**Report to the General Assembly on torture-free trade: examining the feasibility, scope and parameters for possible common international standards**

**Questionnaire**

1. What are the regional and/or national instruments or policies guiding your country for the regulation of trade in goods used for a) capital punishment b) torture or other cruel, inhuman or degrading treatment or punishment? Please provide examples. Which government department/agency is responsible for monitoring the implementation of such regulations/policies, if any?

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, is directly applicable in all Member states. This regulation codifies Council Regulation (EC) Nº 1236/2005, which was substantially amended several times. The principles guiding national policy are contained in Regulation (EU) 2019/125. Law 53/2007 of 28 December on the control of foreign trade in defense and dual-use material includes a reference to the regulation in its preamble.

The Secretariat of State for Trade in the Ministry of Industry, Trade and Tourism is the national authority in charge of implementing the regulation.

1. Have there been any investigations, prosecutions and/ or convictions for breaches of national regulations on the trade in goods indicated in paragraph 8 of the introduction to this questionnaire? If so, please provide details.

There is no evidence of breaches of the national regulation.

1. Do you agree with the proposed categorization of goods used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment indicated in paragraph 8 of the introduction to this questionnaire (see above)? If not, which categories would you propose?

The proposed categorization coincides with the classification of goods contained in Chapters II, III and IV of Regulation 2019/125.

1. Please indicate whether you believe there should be an exhaustive list of goods under each category. If yes, should there be a mechanism for regular updating of the lists under each category?

Lists of goods already exist in Regulation 2019/125 (annexes II, III and IV). A Coordination Group has been created in order to conduct such updating.

1. Should the proposed common international standards prohibit trade in goods which have no practical use other than for the purpose of capital punishment or torture or other cruel, inhuman or degrading treatment or punishment? If not, please provide further explanations.

Yes. Exemptions to the general rule are also provided in Chapter III of Regulation 2019/125.

1. Should the proposed common international standards provide for strict control of trade in goods that could be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment and goods that could be used for the purpose of capital punishment? If not, please provide justification.

Yes. Same as in 5.

1. What types of activities linked to "import, export and transfer" should the proposed common international standards regulate? Please consider activities such as transit, promotion, technical assistance and training, brokering, sharing technology.

Export, import, transit, technical assistance and brokering are included in Regulation 2019/125.

1. Please indicate which risk assessment mechanisms and criteria should be considered for the import, export and transfer of a) goods that could be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment and b) goods that could be used for the purpose of capital punishment. Please consider, inter alia, the criteria for preventing diversion to third countries.

Authorization procedures are provided in Chapter V of Regulation 2019/125.

1. Please indicate what you consider to be the most suitable type of international instrument to establish common international standards for regulating goods used for capital punishment or torture or other cruel, inhuman or degrading treatment or punishment. Please provide further explanation.

A treaty could be negotiated within an international organization likethe United Nations.