down in Directive 95/46/EC' 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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