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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the review of Regulation (EU) 2019/125 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

1. INTRODUCTION

The trade in goods which could be used for (a) capital punishment and (b) torture or other cruel, inhuman or degrading treatment or punishment is regulated by Regulation (EU) 2019/125[1] ('the Regulation'). Adopted in 2005, the Regulation reflects the EU's strong commitment to eradicating torture and the death penalty.

The EU Anti-Torture Regulation has helped close a major gap in human rights-based trade controls. It introduced unprecedented, binding trade restrictions on a range of goods often absent from military, dual-use or other strategic export control lists. The Regulation has been widely praised by international human rights actors: for example, the UN Special Rapporteur on Torture referred to the Regulation as "a positive example of a regional framework targeting items intended for torture or other ill-treatment"[2].

In 2016, the Regulation, and particularly its procedural provisions, were amended substantially. In 2019, the Regulation was codified. In 2011, 2014, 2020, and 2025, delegated acts were adopted to update or expand the Annexes to the Regulation.

In line with the requirements of Article 32 of the Regulation, this report provides information about the Regulation's implementation and impact between 2020 and mid-2025. The report addresses the following areas in particular: amendments to the Regulation through delegated acts; implementation at national level; information requirements; activities of the Anti-Torture Coordination Group and of EU nationals abroad in relation to the Regulation. This report also provides an overview of key data under the Regulation and assesses the Regulation's implementation in relation to the basic principles of relevance, effectiveness, efficiency, coherence and EU added value.

2. REGULATION (EU) 2019/125

2.1 Objective and main provisions of Regulation (EU) 2019/125

The Regulation's objective is to prevent capital punishment, on the one hand, and torture and other cruel, inhuman or degrading treatment or punishment in third countries, on the other.

To that end, the Regulation introduces restrictions on trade with non-EU countries. The Regulation, in particular:

i. prohibits imports, exports and transit into, from or through the EU of goods (listed in Annex II) that have no practical use other than for the purposes of capital punishment or torture. The provision of any technical assistance related to such goods, specifically including training in their use, is also prohibited. In addition, the advertising of such goods on the internet, TV, radio, or at trade fairs is prohibited;

ii. subjects goods (listed in Annex III) that could be used for such purposes but that may also have other legitimate uses (law enforcement) to a prior export authorisation, granted on a case-by-case basis; such authorisation is also required for supplying technical assistance or brokering services related to this category of goods. Annex III

[1] Regulation (EU) 2019/125 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, OJ L 30, 31.1.2019, p. 1.
[2] A/78/324 of 24.8.2023

does not include: (a) firearms controlled by Regulation (EU) No 258/2012[3]; (b) dual-use items controlled by Regulation (EC) No 428/2009[4]; (c) goods controlled in accordance with Common Position 2008/944/CFSP[5];

iii. regulates the trade in goods – chemicals or pharmaceutical substances (Annex IV) – that could be used for capital punishment (e.g. products which could be used to execute human beings by lethal injection). These goods were added to the list of goods subject to export controls in 2011. A distinct type of authorisation ('EU General Export Authorisation') was introduced to control the export of such anaesthetic chemicals and to prevent their transfer for use in lethal injection executions without limiting the trade of such chemicals for medical, veterinary or other legitimate purposes[6]. Where the export of medicinal products requires an export authorisation pursuant to the Regulation and the export is also subject to authorisation requirements in accordance with international conventions controlling narcotic drugs and psychotropic substances, such as the 1971 Convention on Psychotropic Substances, Member States may use a single procedure to fulfil the obligations imposed on them by this Regulation and by the relevant convention.

The transit (transport within the customs territory of the EU of non-EU goods passing through it and destined for third countries) of Annex II goods is prohibited. The transit of regulated goods listed in Annex III is generally not prohibited but is prohibited if the operator executing the transit of goods 'knows that any part of a shipment of such goods is intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a third country'.

The Regulation does not control the import into the EU, or the transfer between EU Member States, of law enforcement equipment and related goods that can have legitimate law enforcement purposes but could also be misused for torture and other ill treatment. The Regulation also does not prohibit the intra-EU transfer of inherently abusive or inappropriate goods.

The Regulation is legally binding and directly applicable in all EU Member States; it places obligations on 'exporters', as defined in Article 2(n). Member States are responsible for the implementation and enforcement of the Regulation. Member States' competent authorities, as defined in Annex I to the Regulation, are responsible for monitoring compliance with the prohibitions and licensing requirements of the Regulation and customs authorities are responsible for checking, at the EU external border, whether the goods being exported or imported comply with the requirements of the Regulation.

The Regulation requires EU Member States to publish annual activity reports detailing relevant applications and authorisations. It includes further measures to facilitate transparency and dissuade one EU Member State from circumventing another Member State's export licence

[3] Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition, OJ L 94, 30.3.2012, p. 1.
[4] Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, OJ L 134, 29.5.2009, p.1.
[5] Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment (CFSP) (2020/C 85/01), OJ, C 85-1, 13.3.2020.
[6] Article 20 and Annex V to the Regulation

refusal. It also contains provisions facilitating the regular review and amendment of lists of prohibited and regulated goods, enabling EU Member States to address a duly substantiated request to the Commission for consideration.

2.2 Restrictions on trade: a key instrument to prevent torture and the death penalty

Article 5 of the *Universal Declaration of Human Rights*, Article 7 of the *International Covenant on Civil and Political Rights*, Article 3 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms*, and most notably the *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* all lay down an unconditional, comprehensive prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

In 2022, the United Nations General Assembly (UNGA) called upon all States to *'take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of equipment that has no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment'*[7].

The absolute ban on torture enshrined in United Nations human rights conventions is reflected at EU level in the Charter of Fundamental Rights of the European Union (the Charter)[8]. Article 2(2) of the Charter states that no one may be condemned to the death penalty or executed. Article 4 of the Charter states that no one may be subjected to torture or to inhuman or degrading treatment or punishment.

Despite States' obligations under international law, acts of torture and other ill-treatment continue to persist around the world. In recent years, there has been a growing recognition by the international community of the need to regulate and restrict trade in certain law enforcement equipment to ensure that such goods are not employed for torture or other ill treatment. Calls from civil society for further measures to regulate and restrict these goods have also been increasing globally over the past years.

Inspired by the EU Regulation, the global Alliance for Torture-Free Trade (Global Alliance), co-chaired by the European Union, Argentina and Mongolia, was launched in 2017. It aims to make trade in goods intended, or with a potential to be used, for capital punishment and torture significantly more difficult at an international level. By joining the Global Alliance, countries commit, among other things, to take effective measures through domestic legislation and efficient enforcement to restrict trade in goods used for torture and the death penalty.

A UNGA resolution adopted in 2019 at the initiative of the Global Alliance[9] tasked the UN Secretary-General to issue a report outlining the views of Member States on the feasibility and possible scope of a range of options to establish common international standards on the trade in goods used for torture and the death penalty[10]. The resolution also mandated a UN Group of Governmental Experts (UNGEE) with exploring options for establishing common international standards concerning trade in torture-related goods. The report[11], presented in 2022, makes a compelling argument for the UNGA to establish a forward-looking process on torture-free trade, with a view to regulating trade in torture-related goods.

[7] UN Resolution adopted by the General Assembly on 15 December 2022, A/RES/77/209. Torture and other cruel, inhuman or degrading treatment or punishment
[8] OJ C 202, 7.6.2016, p. 389.
[9] A/RES/73/304 adopted by the General Assembly on 28.6.2019
[10] A/74/969 of 28.7.2020
[11] A/76/850 of 31.5.2022

In October 2023, the UN Special Rapporteur on Torture presented a thematic report on the 'Global trade in weapons, equipment and devices used by law enforcement and other public authorities that are capable of inflicting torture and other cruel, inhuman or degrading treatment or punishment' at the UNGA Third Committee[12]. The report includes an annex identifying inherently abusive equipment, which should be prohibited; and another one including law enforcement equipment that could be misused for torture and whose trade should be regulated. In addition to recommending that States review and amend their national laws and procedures with respect to the listed items, the Special Rapporteur also calls for an international torture-free trade instrument to be developed, with view of complementing and reinforcing existing obligations to prohibit and prevent torture and other ill-treatment or punishment. In April 2024, two other UN special procedures, issued a similar call, stressing that "States should review and amend national laws and procedures to cease and prohibit the production, trade and use of tools and equipment violating the right to dignity, life, security and liberty".[13]

The Council of Europe (CoE) Recommendation on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment, adopted by the CoE Committee of Ministers in 2021[14], largely mirrors the EU Regulation[15]. It recommends that CoE Member States prohibit the trade in inherently abusive goods and equipment; regulate and license the export and transit of certain pharmaceutical chemicals; and put in place effective national export and transit control measures regarding the trade in law enforcement goods and equipment that can be misused by officials to inflict torture and other inhuman or degrading treatment or punishment. The Recommendation includes three Appendices listing: (i) prohibited inherently abusive goods and equipment; (ii) pharmaceutical chemicals used in lethal injection executions, the export and transit of which should be regulated and licensed; and (iii) controlled goods and equipment that may have legitimate law enforcement uses in accordance with international and regional human rights standards but which may be misused to inflict torture or other inhuman or degrading treatment or punishment. The Recommendation also encourages all CoE Member States to join the Global Alliance for Torture-Free Trade. At the moment of writing, all but three CoE Member States are members of the Global Alliance[16].

2.3 Review of Regulation 2019/125 (Article 32)

Article 32 of the Regulation requires the Commission to present by 31 July 2020, and every five years after that, a comprehensive implementation and impact assessment report to the European Parliament and to the Council, which may include proposals for its amendment. The Regulation stipulates that this review will assess the need to include the activities of EU nationals abroad.

Member States are required to provide the Commission with all appropriate information for preparing the report. Special sections of the report are to deal with the Anti-Torture Coordination Group established by the Regulation (Article 31) and with its activities and provide information on the measures taken by the Member States pursuant to Article 33(1) (penalties).

[12] A/78/324 of 24.8.2023

[13] UN experts call for international torture-free trade agreement | OHCHR

[14] CM/Rec (2021) 2

[15] Combatting torture globally: Council of Europe's Recommendation inspired by EU's 'Anti-Torture' Regulation - Service for Foreign Policy Instruments

[16] Andorra, Azerbaijan and Türkiye are currently not members of the Global Alliance for Torture-Free Trade.

2.3.1 2020 report on the review of the Regulation

The first review report by the Commission[17] was presented in 2020, covering activities in 2017, 2018 and 2019. The report concluded that the Regulation filled a gap in EU human rights-based trade controls, proving to be instrumental in promoting respect for human life and human rights.

While the Regulation was assessed to be implemented satisfactorily, the report stressed that its scope should respond to evolving technological and market developments and take account of changes in the nature of the use, and misuse, of law enforcement equipment. The possibility of providing guidance on the practical application of certain aspects of the Regulation was also mentioned, as was exploring ways for more monitoring of infringements and end-use of exported goods as well as information sharing about the implementation of the Regulation, including risk assessment.

Finally, the Commission proposed the setting up of a group of experts, including from relevant non-governmental organisations, international organisations, academia and industry, to advise the Commission on strengthening the implementation of the Regulation.

2.3.2 2025 review report: Scope of this report

The current report, the second of its kind, provides information on the Regulation's implementation and impact from 2020 until the publication of the Commission Delegated Regulation (EU) 2025/928 of 21 May 2025[18]. However, for certain aspects of the implementation of the Regulation, namely export authorisations and the work of the Anti-Torture Coordination Group (see sections 3.2, 3.3., 3.4, 3.5), the report will cover activities until end of 2024, as data related to 2025 are reported by Member States only in 2026.

The report also assesses the Regulation's implementation in relation to the basic principles of relevance, effectiveness, efficiency, coherence and EU added value. This assessment focuses on whether the Regulation meets its main objective(s) and whether new challenges have arisen since 2020. This is to help determine whether further action is needed to address any identified shortcomings.

3. IMPLEMENTATION OF THE REGULATION

3.1 Regulatory framework

The Regulation was initially adopted as Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. It was adopted on 27 June 2005 and entered into force on 30 July 2006[19]. The last amendment was adopted on 21 May 2025 (see Section 3.1.2).

The Regulation was codified as 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[20].

[17] COM (2020) 343 of 30.7.2020
[18] OJ L, 2025/928
[19] OJ L 200, 30.7.2005, p. 1–19
[20] OJ L 30, 31.1.2019, p. 1 – 57

3.1.1 Delegation of power conferred on the Commission

In accordance with Article 29 of Regulation (EU) 2019/125, the Commission is empowered to adopt delegated acts to amend Annexes I, II, III, IV, V, VI VII, VIII and IX to the Regulation. Article 29 (2) of the Regulation provides that 'the delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period'. In line with Article 29 (2) of the Regulation, the Commission adopted on 22 February 2021 a report in respect of the delegation of power[21], in which it argued to prolong the delegation of power to adopt delegated acts for a further period of five years and invited the European Parliament and the Council to take note of that report.

3.1.2 Amendments to the Regulation

The Commission is empowered to adopt delegated acts to amend the list of goods that are either prohibited or controlled.

During the reporting period, the Regulation was amended three times through delegated acts, twice in 2020 and once in 2025.

COMMISSION DELEGATED REGULATION (EU) 2020/621 of 18 February 2020[22] amended Annex I (updating the entries of several competent authorities) and Annex V (adding The Gambia and Madagascar to the list of countries of destination to which the Union general export authorisation applies) to Regulation.

COMMISSION DELEGATED REGULATION (EU) 2021/139 of 4 December 2020[23] amended Annexes I and V to Regulation to take into account the withdrawal of the United Kingdom from the Union[24].

COMMISSION DELEGATED REGULATION (EU) 2025/928 of 21 May 2025[25] amended Annex II and Annex III to Regulation.

As noted in the Commission's 2020 review report, the list of goods described in the Annexes to the Regulation needs to stay up to date in order to respond to changes in the international security market and in the use and misuse of law enforcement equipment as well as to emerging trends and challenges related to capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

Rapid technological developments have introduced new tools for law enforcement in the security market. At the same time, acts of torture and other ill-treatment are not only widespread in places of detention but are also common in extra custodial settings, such as in the context of policing assemblies[26]. The Commission Delegated Regulation 2025/928 of 21 May 2025 addresses these trends, expanding the categories of goods listed in Annexes II and III to Regulation.

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[21] COM (2021) 75

[22] OJ 144, 7.5.2020, p. 1-5.

[23] OJ L 43, 8.2.2021, p. 5-7

[24] According to Article 5 (4) of the Protocol on Ireland/Northern Ireland (OJ CI 384/1 of 12.11.2019), the provisions of Union law listed in Annex 2 to the Protocol also apply to and in the United Kingdom in respect of Northern Ireland. 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 (codification) is included in Annex 2, point 47, to the Protocol.

[25] OJ L, 2025/928

[26] https://fpi.ec.europa.eu/news/eus-fight-against-torture-and-other-ill-treatment-working-towards-torture-free-trade-2025-05-21_en

The aforementioned Commission Delegated Regulation builds primarily upon the conclusions of the 2020 Commission's review report, extensive consultations with the Anti-Torture Coordination Group, the work of the Commission's informal group of experts for the implementation of the Regulation, reports from the UN Special Rapporteur on Torture, notably the 2023 thematic report referred to in Section 2.2, as well as from non-governmental organisations with expertise in this field.

3.1.3 National implementing measures

The Regulation is binding in its entirety and directly applicable in all Member States. Therefore, its provisions related to import and export prohibitions are implemented in the TARIC[27]. This ensures the uniform application though the whole EU customs teritory. EU Member States are responsible for its implementation. Member States have the responsibility to decide, on a case-by-case basis, whether to grant an authorisation to export or dismiss an application for the regulated goods listed in Annex III and IV to the Regulation.

In order to prevent circumvention, the Regulation requires the competent authorities in the Member States to notify all other Member State authorities and the Commission whenever they decline to issue an authorisation or annul an existing authorisation. Consequently, any EU Member State considering authorising a transaction 'essentially identical' to one rejected by another Member State in the three years following the rejection is required to consult the Member State having decided on the rejection. If an authorisation is nonetheless granted, the authorising Member State must provide a detailed explanation of its reasoning to the Commission and all Member States. When assessing an application, the authorities are to take into account considerations about the intended end-use and the risk of diversion for illegitimate purposes.

Member States 'shall not grant an authorisation when there are reasonable grounds to believe that the goods listed in Annex III might be used for torture or other cruel, inhuman or degrading treatment or punishment, including judicial corporal punishment, by a law enforcement authority or any natural or legal person, or used for capital punishment in a third country'.

The Regulation lists the following sources of information to guide the authorities' decisions[28]:

- available international court judgments;
- findings of the competent bodies of the UN, the Council of Europe and the EU;
- reports of the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment, and the UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment.

Other information that the authorities may use when taking decisions include:

- available national court judgments;
- reports by civil society organisations; and
- information on restrictions on exports of goods listed in Annexes II and III applied by the country of destination.

[27] The Integrated Tariff of the European Union is a multilingual database integrating all measures relating to EU customs tariff, commercial and agricultural legislation. See Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (Official Journal L 256, 07/09/1987).

[28] Art. 12 of the Regulation provides a non-exhaustive list of sources that Member States should take into account when deciding on applications for export authorisations.

The same criteria apply when deciding on applications related to the supply of brokering services or technical assistance.

Member States notified the Commission of 42 rejections over the reporting period (2020-2024). Details on the export authorisations issued and dismissed during the reporting period are described in Section 3.6.

Based on Article 23 of the Regulation, the competent authorities in the Member States are also requested to register in a Commission database all data concerning refusals of applications for an authorisation to export. The database, namely Dual Use Electronic System (Dues), identifies the relevant EU competent authority, final destination, item concerned, description of the item, and the name of the consignee as well as of the end user.

The Regulation defines a mechanism for adding goods to Annex II, Annex III or Annex IV, enabling an EU Member State to address a duly substantiated request to the Commission for consideration. The Commission has not received any such request during the reporting period.

In addition to the list of goods whose trade is prohibited or regulated, the Regulation also includes provisions allowing EU Member States to autonomously introduce further national measures to regulate trade in certain additional goods.

According to Article 10 of the Regulation, Member States may adopt or maintain national measures restricting transportation, financial services, insurance or re-insurance, and general advertising or promotion for goods listed in Annex II. Furthermore, according to Article 14 of the Regulation, Member States may adopt or maintain a prohibition on the export and import of leg irons, gang chains and portable electric shock devices. Member States may also impose an authorisation requirement on the export of oversized handcuffs.

Moreover, the Member States' competent authorities inform the Commission of their activities under the Regulation, including on the number of applications received. The Commission's annual report is based on the information provided by the Member States, including through the national reports drawn up pursuant to Article 26(3). During the reporting period, the Commission adopted reports on Member States' authorisations granted and refused in 2020[29], 2021[30], 2022[31], 2023[32] and 2024 for exports of goods which could be used for torture or for capital punishment[33]. A report on export authorisations in 2025 is expected to be adopted in the second half of 2026.

3.2 Activities of the Anti-Torture Coordination Group

The Anti-Torture Coordination Group (ATCG) was set up following the 2016 amendment of the Regulation[34] and serves to 'examine any questions concerning the application of this Regulation.' The ATCG, chaired by the Commission, serves as a platform for Member States' representatives and the Commission to exchange information on administrative practices. Furthermore, when preparing delegated acts, the Commission consults the ATCG in

[29] COM (2021) 632 of 14.10.2021
[30] COM (2022) 567 of 31.10.2022
[31] COM (2023) 689 of 08.11.2023
[32] COM (2024) 529 of 19.11.2024
[33] COM (2019) 445 of 1.10.2019
[34] Regulation (EU) 2016/2134 of the European Parliament and of the Council of 23 November 2016 amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, OJ L 338, of 13.12.2016, p.1.

accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[35].

The ATCG held ten meetings during the reporting period[36].

In line with Article 31(4) of the Regulation, the Commission submits a report to the European Parliament on the activities, examinations and consultations of the ATCG. During the reporting period covered by this report, the Commission adopted reports covering the activities of the ATCG in 2020[37], 2021[38], 2022[39], 2023[40] and 2024[41]. A report on the activities of the ATCG in 2025 is expected to be adopted in the second half of 2026.

During the reporting period, the ATCG had technical exchanges on the tools available in the Commission's electronic database, namely Dual Use Electronic System (Dues), a secure and encrypted system created to help the national authorities responsible for export control matters exchange information with the Commission. Article 23(5) of the Regulation requires the competent authorities to use that system to communicate information on cases where a request for an export authorisation was rejected (referred to as 'denials').

In line with recital 48, the ATCG examined the delegated acts amending the Annexes to the Regulation, proposed by the Commission during the reporting period (see Section 3.1.2 above). In 2020, the Group discussed the delegated act amending Annex I to the Regulation, adopted on 18 February 2020, as well as the delegated act amending Annexes I and V to Regulation to take into account the withdrawal of the United Kingdom from the Union, adopted on 4 December 2020. In 2023 and 2024, the Commission organised several technical consultations with ATCG members concerning the delegated act amending Annexes II and III of the Regulation, which was eventually adopted in 2025.

The ATCG was also regularly updated on the activities of the Commission's Informal Group of Experts. Lastly, the ATCG held exchanges of views on the Global Alliance and on international developments on torture-free trade. In particular, the Commission updated the Group regarding the 2020 report by the UN Secretary-General, the 2022 report by the UN group of governmental experts, as well as the 2023 thematic report by the UN Special Rapporteur on torture (see Section 2.2), including their relevance for the strengthening of the EU Regulation. In that context, the ATCG discussed progress towards possible common international standards in the field of torture-free trade.

3.3 Commission's Informal Group of Experts

The Commission's informal group of experts for the implementation of the EU Anti-Torture Regulation was set up in 2021, in line with the conclusions of the 2020 review report on the implementation of the Regulation. During the reporting period, the Informal Group of Experts provided technical support to the Commission in an advisory capacity on different aspects of

[35] OJ L 123, 12.5.2016, p. 1.
[36] ATCG meetings took place on 12 October 2020; 10 March, 10 June and 24 November 2021; 12 May and 1 December 2022; 27 April and 23 November 2023; 6 June and 5 December 2024.
[37] COM (2021) 633 of 14.10.2021
[38] COM (2022) 568 of 31.10.2022
[39] COM (2023) 694 of 8.11.2023
[40] COM (2024) 530 of 19.11.2024
[41] COM (2025) 482 of 12.09.2025

the Regulation, including the scope of prohibited and regulated goods. In February 2025, the term of office of the Group was renewed for a further period of two years[42].

3.4 Transparency and information

Article 26(3) of the Regulation requires that EU Member States prepare a public, annual activity report, providing information on the number of applications received, on the goods and countries concerned by these applications, and on the decisions taken on these applications.

Austria, Czechia[43], Denmark[44], Hungary[45], Netherlands[46], Romania[47], Spain[48] and Sweden[49] informed the Commission about their public 2024 annual activity reports. The Regulation is included in Annex 2 to the Protocol on Ireland/Northern Ireland[50], which lists the provisions of Union law that also apply to and in the United Kingdom in respect of Northern Ireland. The United Kingdom also informed it published its 2024 annual activity report[51]. It should be noted that pursuant to Article 26 (3) of the Regulation, the public reports 'shall not include information the disclosure of which a Member State considers to be contrary to the essential interests of its security''.

A limited number of competent national authorities have published information on their government website about the rules and regulations applicable to the goods within the scope of the Regulation in order to inform economic operators about export authorisation procedures and further requirements.

3.5 Export controls enforcement

EU Member States are responsible for enforcing export controls. In accordance with Article 33 of the Regulation, 'Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.' Hence, EU Member States develop national penalties applicable to infringements of the Regulation by persons and entities alike.

These national penalties include both administrative and criminal sanctions, ranging typically from pecuniary fines to imprisonment, including confiscation of the goods.

During the reporting period, the competent authorities did not inform the Commission of any infringements of the Regulation. The Regulation does not require the competent authorities to do so.

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[42] https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3762
[43] Cechia: „Mučicí" nástroje | MPO
[44] Denmark: https://eksportkontrol.erhvervsstyrelsen.dk/tilladelser-til-eksport-af-produkter-fordelt-paa-kategorinumre
[45] Hungary: https://mkeh.gov.hu/index.php?name=OE-eLibrary&file=download&keret=N&showheader=N&id=292660
[46] Netherlands: Het Nederlander exportcontrolebeleid in 2024 | Rapport | Rijksoverheid.nl
[47] Romania: https://economie.gov.ro/structura-organizatorica/directia-politici-comerciale/
[48] Spain: https://comercio.gob.es/ImportacionExportacion/Informes_Estadisticas/Paginas/Hitorico_Material_Defensa.aspx
[49] Sweden: https://www.kommerskollegium.se/contentassets/77abf57e47584da190a1537a7ac025d2/arsredovisning-24.pdf
[50] OJ CI 384/1 of 12.11.2019
[51] UK: https://www.gov.uk/government/collections/united-kingdom-strategic-export-controls-annual-report

3.6 Export authorisations: Key data

The Commission gathers data from the competent authorities, enabling it to have an overview of the export authorisations granted or refused in relation to the controlled goods described in Annexes III and IV to the Regulation.

Drawing on the data from the Commission's reports for the period 2020-2024, the number of export authorisations granted or refused can be summarised as follows[52]*:* In 2020, a total of 247 authorisations granted by 11 Member States were reported. In 2021, 9 Member States reported that they had granted a total of 275 authorisations. In 2022, a total of 246 authorisations granted by 10 Member States were reported. In 2023, 11 Member States reported that they had granted a total of 214 authorisations. In 2024, a total of 248 authorisations were reported to have been granted by 7 Member States. Hence, the total number of authorisations granted over the entire five-year reporting period (2020-2024) amounts to 1230.

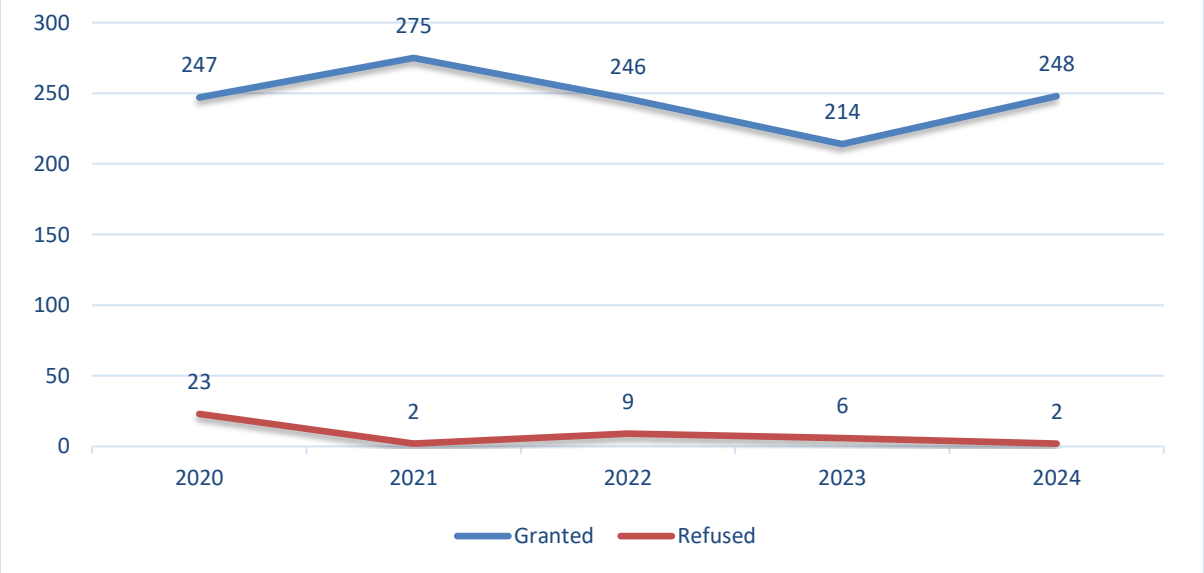
Fifteen Member States informed the Commission that over the reporting period they had not received any applications for authorisations pursuant to Regulation (EU) 2019/125.

The Regulation imposes an export authorisation requirement enabling the competent authorities to check for any indications that the goods, if exported, might be used for torture or other cruel, inhuman or degrading treatment or punishment (Annex III) or for capital punishment (Annex IV). To that end, Article 20(8) of the Regulation provides that the competent authority should receive 'complete information in particular on the end-user, the country of destination and the end-use of the goods'.

During the five-year reporting period, 42 applications for an export authorisation were reported as having been rejected: 23 in 2020, 2 in 2021, 9 in 2022, 6 in 2023 and 2 in 2024.

It should be noted that not all Member States provide a complete account and/or information on end-users. Thus, based on the data communicated by the competent authorities, the Commission is unable to have a detailed overview of the end-use of the exports authorised over the reporting period.

Overview: Reported export authorisations granted and refused by Member States over the period 2020-2024



[52] Exports pursuant to the Union general export authorisation (Annex V to the Regulation) are not included in the information on the number of authorisations granted by Member States.

3.7 EU nationals abroad

The Regulation currently controls or prohibits a range of activities within the territorial scope of the Regulation[53]. While not strictly part of the assessment of how the Regulation is implemented, Article 32 of the Regulation envisages that the review assesses whether it is necessary to include the activities of EU nationals abroad within the scope of the Regulation. Such activities could potentially include brokering, promotion/marketing and provision of technical assistance and training.

The 2020 review report considered this matter and noted that 'addressing the issues highlighted poses difficulties in relation to the territorial reach of EU jurisdiction'. It further noted that, 'in international law, in principle, jurisdiction is territorial and cannot be exercised by a State outside its territory except by virtue of a permissive rule derived from international custom or from a convention'. However, it also states that 'international law allows penalising extraterritorial activities of nationals of a State when it comes to criminal offences committed outside its territory[54]. In the case of particularly serious crimes that have been made subject to universal jurisdiction either by a multilateral treaty[55] or under customary international law such as genocide, war crimes, crimes against humanity and torture, a State may exercise jurisdiction in respect of crimes irrespective of the location of the crime and irrespective of the nationality of the perpetrator or the victim'.

The 2020 report concluded that unilateral decisions to exercise jurisdiction beyond the EU territory should be carefully considered in light of international law and practice. Given that whether a State may lawfully exercise extraterritorial jurisdiction is a matter of international law, it is important to vigorously and effectively promote torture-free trade in the appropriate international fora so as to extend the global response to the objectives that the Regulation aims to promote. It furthermore noted that non-legislative measures could be explored to deter certain inappropriate activities of EU nationals and EU-based companies operating abroad (such as promoting or marketing goods and services and providing technical assistance and training for an inappropriate or abusive use of law enforcement equipment). Such measures could include, for instance, measures for increased transparency and awareness raising or measures to promote effective compliance with the UN Guiding Principles on Business and Human Rights.

The current review exercise has confirmed that the conclusions of the 2020 review report remain valid.

4. ASSESSING THE REGULATION'S IMPLEMENTATION

4.1 Assessment criteria and data sources

Incorporating the substantive assessment criteria of Article 32 of the Regulation, the Commission has assessed the Regulation's performance in line with its Better Regulation Guidelines[56], evaluating the following elements:

- *Relevance*: The extent to which the overall objectives of the Regulation, its design and the

[53] Article 34 of the Regulation.

[54] See Art. 5 (1) (b) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 ([adopted 10 December 1984, entered into force 26 June 1987] 1465 UNTS 112; 'CAT').

[55] See the Geneva Conventions I–IV (1949).

[56] https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox_en

national implementation measures provided for in the Regulation respond to EU priorities at the time the Regulation was adopted as well as to current EU priorities.

- *Efficiency*: The extent to which the Regulation is delivering efficiently. This covers the efficiency of implementation by Member States and the oversight by the Commission, while assessing whether there are any gaps or duplications in information requirements, which could undermine the effectiveness or efficient implementation of the Regulation and whether reporting requirements are adequate and proportionate.
- *Effectiveness*: The extent to which the Regulation is delivering on its objectives and EU priorities.
- *Coherence and complementarity*: The extent to which the Regulation facilitates coherence and complementarity with other relevant EU and Member State initiatives.
- *EU added value*: The extent to which the Regulation adds value to individual measures by EU Member States.

The main sources of information for gathering evidence for the assessment were written submissions, namely in the form of replies to the questionnaires/surveys[57], and interviews with key stakeholders, including the competent authorities of the EU Member States, the Informal Group of Experts and other specialised non-governmental organisations (NGOs), international organisations such as the UN and the Council of Europe as well as different Commission Directorates-General. The assessment of the data and information gathered led to the following findings.

4.2 Relevance

4.2.1 Policy considerations

The Regulation, as initially adopted in 2005, responded to the need for 'Union rules on trade with third countries in goods which could be used for the purpose of capital punishment, and in goods which could be used for the purpose of torture and other cruel, inhuman or degrading treatment or punishment.' These rules aimed to fill an identified gap in EU human rights-based trade controls and constituted the world's first binding instrument specifically addressing the issue. In order to maintain its relevance, the Annexes of the Regulation were amended in 2011, 2014, 2016 and 2025. The stakeholders, which took part in the review exercise, have confirmed the continuing relevance of the Regulation to its priority of promoting torture-free trade, hence contributing to EU's objective of eradicating torture and torture and cruel, inhumane or degrading treatment or punishment globally[58].

In addition to constituting the world's first operational framework to regulate trade in torture-related goods, its current relevance is confirmed by the role it has played as a source of inspiration for work in this area by other countries and organisations (see Section 2.2.).

[57] Twenty-three Member States provided feedback via the written questionnaire, as well as one international organisation and three NGOs, which are members of the Commission's informal group of experts. The Commission has also received submissions from specialised NGOs.

[58] EU Action Plan on Human Rights and Democracy (2020-2027)

4.2.2 Relevance of goods and services covered

The Regulation currently covers a broad range of **goods** related to capital punishment and torture.

In order to keep its relevance, the list of goods described in the Annexes to the Regulation needs to stay up to date and be subject to regular review. The Commission's 2020 review report concluded that the list of goods needs to respond to changes in the international security market and in the use and misuse of law enforcement equipment as well as to emerging trends and challenges related to capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. For this purpose, the Commission Delegated Regulation (EU) 2025/928 of 21 May 2025 updated the list of goods described in the Annexes of the Regulation (Section 3.1.2). Overall, stakeholders taking part in the review process have highlighted the relevance of the scope of the Regulation in terms of goods and services.

The Commission noted broad support among stakeholders for the current architecture of the Regulation, distinguishing between inherently abusive goods, whose trade is prohibited (Annex II), and goods that can have legitimate uses, whose trade is regulated (Annex III and Annex IV). The current lists of goods, as recently amended, is widely viewed as comprehensive, appropriate and well-targeted. Several Member States and NGOs, which took part in the review exercise, stressed the importance of the Commission Delegated Regulation (EU) 2025/928 to maintain the relevance of the Regulation. The UN Special Rapporteur on torture, Ms. Alice Jill Edwards, welcomed the adoption of the Commission Delegated Regulation, considering that it was 'encouraging to see such progress in a rather bleak period where security forces are routinely overstepping the rules of human rights-compatible crowd control methods'. She further stated that the updated Regulation 'will significantly strengthen protections against torture and other ill-treatment facilitated by means of weaponry and equipment'[59].

Two Member States considered that, while the Commission Delegated Regulation is a significant step in the right direction, continued vigilance, monitoring and information sharing remains essential. In this regard, one Member State called for putting in place a mechanism for Member States to regularly share information on emerging trends in the misuse of goods, new types of equipment, or suspicious activities. While confirming the relevance of the current scope of the Regulation, another Member State highlighted that product coverage should remain firmly anchored in evidence-based assessments of risk and misuse and be mindful of the wider trade policy context.

Two human rights NGOs engaging in the review exercise referred to the prevalence of extra-custodial torture and other ill-treatment in the context of policing of public assembly. Against this background, they recommended that the scope of goods described in the Annexes to the Regulation should be further widened to bring the Regulation fully in line with the recommendations of the UN Special Rapporteur on Torture's 2023 report. According to one NGO, some goods currently listed under Annex III could be moved to Annex II, such as certain direct contact electric shock devices, multiple kinetic impact projectiles, multi-barrel launchers and some multi-point restraints. Other goods could be added to Annex II, such as millimetre wave weapons, and others could be added to Annex III, including ordinary handcuffs, hand-held striking weapons specially designed for law enforcement purposes, notably standard batons, as well as some acoustic devices and weapons and stun grenades.

[59] https://www.ohchr.org/en/press-releases/2025/08/un-expert-welcomes-revised-eu-regulations-against-trade-instruments-torture

One NGO considered that the Regulation largely focuses on physical goods, neglecting non-physical tools, such as surveillance software, biometric databases, and cyber-control systems, which are increasingly used to facilitate torture or ill-treatment.

In the case of Annex IV goods, the Regulation lists certain chemicals/medicines intended to save and improve the lives and health of patients, but which might be sought for use in lethal injection. Unlike the goods listed in Annexes II and III, those types of chemicals and medicines fulfil an essential lifesaving function and therefore measures that might limit their trade need to be carefully assessed to prevent such trade in legitimate lifesaving medical supplies from being negatively impacted.

According to one organisation engaged in preventing the misuse of medicines in lethal injections, any premature expansion of the Annex IV list could place an unnecessary strain on the supply of vital lifesaving medicines, but continuous vigilance is needed. Of note in this regard is the self-regulation regime adopted by several EU companies, which is considered to be preventing an inappropriate use of drugs exported from the EU. The same organisation underlined the importance of closely following developments around the use of nitrogen gas in executions. In this context, one Member State suggested to consider adding nitrogen gas to Annex IV to the Regulation.

In the review exercise, stakeholders also confirmed the relevance of the **services** included in the scope of the Regulation, i.e. brokering services, technical assistance, training and advertising related to the goods covered by the Regulation. One human rights NGO assessed that the Regulation should also cover the supply of technical assistance that could facilitate or be used to commit torture and other ill-treatment, regardless of the equipment addressed under the Regulation. However, it should be noted that the supply of technical assistance, including training, is only prohibited or controlled when it is directly for equipment covered by the Regulation (Annex II or Annex III).

When assessing the relevance of goods and services covered, consideration could also be given to adding a targeted end-use or catch-all clause to the Regulation. Human rights NGOs engaged in the review exercise have advocated adding such a clause. In concrete terms, such a clause would allow individual EU Member States to halt a specific transfer of a certain item that is not specifically listed in the Regulation's Annexes II or III. Such an item would have to be found to clearly have no practical use other than capital punishment, torture and other ill treatment. The clause could also cover cases where there is evidence that the potential transfer of the unlisted item would result in its use for such purposes.

4.3 Efficiency

4.3.1 Authorisations and refusals

Drawing on the data presented in this report and the previous Commission Report on export authorisations in 2020, 2021, 2022, 2023 and 2024 (see Section 3.5), it is worth noting that there is a significant number of Member States (15) reporting no request for authorisations over the five-year period. Additionally, some Member States report significantly more authorisations than others do.

The data presented also show a limited number of refusals of authorisations for goods (42 over the five-year reporting period), with the services covered by the Regulation not being the subject of any authorisations (or refusals). Implementation is the responsibility of the competent authorities in the Member States.

Internal procedures for granting export authorisations may vary in the Member States. According to the information provided by Member States' authorities, these procedures often entail consultations among different Ministries, authorities and bodies, and decisions are made on the basis of an assessment, inter alia, of the end-use, end-user and the risk of diversion. Sources of information underpinning such assessment include a wide variety of open-source information, including UN, EU, Council of Europe reports and reports from civil society organisations, as well as available national and international court judgments. Some Member States also mentioned analyses carried out by their authorities and Embassies as well as previous denials by other EU Member States.

While available information on the overall national risk assessments is limited, it is clear that these vary in different Member States. In this regard, a number of Member States and NGOs, which participated in the review process, referred to the need to harmonise national practices with regards to the procedures for authorising/denying export authorisations.

From the information presented above, there appears to be a need for some form of European Union guidance or best practices on the implementation of the Regulation (e.g. regarding the definition of goods covered, risk assessments, refusals, notifications etc.) and for the competent authorities to provide more information on how the Regulation is being applied in practice.

4.3.2 Trade fairs

Article 8 of the Regulation prohibits the display or offer for sale of any goods listed in Annex II in an exhibition or fair taking place in the EU.

Some Member States permit, facilitate and/or co-organise law enforcement equipment trade fairs or exhibitions. Two human rights NGOs, which took part in the review process, have been monitoring one of these fairs and, on some occasions, have found that goods covered by Annex II to the Regulation were displayed. The NGOs registered good cooperation with the organisers of the fair, who removed the reported goods and introduced measures to prevent and address the display of goods covered by Annex II.

None of the Member States that have engaged in the review process has a specific protocol or procedure in place to ensure compliance with Article 8 of the Regulation in exhibitions or trade fairs. One Member State that took part in the review process suggested the development of a best practice guidance for Member States' authorities and companies involved in organising trade fairs featuring law enforcement equipment. This has been also proposed by a number of NGOs contributing to the review process.

4.3.3 Reporting

As indicated in Section 3.3, Article 26 of the Regulation sets out the reporting requirements of competent authorities. All Member States, which took part in the review process, consider such reporting requirements adequate and proportionate.

However, only eight Member States confirmed that they have published their 2024 annual activity reports in line with Article 26(3) of the Regulation. Pursuant to Article 26(3) of the Regulation, the public reports 'shall not include information the disclosure of which a Member State considers to be contrary to the essential interests of its security'. The level of detail included in those annual reports may not always allow for an accurate assessment of the Regulation's implementation at national level. Few Member States provide publicly available information on procedures for the risk of goods or on follow-up measures taken to monitor the end-use nor do they indicate the volume and value of related goods or whether penalties were

applied for breaches of the Regulation. Similarly, on the notification and consultation mechanism of Article 23, limited information is available.

Article 26(4) requires the Commission to publish an annual activity report. All Member States have been providing information to the Commission to draft these reports. During the reporting period, annual reports were published concerning Member States' export authorisations in 2020, 2021, 2022, 2023 and 2024. NGOs contributing to the review exercise considered the annual report by the Commission an essential tool to ensure transparency regarding the implementation of the Regulation, particularly in the absence of national reports made publicly available by several Member States. They recommended that further relevant information should be incorporated in the annual report by the Commission, notably with regards to the granted and refused authorisations, including, for example, the end-use, value and volume of the goods.

4.4 Effectiveness

Overall, the Regulation has met the specific objective of more effectively controlling EU trade with third countries in goods that could be used for capital punishment or torture and other cruel, degrading or inhuman treatment or punishment. Stakeholders taking part in the review exercise highlighted the preventive and normative impact of the Regulation. Several Member States considered that the Regulation has successfully prevented the trade in goods related to torture and other ill treatment, dissuading operators from exporting prohibited goods or goods that are likely to be misused in third countries. According to a Member State's authority, effective upstream deterrence is one of the factors explaining the current limited extent of trade in goods covered by the Regulation.

An NGO considered that the Regulation has reduced aspects of the trade in some torture-related goods. In particular, it pointed to a reduction in the marketing of goods covered by Annex II at arms fairs and on the internet by EU companies, since the entry into force of the Regulation. According to an NGO engaged in preventing the misuse of medicines in lethal injections, the Regulation has had a significant and positive impact in preventing the export of certain European medicines for use in lethal injection, also reinforcing industry-led controls and providing a clear legal framework to support companies in safeguarding their supply chains.

Nonetheless, the NGOs taking part in the review exercise observed that the limited amount of publicly available information makes it more difficult to fully evaluate the effectiveness of the Regulation. In this regard, more information on the imposition of penalties by EU Member States under Article 33 of the Regulation would be of interest to better assess the extent to which breaches of the Regulation are being identified and penalised.

Overall, stakeholders considered that the entry into force of the Regulation itself raised awareness among operators about the controls in place in the EU. In addition, several Member States include information on the main provisions of the Regulation on the website of their relevant Ministry/authority. Six Member States have also indicated that they organise awareness raising events and/or targeted outreach. One Member State and three NGOs recommended further awareness raising activities to better promote the Regulation and ensure its provisions are well understood by stakeholders. An NGO suggested that the Commission should provide standard text and additional guidance around the implementation of the Regulation, so as to facilitate awareness among State actors and ensure consistency between national practices.

The broader goal of helping to prevent capital punishment and torture and other cruel, inhuman or degrading treatment or punishment in third countries is more difficult to assess, as there are

many other contributing factors. The restriction of trade in these goods and services is only one element in the fight against torture. Furthermore, torture and other ill-treatment are not only reliant on sophisticated tools; often the most basic and easily available instruments, e.g. batons, truncheons, standard handcuffs and excessive physical force are used.

4.5 Coherence and complementarity

To ensure complementarity, the Regulation makes specific reference to other related EU instruments or frameworks and expressly excludes the goods they cover from the scope of the Regulation. The Regulation covers materials not listed in any other legal instrument and, in that respect, is complementary to other European regulatory frameworks. The Regulation avoids targeting goods related to other Regulations and for which an authorisation system is already in place, i.e.:

i. firearms controlled by Regulation (EU) No 258/2012;
ii. dual-use items controlled by Regulation (EC) No 428/2009;
iii. goods controlled in accordance with Common Position 2008/944/CFSP and the associated common military list[60].

While this approach to ensuring complementarity between export control instruments has been largely successful, some inconsistencies have been raised by human rights NGOs taking part in the review exercise. Some riot control agents, such as pepper spray and Oleoresin Capsicum (OC), are included in the Regulation, while others listed in the EU common military list, such as common tear gases (CS gas, CR gas and CN gas), are not, even though these are frequently used to facilitate or conduct torture and other ill treatment. It would be appropriate to explore how best to ensure that both instruments are more consistent, that licence approval processes are uniform and that denial notifications are circulated under both control regimes.

Regarding its broader EU human rights objective, the Regulation is largely coherent with and complementary to other relevant EU instruments and initiatives. There is, however, room for greater synergies between human rights monitoring work in third countries on the one hand, and controls on the end use of goods and services exported under the Regulation on the other.

There has been a high degree of coherence and complementarity with initiatives on a global and regional level (Global Alliance, Council of Europe). During the reporting period, the European Union, at both the technical and diplomatic levels, has been at the forefront of initiatives to raise international governmental awareness of the trade in equipment used for torture, ill treatment and the death penalty. The EU continued engaging on this issue with third countries, including in the context of the Global Alliance.

4.6 EU added value

EU added value looks for changes due to the EU intervention, over and above what could reasonably have been expected from national actions by the Member States.

Trade is an area of exclusive EU competence pursuant to Article 207 of the Treaty on the Functioning of the European Union. The Regulation's EU added value is evident, given that

[60] Common Military List of the European Union adopted by the Council on 24 February 2025 (equipment covered by Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment), OJ C, C/2025/1499.

the Regulation falls within an area where the EU has exclusive powers and that the objectives of the Regulation can therefore be best achieved at EU level.

Although the Regulation allows Member States to take additional measures, the measures provided for by the Regulation can be considered broadly appropriate.

4.7 Anti-Torture Coordination Group (ATCG)

The ATCG has its legal basis in the Regulation itself. Chaired by the Commission, its composition is limited to one representative appointed by each Member State. The ATCG covers a specific set of tasks: it can examine questions concerning the Regulation's application, including, the exchange of information on administrative practices. The ATCG can consult, on an *ad hoc* basis, with exporters, brokers, suppliers of technical assistance and other relevant stakeholders concerned by the Regulation. According to recital 48 of the Regulation, the ATCG has a specific role in preparing delegated acts, as Member States are formally consulted through the ATCG on draft delegated acts submitted by the Commission in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making.

Member States, which contributed to the review process, recognised the key role played by the ATCG to ensure an effective and consistent implementation of the Regulation. Overall, Member States considered the ATCG as a useful platform to coordinate and exchange information and best practices. The ATCG is also viewed by some Member States as the forum to discuss challenges with regards to the implementation of the Regulation, including issues related to enforcement and legal and regulatory interpretation as well as coherence and consistency among Member States' national practices.

In this regard, two Member States suggested that ATCG meetings could include presentations of national practices, with specific case studies, notably by Member States receiving higher numbers of applications under the Regulation. Three other Member States recommended that the ATCG should regularly discuss specific third country situations and exchange on methodology and indicators for evaluating human rights risks in destination countries. The role of ATCG in market surveillance, through regular exchanges on technological developments, possibly warranting updates to the Annexes to the Regulation, was also highlighted. In this context, some Member States encouraged closer engagement with civil society, mentioning, in particular, the work of the Informal Group of Experts. This aspect was also highlighted by some NGOs, which are members of the Informal Group of Experts and took part in the review process. More specifically, it was suggested to ensure a more substantial linkage between the Informal Group of Experts and the ATCG, including by organising regular presentations by members of the Informal Group of Experts at ATCG meetings.

5. CONCLUSIONS AND WAY FORWARD

The Regulation was adopted to create a European Union instrument on trade with third countries in goods and related services that could be used for capital punishment, torture and other cruel, inhuman or degrading treatment or punishment. It has been instrumental in promoting **respect for human life and human rights.**

The Regulation continues to fill an identified gap in EU human rights-based trade controls. It makes a **positive contribution** in meeting its main objective of taking effective, concrete measures against torture and other cruel, inhuman or degrading treatment or punishment.

The review has confirmed that, overall, the Regulation is being **implemented satisfactorily** and continues to be fit for purpose. It is deemed to be sufficiently robust, and a fully-fledged legislative update is therefore not deemed necessary at this stage.

On the other hand, the review has shown that **national practices** for the implementation of the Regulation may vary between Member States, notably with regards to the procedures underpinning decisions to grant or deny export authorisations. In this regard, non-legislative measures in support of a more effective and consistent implementation of certain provisions of the Regulation could be further explored.

The Commission will explore the possibility of developing a **checklist** with regards to **risk assessments**, including methodology for evaluating human rights risks in destination countries. The possibility of developing a specific checklist on **trade fairs and exhibitions protocols** could also be explored. Moreover, exchanges of best practices among Member States, including within the ATCG, will be further encouraged.

The scope of goods covered by the Regulation should continue keeping up with **evolving technological and market developments** and addressing **changes in the nature of the use, and misuse, of law enforcement equipment** as well as **trends in torture and other ill-treatment**.

In this respect, **the review has confirmed the relevance of the goods and services covered by the Regulation**, as amended by the Commission Delegated Regulation of May 2025.

However, the need to ensure **continued vigilance** and regularly discuss the potential further expansion of the goods covered by the Annexes to the Regulation, in line with the above-mentioned trends, has clearly emerged during the review process. Among others, **findings** of the competent bodies of the **UN** and of the **UN Special Rapporteur on torture** and other cruel, inhuman or degrading treatment or punishment will continue informing such exercise. Balancing human rights considerations against the need to protect the trade of legitimate **lifesaving medical supplies** when assessing the opportunity (or not) to update the scope of chemicals covered should also continue to be carefully assessed.

The Commission will study the feasibility of an **informal alert mechanism** within the ATCG, with more systematic sharing of information and analysis as well as exchanges on technological and market developments and their use by law enforcement in third countries. The Informal Group of Experts, whose important role in providing technical advice has been recognised in the review exercise, could feed into this process through the submission of reports or ad hoc oral briefings.

Ways of more closely **monitoring** the **end-use** of exported goods should be further explored. There is also room for greater **synergies** between human rights monitoring work in third countries on the one hand and controls on the end-use of goods and services exported under the Regulation on the other.

The need for **greater transparency and accountability**, notably by publishing annual activity reports, is also recognised. Furthermore, the review highlights the need for more **information sharing** about how the Regulation is being implemented, notably as regards risk assessments and the policy on licensing. Additional relevant information could potentially be incorporated in the annual reporting exercise by the Commission, where relevant, including on end-use, infringements and penalties.

As the world's first legally binding regulatory instrument in this area, the Regulation has served as an **example for the development of similar trade measures** by third countries and international organisations. The EU should continue sharing its experience with the Regulation

with partner countries and organisations, which are interested to adopt measures to prevent trade in torture-related goods. As co-Chair of the Global Alliance, the EU will continue to support torture-free trade initiatives at the multilateral level, including in UN fora.