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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on export authorisations in 2025 pursuant to the Regulation 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 objective of Regulation (EU) 2019/125 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment[1] ('the Regulation') is to prevent, in countries outside the EU, capital punishment, on the one hand, and torture and other cruel, inhuman or degrading treatment or punishment, on the other. It distinguishes between:

- goods that are inherently abusive and should not be traded at all (Annex II); and
- goods that can have legitimate uses, such as law enforcement equipment (Annex III) and goods for therapeutic use (Annex IV).

Trade in the goods listed in Annexes III and IV is subject to certain restrictions, including the requirement to apply to the competent authority of a Member State for an authorisation to export such goods.

Article 26(3) of the Regulation states that the Member States must draw up a public annual activity report. The report must provide information on the number of applications received, the goods and countries concerned, and the decisions taken on the applications. Article 26(4) states that the Commission must draw up an annual report comprised of the annual activity reports published by the Member States. It must make the report publicly available.

This Commission report provides information on authorisations granted and refused by Member States in 2025[2] for the export of goods that could be used for torture or capital punishment.

All Member States reported on the number of export authorisations granted and refused under Articles 11(1) and 16(1) of the Regulation and on the goods and countries of destination in question. In some cases, the competent authorities in the Member States also reported on the numbers or quantities of goods authorised for export and the category of end-user to whom the goods were supplied.

Authorisations under Regulation (EU) 2019/125

Articles 11(1) and 16(1) of the Regulation require an authorisation for exports[3] of goods listed in Annex III and Annex IV respectively.

Annex III lists certain goods that could be used for torture or other cruel, inhuman or degrading treatment or punishment. Goods in Annex III fall under the following headings: goods designed for restraining human beings; weapons and devices designed for the purpose of law enforcement including riot control or self-protection; and weapons and equipment disseminating incapacitating or irritating chemicals for use by law enforcement authorities for the purpose of riot

[1] OJ L 30, 31.1.2019, p. 1.

[2] This report does not provide information on exporters' use of the Union general export authorisation, pursuant to Annex V to the Regulation, for exports of goods listed in Annex IV.

[3] Article 2(d) of the Regulation defines 'export' as 'any departure of goods from the customs territory of the Union, including the departure of goods that requires a customs declaration and the departure of goods after their storage in a free zone within the meaning of Regulation (EU) No 952/2013 of the European Parliament and of the Council'.

control or self-protection. Annex IV lists certain chemicals that could be used in lethal injections.

Unless where the Union general export authorisation set out in Annex V is used for exports of goods listed in Annex IV, an export authorisation has to be obtained from the competent authorities of the Member State concerned; they are listed in Annex I to the Regulation.

Exports to destinations listed in the Union general export authorisation can usually take place without obtaining an individual or global authorisation granted by a Member State. The approach so far has been to include a non-EU country in Annex V if it has ratified a relevant international agreement with a commitment to abolish the death penalty for all crimes. For countries that are not members of the Council of Europe, that means the country in question must have ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) without reservation.

However, if there is reasonable suspicion about the exporter's ability to comply with the terms of the authorisation or with export control legislation, the competent authority may prohibit the exporter from using the Union general export authorisation.

Article 20(2) of the Regulation states that an export authorisation granted by a Member State can be an individual authorisation (an authorisation for exports to one end-user or consignee in a non-EU country) or a global authorisation (an authorisation for exports to one or more specified end-users or distributors in one or more specified non-EU countries)[4].

Articles 3, 4 and 5 of the Regulation prohibit the export, import and transit, respectively, of the goods listed in Annex II. Competent authorities may grant a derogation from the prohibition, but only if it is demonstrated that the goods concerned will be used exclusively for public display in a museum (either in a non-EU country or, in accordance with Article 4, in a Member State) given their historical significance.

2. Authorisations granted and refused

In 2025, the total number of reported authorisations amounted to 277 with 12 Member States and United Kingdom in respect of Northern Ireland[5] reporting that they had granted authorisations. The remaining Member States informed the Commission that they had not received any applications for authorisations under the Regulation, which suggests limited activity in this field. As in the previous reporting exercises, the data does not provide a critical mass from which to draw substantiated conclusions.

[4] Article 2(p) fully defines 'individual authorisation'. Article 2(q) fully defines 'global authorisation'.

[5] United Kingdom, subject to the application of this Regulation to and in the United Kingdom in respect of Northern Ireland, in accordance with Article 5(4), read in conjunction with Annex 2, point 47, of the Protocol on Ireland/Northern Ireland to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and from the European Atomic Energy Community.

As the definitions of 'individual authorisation' and 'global authorisation' in Article 2 of the Regulation do not include a quantitative component, an indication of the number of authorisations granted does not give any information on the number or quantity of goods concerned by these authorisations. Nor does the information that Member States provide to the Commission typically distinguish between individual authorisations and global authorisations.

Member States reported that they had refused five applications for export authorisations in 2025. These applications were for goods listed in Annex III under points 3.1[6] and 3.3[7] intended for export to China, Andorra and the Russian Federation.

Articles 3, 4 and 5 of the Regulation prohibit the export, import, and transit, respectively, of the goods listed in Annex II. The Regulation allows the competent national authorities to grant a derogation from the prohibition, but only if it is demonstrated that the goods concerned will be used exclusively for public display in a museum (either in a non-EU country or, in accordance with Article 4, in a Member State) in view of their historical significance. The competent authorities reported that they had not granted such derogations in 2025.

Annex 1 to this report provides an overview of the number of reported export authorisations granted and refused by Member States and United Kingdom in respect of Northern Ireland over the period 2017-2025.

Annex 2 to this report provides information on the number of reported export authorisations issued by Member States for goods listed in Annex III in 2025.

Annex 3 to this report provides information on the reported destinations of authorised and refused exports of goods listed in Annex III in 2025.

Annex 4 to this report summarises the information provided to the Commission on the reported end use of authorised exports of goods listed in Annex III in 2025.

Annex 5 to this report provides a detailed overview of authorised exports of goods listed in Annex III in 2025.

Annex 6 to this report provides information on the number of reported export authorisations issued by Member States and United Kingdom in respect of Northern Ireland for goods listed in Annex IV in 2025.

Annex 7 to this report provides information on the reported destinations of authorised exports of goods listed in Annex IV in 2025.

Annex 8 to this report summarises the information provided to the Commission on the reported end use of authorised exports of goods listed in Annex IV in 2025.

Annex 9 to this report provides a detailed overview of authorised exports of goods listed in Annex IV in 2025.

[6] Portable weapons and equipment which either administer a dose of an incapacitating or irritating chemical substance that targets one individual or disseminate a dose of such substance affecting a small area, e.g. in the form of a spray fog or cloud, when the chemical substance is administered or disseminated.
[7] Oleoresin capsicum (OC) (CAS RN 8023-77-6).