

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goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (repealed)

## CHAPTER V

### **General and final provisions**

#### *Article 12*

##### **Amendment of Annexes**

- 1 The Commission shall be empowered to amend Annex I. The data regarding competent authorities of the Member States shall be amended on the basis of information supplied by the Member States.
- 2 In accordance with the procedure referred to in Article 15(2), the Commission shall be empowered to amend Annexes II, III, IV and V.

#### *Article 13*

##### **Exchange of information between Member States' authorities and the Commission**

- 1 Without prejudice to Article 11, the Commission and the Member States shall, upon request, inform each other of the measures taken under this Regulation and supply each other with any relevant information at their disposal in connection with this Regulation, in particular information on authorisations granted and refused.
- 2 Relevant information on authorisations granted and refused shall comprise at least the type of decision, the grounds for the decision or a summary thereof, the names of the consignees and, if they are not the same, of the end-users as well as the goods concerned.
- 3 Member States, if possible in cooperation with the Commission, shall make a public, annual activity report, providing information on the number of applications received, on the goods and countries concerned by these applications, and on the decisions they have taken on these applications. This report shall not include information the disclosure of which a Member State considers to be contrary to the essential interests of its security.
- 4 Except for the supply of information mentioned in paragraph 2 to the authorities of the other Member State and to the Commission, this Article shall be without prejudice to applicable national rules concerning confidentiality and professional secrecy.
- 5 The refusal to grant an authorisation, if it is based on a national prohibition adopted in accordance with Article 7(1), shall not constitute an authorisation refused within the meaning of paragraphs 1, 2 and 3 of this Article.

#### *Article 14*

##### **Use of information**

Without prejudice to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>(1)</sup> and national legislation on public access to documents, information received pursuant to this Regulation shall be used only for the purpose for which it was requested.

#### *Article 15*

##### **Committee procedure**

1 The Commission shall be assisted by the committee on common rules for exports of products, set up by Article 4(1) of Regulation (EEC) No 2603/69<sup>(2)</sup>.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3 The Committee shall adopt its rules of procedure.

#### *Article 16*

##### **Implementation**

The Committee referred to in Article 15 shall examine any question concerning the implementation of this Regulation raised by its chairman either on his or her own initiative or at the request of a representative of a Member State.

#### *Article 17*

##### **Penalties**

1 Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2 Member States shall notify the Commission of those rules by 29 August 2006 and shall notify it without delay of any subsequent amendment affecting them.

#### *Article 18*

##### **Territorial scope**

1 This Regulation shall apply to:

- the customs territory of the Community, as defined in Regulation (EEC) No 2913/92,
- the Spanish territories Ceuta and Melilla,

— the German territory of Helgoland.

2 For the purpose of this Regulation Ceuta, Helgoland and Melilla shall be treated as part of the customs territory of the Community.

#### *Article 19*

#### **Entry into force**

This Regulation shall enter into force on 30 July 2006.

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**Status:** This is the original version (as it was originally adopted).

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- (1) [OJ L 145, 31.5.2001, p. 43.](#)
- (2) [OJ L 324, 27.12.1969, p. 25.](#) Regulation as last amended by Regulation (EEC) No 3918/91 ([OJ L 372, 31.12.1991, p. 31](#)).