



Brussels, 10 December 2020
(OR. en)

13746/20

COMER 192
WTO 351
UD 377
COHOM 106
DELECT 164
PROCED 32

'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)

No. Cion doc.: 13744/20

Subject: COMMISSION DELEGATED REGULATION (EU) .../... amending Annexes I and V to Regulation (EU) 2019/125 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment to take into account the withdrawal of the United Kingdom from the Union

- *Intention not to raise objections*
- *Decision to use the written procedure*

1. The Commission has submitted the above delegated act to the Council in accordance with the procedure set out in Article 290 TFEU and with Article 29 of Regulation (EU) 2019/125 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 to take into account the withdrawal of the United Kingdom of the Union. The Commission having notified the delegated act to the Council and the European Parliament on 4 December 2020¹, the Council may object to it until 5 February 2020.
2. The Working Party on Trade Questions has examined the delegated act and agreed that there are no grounds for the Council to object to it.

¹ ST 13744/20 + ADD 1

3. In view of the above, the Permanent Representatives Committee (Part 2) is invited to:
- recommend that the Council confirms that it has no intention to object to the delegated act and that the Commission and the European Parliament are to be informed thereof. This implies that, if the European Parliament also confirms that it has no intention to object, the delegated act shall be published and enter into force in accordance with Article 29(6) of Regulation (EU) 2019/125 of the European Parliament and of the Council;
 - to decide, in light of the current exceptional circumstances, which make it impossible to adopt "A" items at Council meetings in the coming weeks, and in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure² and Article 1 of Council Decision 2020/430³, that the Council uses the written procedure for the abovementioned confirmation.
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² Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure ([OJ L 325, 11.12.2009, p. 35](#)).

³ Council Decision (EU) 2020/430 of 23 March 2020 on a temporary derogation from the Council's Rules of Procedure in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 881 , 24.3.2020, p. 1). The derogation was extended by Council Decision (EU) 2020/1659 of 6 November 2020 further extending the temporary derogation from the Council's Rules of Procedure introduced by Decision (EU) 2020/430, and extended by Decisions (EU) 2020/556, (EU) 2020/702, (EU) 2020/970 and (EU) 2020/1253, in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 376, 10.11.2020, p. 3).