Trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. Codification

2018/0160(COD) - 07/10/2019 - Follow-up document

In accordance with 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, the Commission has submitted a report on the activities and consultations of the Anti-Torture Coordination Group.

Given the rather limited information in 2017, this report provides information on the activities of the Anti-Torture Coordination Group in 2017 and 2018, hence the period from the entry into force of the Regulation (EU) 2016/2134 of 23 November 2016, which established the group.

Activities of the Anti-Torture Coordination Group

This group allows Member States' experts and the Commission to exchange information on administrative practices and to discuss questions of interpretation of the Regulation, technical issues related to the listed goods, developments related to the Regulation and any other issues that may arise.

This group serves as a platform for Member States' experts and the Commission to exchange information on administrative practices and to discuss questions of interpretation of the Regulation, technical issues with respect to the goods listed, developments related to the Regulation and any other questions that may arise. In addition, the Commission shall consult the group when drawing up the delegated acts.

Notifications concerning denials and prohibited exporters

The Regulation requires that the competent authorities in the European Union Member States use the DualUse electronic system (DUeS), a secure and encrypted system created by the Commission for the exchange of certain information between competent authorities, to communicate information on cases where a request for an export authorisation has been rejected (so-called denials).

The tools enable the competent authorities to notify: (i) data on exporters who have been prohibited from using the Union General Export Authorisation; (ii) data concerning technical assistance for which an authorisation has not been granted and (iii) data concerning brokering services for which an authorisation has not been granted.

Prior authorisation requirement for technical assistance and brokerage services

Members of the ATCG were requested to share any guidance they may have developed on these issues, including on the definition of certain terms, such as ‘broker’ and ‘supplier of technical assistance’.

Prohibitions on trade fairs and advertising

Exchanges focused on possible guidance for competent authorities and on how to implement these prohibitions, which were introduced when the Regulation was amended in 2016 and entered into force on

16 December 2016. It was noted that there had been reported instances of goods being advertised on some European suppliers' websites, which could suggest that the scope of the prohibition as laid down in the Regulation may be insufficient.

Global Alliance for Torture-Free Trade

The Anti-Torture Coordination Group was informed of the main developments regarding the Global Alliance for Torture-Free Trade.

Promoted by the European Union and co-sponsored by Argentina and Mongolia, the Global Alliance was launched on 18 September 2017 with the adoption by 57 members of a political declaration on its founding principles, including a commitment to take effective measures for restricting trade in goods used for torture and death penalty through domestic legislation and efficient enforcement. All EU Member States along with over thirty countries have joined the Global Alliance.