

COMMISSION DELEGATED REGULATION (EU) 2021/139**of 4 December 2020****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**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment ⁽¹⁾, and in particular the first paragraph of Article 24 thereof,

Whereas:

- (1) The Withdrawal Agreement ⁽²⁾ sets out the arrangements for the withdrawal of the United Kingdom of Great Britain and Northern Ireland ('United Kingdom') from the Union and from the European Atomic Energy Community.
- (2) The transition period set out in Part Four of the Withdrawal Agreement ends on 31 December 2020 when the Union law ceases to apply to and in the United Kingdom.
- (3) Pursuant to Article 5(4) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement, read in conjunction with Annex 2 to that Protocol, the provisions of Regulation (EU) 2019/125 will apply to and in the United Kingdom in respect of Northern Ireland as from the end of the transition period.
- (4) Where Regulation (EU) 2019/125 establishes an authorisation requirement for trade from the Union to third countries, it would be the 'competent authority' of the United Kingdom which, from 1 January 2021 will be responsible for deciding on any applications for such an authorisation pursuant to that Regulation made by exporters established or residing in Northern Ireland.
- (5) Subject to the application of Regulation (EU) 2019/125 to and in the United Kingdom in respect of Northern Ireland, in accordance with Article 5(4), of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement, read in conjunction with point 47 of Annex 2 to that Protocol, it is therefore appropriate to amend Annex I to Regulation (EU) 2019/125.
- (6) Pursuant to Articles 16 and 19 of Regulation (EU) 2019/125, an authorisation is required for exporting products listed in Annex IV to the Regulation which could be used for the execution of human beings by means of lethal injection.
- (7) Article 20(1) of Regulation (EU) 2019/125 provides for a 'Union general export authorisation'.
- (8) In accordance with Annex V to Regulation (EU) 2019/125, the Union general export authorisation applies to exports of goods listed in any entry in Annex IV to Regulation (EU) 2019/125 and is valid throughout the Union for exports to the destinations listed in Part 2 of Annex V. Those destinations are third countries that have abolished capital punishment for all crimes and confirmed that abolition through an international commitment ⁽³⁾.
- (9) The Union general export authorisation helps minimise the regulatory burden placed on Union companies exporting goods listed in Annex IV to the Regulation when exporting such medicinal products for legitimate therapeutic purposes.

⁽¹⁾ OJ L 30, 31.1.2019, p. 1.

⁽²⁾ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).

⁽³⁾ Part 3 of Annex V to Regulation (EU) 2019/125.

- (10) The United Kingdom ratified Protocol No 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances and therefore meets the requirements for inclusion in the list of destinations laid down in Annex V Part 2 to Regulation (EU) 2019/125.
- (11) Without prejudice to the application of Regulation (EU) 2019/125 to and in the United Kingdom in respect of Northern Ireland, in accordance with Article 5(4), read in conjunction with Annex 2, point 47, of the Protocol on Ireland/Northern Ireland annexed to the Withdrawal Agreement, it is therefore appropriate to amend Annex V to Regulation (EU) 2019/125.
- (12) It is appropriate to provide for the applicability of this Regulation after the end of the transition period, with effect from 1 January 2021. If the objection period ends later than 1 January 2021, it is appropriate for reasons of legal certainty and to avoid any potential detrimental disruption to the operations of Union companies wanting to export goods listed in Annex IV to the United Kingdom to provide for a retroactive applicability of the Regulation from 1 January 2021,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and V to Regulation (EU) 2019/125 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the fifth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 4 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes I and V to Regulation (EU) 2019/125 are amended as follows:

(1) In Annex I, the list of competent authorities is amended as follows:

- (a) in Heading 'A. Authorities of the Member States' the entry concerning the United Kingdom is deleted.
- (b) after the Heading 'B. Address for notifications to the European Commission' the following heading is added:

'C. Authority of the United Kingdom in respect of Northern Ireland

UNITED KINGDOM, subject to the application of this Regulation to and in the United Kingdom in respect of Northern Ireland, in accordance with Article 5(4), read in conjunction with Annex 2, point 47, of the Protocol on Ireland/Northern Ireland to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and from the European Atomic Energy Community, as of 1 January 2021

Import of goods listed in Annex II:

Department for International Trade (DIT)

Import Licensing Branch (ILB)

Email: enquiries.ilb@trade.gov.uk

Export of goods and supply of assistance related to goods listed in Annexes II, III or IV:

Department for International Trade

Export Control Joint Unit

3 Whitehall Place

London

SW1A 2AW

UNITED KINGDOM

Tel. +44 2072154594

Email: eco.help@trade.gov.uk'

(2) In Annex V, in the list in Part 2 'Destinations' the following entry is inserted in the alphabetical order for listing the countries according to the respective linguistic version:

'United Kingdom, without prejudice to the application of Regulation (EU) 2019/125 to and in the United Kingdom in respect of Northern Ireland, in accordance with Article 5(4), read in conjunction with Annex 2, point 47, of the Protocol on Ireland/Northern Ireland annexed to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and from the European Atomic Energy Community, as of 1 January 2021'