

Joint Declaration by the EU High Representative for Foreign Affairs and Security Policy and the Secretary General of the Council of Europe on the European and World Day against the Death Penalty

On the European and World Day against the Death Penalty, the Council of Europe and the European Union (EU) reiterate their strong opposition to capital punishment in all circumstances and for all cases. The death penalty is an affront to human dignity. It constitutes cruel, inhuman and degrading treatment and is contrary to the right to life. The death penalty has no established deterrent effect and it makes judicial errors irreversible.

All EU and Council of Europe member states have abolished the death penalty. Abolition in law or practice is a pre-condition of Council of Europe membership and the absolute ban on the death penalty in all circumstances is entrenched in both Protocols No 6 and No 13 of the European Convention on Human Rights and the EU Charter of Fundamental Rights. We call on those European states that have not yet done so to ratify them.

We also reiterate our call to the authorities in Belarus, the only country on the European continent still using the death penalty, to introduce a moratorium as a decisive step towards aligning the country with pan-European standards.

On a global level, the Council of Europe and the EU will continue to work towards the abolition of the death penalty. We will support the upcoming Resolution of the UN General Assembly on a moratorium on the use of the death penalty and the EU and Belgium will host the 7th World Congress Against the Death Penalty in Brussels at the end of February 2019.

Pending the introduction of a moratorium, the Council of Europe and the EU urge those countries still applying the death penalty to commute any remaining death sentences to prison terms and, in any case, to ensure that conditions of detention respect human dignity. In line with international law, those countries shall not carry out executions on minors, on pregnant women, or on people with mental illness or intellectual disabilities. Furthermore, using the death penalty on people convicted of economic crimes, on people who are themselves victims of serious crimes such as marital rape and whose acts – motivated by genuine self-defence – result in the incidental death of another person cannot be justified. Member states should refrain from supporting, through mutual legal assistance or other forms of co-operation, the drug policies of countries where drug offences may be sanctioned with the death penalty.

Member states should continue taking effective measures to prevent their involvement, however indirect, in the use of the death penalty by third countries, such as by adopting measures that prevent the trade in goods that could subsequently be used to carry out executions. In this context, the Council of Europe and the EU will continue promoting the “Global Alliance to end trade in goods used for capital punishment and torture”.

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MIFID II: ESMA ISSUES LATEST DOUBLE VOLUME CAP DATA

Today's updates include DVC data and calculations for the period of 1 September 2017 to 31 August 2018 as well as updates to already published DVC

periods.

The number of new breaches is 69: 57 equities for the 8% cap, applicable to all trading venues, and 12 equities for the 4% cap, that applies to individual trading venues. Trading under the waivers for all new instruments in breach of the DVC thresholds should be suspended from 11 October 2018 to 10 April 2019. The instruments for which caps already existed from previous periods will continue to be suspended.

In addition, ESMA highlights that some trading venues in the meantime have submitted corrected data that affects past DVC publications. For a total number of 3 instruments, this means that previously identified breaches of the 8% and 4% caps proved to be incorrect. For these instruments, the suspensions of trading under the waivers should be lifted.

As of 8 October, there is a total of 652 instruments suspended.

Please be aware that ESMA does not update DVC files older than 6 months. In other words, suspensions that were expected to be triggered in the past months due to the publication of the DVC results in the files related to the periods 1 January 2017 to 31 December 2017, 1 February 2017 to 31 January 2018 and 1 March 2017 to 28 February 2018 cannot be lifted anymore.

In addition, the “Expected suspension end date” for suspensions that are active as of 8 October 2018 has been changed whenever the suspension period was equal to 6 months and 1 day. The suspensions are expected to start before 8:00 am CET on the “Suspension start date” and terminate at the close of trading day on the “Suspension end date”.

Background

MiFID II introduced the DVC to limit the amount of dark trading in equities allowed under the reference price waiver and the negotiated transaction waiver. The DVC is calculated per instrument (ISIN) based on the rolling average of trading in that instrument over the last 12 months.

Annex to the Statement for ECON Hearing on 8 October 2018

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