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Delegations will find attached document COM(2026) 509 final.

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REPORT FROM THE COMMISSION

TO THE EUROPEAN PARLIAMENT

on the activities and consultations of the Anti-Torture Coordination Group referred to in Article 31 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. Introduction

Article 31(4) of Regulation (EU) 2019/125 of 16 January 2019 ('the Regulation') concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman, or degrading treatment or punishment¹ requires the Commission to submit an annual report to the European Parliament on the activities, examinations, and consultations of the Anti-Torture Coordination Group (ATCG). The report must pay due regard to the need not to undermine the commercial interests of natural or legal persons.

This report provides information on the ATCG's activities in 2025.

2. Regulatory framework

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 countries outside the EU, on the other, by restricting trade in certain goods. It distinguishes between:

- goods which have no practical use other than for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment (Annex II); and
- goods that could be used for the purpose of torture and other cruel, inhuman, or degrading treatment or punishment (Annex III) or for the purpose of capital punishment (Annex IV) but can also have legitimate uses, such as law enforcement or therapeutic purposes.

Trade in goods listed in Annexes II, III and IV is subject to certain restrictions. In particular, the Regulation:

- i. prohibits the import into, export from and transit through the EU of goods listed in Annex II, which have no practical use other than for the purposes of capital punishment or torture. It prohibits the provision of brokering services and of any technical assistance relating to such goods, including training in how to use them. It also prohibits advertising such goods in print media, on the internet or on television or radio, and displaying or offering them for sale at an exhibition or trade fair.
- ii. requires prior authorisation, on a case-by-case basis, for exports of goods listed in Annex III, which could be used for the purposes of torture, but may have other legitimate uses (e.g. for law enforcement). A prior authorisation is also required for supplying technical assistance or brokering services relating to this category of goods. Annex III does not include:

- a) firearms subject to Regulation (EU) No 258/2012²;

¹ OJ L 30, 31.1.2019, p. 1. Having been amended several times, Council Regulation (EC) No 1236/2005 of 27 June 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 200, 30.7.2005, p. 1) was subsequently codified as Regulation (EU) 2019/125.

² Regulation (EU) No 258/2012 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 an export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.3.2012, p. 1).

- b) dual-use items subject to Regulation (EU) 2021/821³; or
 - c) goods subject to the terms of Council Common Position 2008/944/CFSP⁴;
- iii. regulates trade in goods in Annex IV that can be used for capital punishment (e.g. through lethal injection) but may also to be used for legitimate therapeutic purposes. A specific licence authorisation (Union general export authorisation (GEA)) has been introduced to control the export of such goods and prevent their transfer for use in lethal injection executions, without limiting trade in them for medical, veterinary, or other legitimate purposes.

3. Activities of the Anti-Torture Coordination Group

The ATCG was established pursuant to Article 15c of Regulation (EU) 2016/2134 of the European Parliament and of the Council⁵ to examine questions concerning the application of the Regulation.

The ATCG serves as a platform for Member State experts and the Commission services to exchange information on administrative practices and discuss issues of interpretation of the Regulation, technical issues with the goods listed, developments relating to the Regulation, and any other matters that may arise. The Commission also consults the ATCG when preparing delegated acts, in accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁶.

The ATCG met on two occasions in 2025, on 12 June and on 11 December, in a virtual format, to exchange information on several issues (summarised below) concerning the implementation of the Regulation.

3.1 Developments relating to the basic act

Article 24 of Regulation (EU) 2019/125 empowers the Commission to adopt delegated acts in accordance with Article 29, to amend the Annexes to the Regulation. The Commission held consultations on a delegated act amending Annexes II and III of the Regulation with experts from Member States, as well as with stakeholders through a public internet-based consultation. The proposal was adopted by the Commission on 21 May 2025. The delegated act broadens the scope of Annexes II and III to address the evolving international security market and the changes in use of law enforcement equipment.

The European Parliament and the Council did not object to the proposal. The Commission Delegated Regulation (EU) 2025/928⁷ was published on 31 July 2025 in the Official Journal of the European Union and entered into force on the twentieth day following that of its publication. The delegated act responded to the increase in torture and other ill-treatment in extra-custodial settings in many parts of the world.

³ Regulation (EU) 2021/821 of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit, and transfer of dual-use items (recast) (OJ L 206, 11.6.2021, p. 1).

⁴ Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99) as amended.

⁵ 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, 13.12.2016, p. 1).

⁶ OJ L 123, 12.5.2016, p. 1.

⁷ OJ L, 2025/928, 31.7.2025.

3.2 Trade information: data reporting

The Commission presented to the ATCG the state of play on the annual report referred to in Article 26(3) of the Regulation. The Commission recalled the functionality previously developed whereby authorities in the Member States are invited to upload the required data for reporting purposes directly in the **Dual Use e-System (DUeS)** library, under the module related to the ‘Anti-Torture’ Regulation. This is intended to streamline and facilitate the aggregation of the data across all Member States. The information gathered includes notably the decision on the application, the type of good, the export destination and the end use. Those elements are reflected in the Commission’s annual report referred to above. The report was presented to the ATCG following its adoption⁸. To facilitate reporting for 2025, the Commission updated the template to reflect the changes introduced by Commission Delegated Regulation (EU) 2025/928.

3.3 Commission review report of Regulation (EU) 2019/125

In line with Article 32 of the Regulation, the Commission shall review the implementation of the Regulation and present a comprehensive implementation and impact assessment report to the European Parliament and to the Council every five years.

The Commission presented to the ATCG the second report from the Commission to the European Parliament and the Council on the review of Regulation (EU) 2019/125, which was adopted on 9 December 2025, covering the period between 2020 and mid-2025⁹.

The Commission indicated that different stakeholders had been consulted about the report. These included ATCG Member States’ experts, the Commission’s informal group of experts, international organisations and civil society organisations with expertise in torture-related trade. The Commission thanked the members of the ATCG for their constructive engagement and contribution to the review process.

The Commission informed the ATCG that the report concludes that the Regulation is implemented satisfactorily and remains relevant and fit for purpose. The Regulation continues to fill an identified gap in EU human rights-based trade controls. Simultaneously, the Commission noted that national practices for the implementation of the Regulation may vary across Member States. Therefore, the report indicated the possibility to explore non-legislative measures to support implementation of the Regulation, such as risk assessments concerning export authorisations, establishing a checklist for trade fairs and exhibitions and promoting the exchange of best practices among Member States. Additionally, the Commission shared that the review underscores the importance of continuously monitoring the list of goods covered by the Regulation to reflect technological and market developments. 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. The Commission stated that the regulation is recognised as a pioneering legal framework and that it will continue, as co-Chair of the Alliance for Torture-Free Trade, to support torture-free trade initiatives at the multilateral level.

⁸ COM (2025) 704 final, 21.11.2025 and Annexes 1 to 9.

⁹ COM(2025) 748 final, Brussels, 9 December 2025.

3.4 Torture-free trade

The Commission updated the ATCG on the state of affairs on torture-free trade at the global level. Regulation (EU) 2019/125 remains the only binding regional framework that regulates the trade in goods that could be used for torture or capital punishment.

The Commission informed the ATCG about the UN Special Rapporteur on Torture's latest report¹⁰, presented at the United Nations General Assembly (UNGA) Third Committee on 14 October 2025. The report welcomes the amendments to goods in Annex II of Regulation (EU) 2019/125, many of which the Special Rapporteur recommended to be prohibited in her previous 2023 report.

Furthermore, on the sidelines of the UNGA Third Committee Plenary meeting on 15 October 2025, there was a side event on a potential Torture-Free Trade Treaty organised by civil society organisations and sponsored by the European Union, Mongolia (as co-Chairs of the Alliance for Torture-Free Trade) and France. The UN Special Rapporteur highlighted the EU as a positive example and, together with civil society organisations, argued for a global legally binding instrument.

The Commission also reported on the UNGA triennial resolution on "Torture and other cruel, inhuman or degrading treatment or punishment"¹¹. Article 23 of the resolution covers the prohibition in the trade of goods and technology that have no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment. The resolution has traditionally been adopted by consensus by the Third Committee. On 20 November 2025, three countries voted against the resolution. Lastly, the Commission informed the ATCG about future developments in the Alliance for Torture-Free Trade.

¹⁰ <https://docs.un.org/en/A/80/137>

¹¹ <https://digitallibrary.un.org/record/4092657?v=pdf>