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ANNEX 1

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to the Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND THE COUNCIL

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

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Annex I

'Annex IIIa

Goods that could be used for the purpose of capital punishment referred to in Article 7b

CN code	Description
ex 2933 53 90 [(a) to (f)] *ex* 2933 59 95 [(g) and (h)]	1. Products which could be used for the execution of human beings by means of lethal injection, as follows: 1.1. Short and intermediate acting barbiturate anaesthetic agents including, but not limited to: (a) amobarbital (CAS RN 57-43-2) 1.1. amobarbital sodium salt (CAS RN 64-43-7) 1.2. pentobarbital (CAS RN 76-74-4) 1.3. pentobarbital sodium salt (CAS 57-33-0) 1.4. secobarbital (CAS RN 76-73-3) 1.5. secobarbital sodium salt (CAS RN 309-43-3) 1.6. thiopental (CAS RN 76-75-5) 1.7. thiopental sodium salt (CAS RN 71-73-8), also known as thiopentone sodium *Note:* This item also controls products containing one of the anaesthetic agents listed under short or intermediate acting barbiturate anaesthetic agents.'

Annex II

'Annex IIIb

Union General Export Authorisation No EU …

Part 1 – Goods

This general export authorisation covers the goods listed in any entry in Annex IIIa to Regulation (EC) No 1236/2005

Part 2 – Destinations

No export authorisation is required for supplies to a country or territory that is part of the customs territory of the Union, which for the purpose of Council Regulation (EC) No 1236/2005 includes Ceuta, Helgoland and Melilla (Article 18(2)).

This authorisation is valid throughout the Union for exports to the following destinations:

Danish territories not included in the customs territory:

- Faroe Islands
- Greenland

French territories not included in the customs territory:

– French Polynesia,
– French Southern and Arctic Territories,
– New Caledonia,
– Saint Barthélemy,
– Saint Pierre and Miquelon,
– Wallis and Futuna Islands

Dutch territories not included in the customs territory:

- Aruba,
- Bonaire,
- Curaçao,
- Saba,
- Sint Eustatius,
- Sint Maarten

Relevant British territories not included in the customs territory:

- Anguilla
- Bermuda
- Falkland Islands
- Gibraltar
- Montserrat
- Saint Helena, Ascension and Tristan da Cunha
- South Georgia and the South Sandwich Islands
- Turks and Caicos Islands

Albania

Andorra

Argentina

Australia

Benin

Bolivia

Bosnia and Herzegovina

Canada

Cape Verde

Colombia

Costa Rica

Djibouti

Ecuador

Georgia

Guinea-Bissau

Honduras

Iceland

Kyrgyzstan

Liberia

Liechtenstein

Former Yugoslav Republic of Macedonia

Madagascar

Mexico

Moldova

Mongolia

Montenegro

Mozambique

Namibia

Nepal

New Zealand

Nicaragua

Norway

Panama

Paraguay

Philippines

Rwanda

San Marino

Sao Tome and Principe

Serbia

Seychelles

South Africa

Switzerland (including Büsingen and Campione d'Italia)

Timor-Leste

Turkey

Turkmenistan

Ukraine

Uruguay

Uzbekistan

Venezuela

Part 3 - Conditions and requirements for using this general export authorisation

(1) This authorisation may not be used if:

- the exporter has been informed by the competent authorities of the Member State in which he is established that the goods in question are or may be intended, in their entirety or in part, either for re-export to a third country or to be used for the purpose of capital punishment in a third country;
- the exporter knows or has grounds for suspecting that the goods in question are intended, in their entirety or in part, either for re-export to a third country or for the use referred to in the previous indent;
- the relevant items are exported to a customs free zone or free warehouse which is located in a destination covered by this authorisation;
- the exporter is the manufacturer of the medicinal products in question and has not made a legally binding agreement with the distributor requiring the latter to make all supplies and transfers subject to the conclusion of a legally binding agreement requiring, preferably subject to a dissuasive contractual penalty, the customer
  - (a) not to use any of the goods received from the distributor for capital punishment;
  - (b) not to supply or transfer any of these goods to a third party, if the customer knows or has ground for suspecting that the goods are or may be intended to be used for capital punishment; and
  - (c) to impose the same requirements on any third party to which the customer might supply or transfer any of these goods.
- the exporter is not the manufacturer of the medicinal products in question and has not obtained a signed end-user declaration from the end-user in the country of destination; or
- the exporter has not concluded a legally binding agreement with the distributor or end-user requiring, preferably subject to a dissuasive contractual penalty, the distributor or, if the agreement was concluded by the end-user, the end-user to obtain prior authorisation from the exporter for
  - (a) any transfer or supply of any part of the shipment to a law enforcement authority in a country or territory that has not abolished capital punishment,

(b) any transfer or supply of any part of the shipment to a natural or legal person, entity or body procuring relevant goods for or providing services involving use of such goods to such a law enforcement authority, and

(c) any re-export or transfer of any part of the shipment to a country or territory that has not abolished capital punishment.

(2) Exporters that use this authorisation No EU… shall notify the competent authorities of the Member State where they are established of their first use of this authorisation no later than 30 days after the date when the first export took place.

Exporters shall also report in the Single Administrative Document the fact that they are using this authorisation No EU… by indicating in box 44 the reference X ….

(3) Reporting requirements attached to the use of this authorisation and any additional information that the Member State from which the export is made might require on items exported under this authorisation are defined by Member States.

A Member State may require exporters established in that Member State to register prior to the first use of this authorisation. Registration shall be automatic and acknowledged by the competent authorities to the exporter without delay and in any case within ten working days of receipt.’