

EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Ref. Ares(2015)363188 - 29/01/2015

Directorate C : Fundamental Rights and Union Citizenship
Unit C1 : Fundamental Rights and Rights of the Child
Head of Unit

29 JAN. 2015

Brussels

JUST/C1/VD/apr/4735734s

Dear Petitioner,

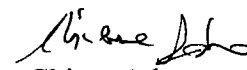
I refer to your petition of 20 November 2014 addressed to First Vice-President Timmermans in which you call on the EU to take all necessary steps to ensure that torture equipment cannot be brought, sold or advertised within its borders or by its citizens.

The prohibition of torture is a central value of the EU enshrined in Article 4 of the EU Charter of Fundamental Rights. The Commission is committed to the fight against torture within the remit of Union competences. Member States must respect their international and domestic obligations regarding fundamental rights, which include the prohibition of torture, enshrined in particular in the European Convention on Human Rights and in the United Nations Convention against Torture.

As regards torture equipment, the European Union applies restrictions on foreign trade in accordance with 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 punishment¹. This Regulation prohibits trade with third countries in certain goods which can only be used for torture or for capital punishment and also institutes end-use based export controls on certain goods which may be used for torture or capital punishment.

Article 36 of the Treaty on the functioning of the European Union allows Member States to introduce restrictions on trade justified in particular on grounds of public morality or the protection of life. Provided the conditions are met, Member States may regulate intra-EU trade in torture equipment or advertising for such equipment (see, to that effect, Case C-36/02 *Omega* [2004] ECR I-9609).

Yours sincerely,


Chiara Adamo

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¹ Official Journal of the European Union, 30.7.2005, L 200/1 (accessible at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:200:0001:0019:EN:PDF>)