

Goods subject to the Anti-Torture Regulation

In accordance with Article 2 of the Treaty on European Union, respect for human rights is one of the values common to all Member States. In 1995 the European Community decided to make human rights and fundamental freedoms an essential element of its relations with third countries.

Article 5 of the Universal Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms contain an unconditional general prohibition of torture and cruel, inhuman or degrading treatment or punishment.

The Union has established rules on trade with third countries for goods which could be used for capital punishment and for those which could be used for torture and cruel, inhuman or degrading treatment or punishment, with a view to promoting respect for human life and fundamental human rights, thus protecting public morality and preventing economic operators in the Union from taking advantage of trade that favours or otherwise facilitates the implementation of such practices, which are incompatible with the EU Guidelines, the Universal Declaration of Human Rights and international conventions and treaties.

The export, transfer, brokering, technical assistance and transit of products included in Reg. (EU) 2019/125, which regulates the matter, are subject to State control and requires an authorization issued by the competent Authority, which is the Ministry for Foreign Affairs and International Cooperation, successor to the Ministry of Economic Development under Article 2 of Decree Law No. 104 of September 21, 2019 (converted by Law No. 132 of November 18, 2019).

The goods subject to authorisation are those listed in Annexes III and IV of the Anti-Torture Regulation. The export of the goods listed in Annex II is prohibited; it may be authorised by way of derogation, if it can be demonstrated that the destination country will use these goods exclusively for public display in a museum, in view of their historical value.

Authorisations may take the following forms:

Specific individual authorisations

They are issued upon the advice of an Inter-Ministerial Advisory Committee, issued on a case-by-case basis, which cover individual export transactions, for the goods listed in Annexes III and IV of Reg. (EU) 2019/125. The issuing procedures are those established by art. 10 of Legislative Decree 221/2017.

General individual authorizations

They are issued upon the opinion of an Inter-Ministerial Advisory Committee, issued from time to time, to a single, non-occasional exporter, on the basis of a preliminary assessment of his reliability, for the goods listed in annex III and IV of Regulation (EU) 2019/125. The issuing procedures are those established by art. 11 of Legislative Decree 221/2017.

General authorizations of the European Union

They are valid for specific destination countries only for the goods listed in Annex IV and for the destinations listed in Annex V.