Bundesamt
für Wirtschaft und
Ausfuhrkontrolle

# Information Leaflet

## Licence Applications under Regulation (EC) 1236/2005 (Anti-torture Reg)

## Barbiturates

Bundesamt
für Wirtschaft und
Ausfuhrkontrolle

# Publishing data

## Publisher

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# 1. Basic principle

The Regulation (EC) No. 1236/2005 – Anti-Torture Regulation – contains prohibitions and licensing requirements for trade in goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

The Implementing Regulation (EU) No. 1352/2011 supplemented the list of goods in Annex III to the so-called Anti-Torture Regulation. Annex III was expanded by adding number 4 which controls certain medicinal products and anaesthetic agents (barbiturates).

The check list substantiates the demands on an export licence application that is formally correct and complete and, thus, makes the application procedure more transparent. In individual cases, it may be necessary to submit other documents in addition to those mentioned below in order to establish the licensing requirement.

Finally, please note that observing the individual items enumerated in the check list below does not mean to have a legal right to the granting of an export licence.

# 2. Filing an application

Documents referring to the intended business transaction have to be enclosed with the application, e. g. purchasing orders, company profile and technical documents specifying the goods, e. g. data sheets and brochures. Besides this, the intended use of the goods should be supported by suitable documents, i. e. end-use certificates issued by the end-user have to be presented.

In order to ensure a rapid processing the application should be filed via the online system ELAN K-2 provided by BAFA.

# 3. Check list for the application:

The following documents have to be enclosed with each application for the export of barbiturates:

□ Application form anti-torture regulation

Available in ELAN-K2 system or as pdf-file, including completion instructions on BAFA's Homepage

□ Order documents

Purchasing order, order confirmation and contract papers

□ End-use certificate (EUC)

The required forms for end-use certificates i. c. w. goods of the so-called anti-torture regulation are available on BAFA's Homepage, see End-use documents. If the consignee is a trader, please use the trader EUC for goods of the anti-torture regulation.

□ Additional statement for countries executing capital punishment

If the applicant knows that execution by lethal injection is carried out in the country of destination an additional statement by the end-user is helpful for the decision-making on the application. The applicant should give details on the measures taken to exclude a misuse of the goods for the execution by lethal injection or a transfer to other facilities executing capital punishment.

□ Company profile of parties involved in export transaction (purchaser/consignee/end-user)

Company profile (in German or English language) giving details of the activities of consignee. A reference to the Homepage or internet is not sufficient.

□ Product-related data for the export of finished medicinal products

Information about the annual demand of consignee/end-user.

The product-related data have to be submitted once with the first application of a given business transaction. If there are any relevant amendments in subsequent applications, please, enclose the updated information, including a brief explanation (e.g. reasons for increased annual requirements).

□ Product-related data for the export of the anaesthetic agent

Information on the annual demand of consignee/end-user.

Trade /medicinal name of the finished product/s.

Manufacturing data of the medicinal product (current annual production, substance content of finished product).

The product-related data have to be submitted once with the first application of a given business transaction. If there are any relevant amendments in subsequent applications, please, enclose the updated information, including a brief explanation (e. g. reasons for increased annual requirements).