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STEERING COMMITTEE FOR HUMAN RIGHTS

COMITÉ DIRECTEUR POUR LES DROITS HUMAINS

(CDDH)

Compilation of replies received from member States[1] to the Questionnaire on the examination of the implementation of Recommendation CM/Rec(2021)2 of the Committee of Ministers to member States on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment

Compilation des réponses reçues des États membres[2] au Questionnaire relatif à l'examen de la mise en œuvre de la Recommandation CM/Rec(2021)2 du Comité des Ministres aux États membres sur des mesures contre le commerce de biens utilisés pour la peine de mort, la torture et autres peines ou traitements cruels, inhumains ou dégradants

[1] Andorra, Austria, Belgium, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Latvia, Lithuania, Malta, Montenegro, Netherlands, North Macedonia, Poland, Romania, Slovak Republic, Slovenia, Sweden, Switzerland, Türkiye, United Kingdom.

[2] Andorre, Autriche, Belgique, Croatie, Chypre, Tchéquie, Danemark, Estonie, Finlande, France, Allemagne, Lettonie, Lituanie, Pays-Bas, Macédoine du nord, Malte, Monténégro, Pologne, République slovaque, Roumanie, Slovénie, Suède, Suisse, Türkiye, Royaume- Uni.

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 **ANDORRA** / *ANDORRE*

1) Diffusion de la recommandation

a) La recommandation a-t-elle été traduite dans la/les langue(s) nationale(s) ?

La recommandation n'a pas été traduite au catalan, langue officielle de la Principauté d'Andorre.

b) La Recommandation a-t-elle été communiquée aux autorités compétentes, y compris celles qui mettent en œuvre et/ou supervisent la réglementation du commerce et d'autres activités concernant les biens en question ? Dans l'affirmative, veuillez préciser les destinataires (pour rappel, le paragraphe 2 de la recommandation contient une liste indicative des acteurs concernés).

La recommandation n'a pas été communiquée aux autorités compétentes qui mettent en œuvre et/ou supervisent la réglementation du commerce et d'autres activités concernant les biens en question. Toutefois, elle a été transmise au ministère de la Justice et de l'Intérieur en août 2024 pour sa mise en œuvre.

2) Mise en œuvre de la recommandation

a) Quelles mesures ont été prises ou sont envisagées pour mettre en œuvre la Recommandation au niveau national ?

Étant donné que la recommandation n'a pas été communiquée aux autorités compétentes, aucune mesure n'a été prise pour sa mise en œuvre au niveau national. Néanmoins, la législation de la Principauté d'Andorre prévoit ce qui suit.

L'article 29 de la Loi 31/2021, du 22 novembre, du texte consolidé organique de sécurité publique prévoit que la classification des armes doit être déterminée par voie réglementaire et, en particulier, quelles sont les armes interdites ou celles dont le port est interdit, ainsi que les conditions pour fabriquer, importer, exporter, faire circuler, acquérir, commercialiser, céder, réparer, détenir, stocker, vendre, utiliser et transporter des armes, des munitions et des pièces et composants d'armes, et exercer une activité d'intermédiation.

En outre, l'article 50 de la loi mentionnée établit comme une infraction très grave la fabrication, l'importation, l'exportation, la circulation, l'acquisition, la commercialisation, l'intermédiation, la cession, la réparation, la détention, le stockage, la vente, l'utilisation et le transport des armes, des munitions et des pièces ou composants d'armes sans avoir obtenu l'autorisation ou la documentation requise, ou en ne respectant pas la réglementation applicable de quelque autre manière que ce soit.

Conformément au paragraphe 1 de l'article 53 de la loi sous-mentionnée, les infractions très graves entraînent l'imposition d'une amende comprise entre 1.001 et 6.000 euros.

b) La Recommandation a-t-elle servi de base à l'adoption ou à la révision de la législation et/ou des mesures administratives au niveau national ?

Aucune révision ni modification récente de la législation ou des mesures administratives nationales n'a été effectuée concernant les mesures contre le commerce de biens utilisés pour la peine de mort, la torture, ou d'autres peines ou traitements cruels, inhumains ou dégradants.

Dans ce contexte, veuillez fournir des informations détaillées, en particulier en ce qui concerne :

(i) le commerce de biens et d'équipements intrinsèquement interdits (voir en outre le paragraphe 1 de l'annexe à la recommandation) ;

Le Décret 255/2024, du 19 juin 2024, d'approbation du Règlement d'Armes prévoit dans l'article 3 la liste des armes qui sont interdites, telles que les armes de guerre. De même, sont également considérées comme des armes interdites, et sont donc interdites à la fabrication, à l'importation, à la circulation, à la vente et à la publicité, ainsi qu'à la détention et à l'utilisation, sauf pour les membres des corps spéciaux légalement habilités à utiliser des armes et uniquement si leurs règles spécifiques le permettent, les armes suivantes :

a) Armes à feu semi-automatiques à percussion centrale, équipées d'un chargeur fixe contenant plus de 20 cartouches pour les armes de poing, et plus de 10 cartouches pour les armes longues.
b) Chargeurs pouvant être montés sur des armes à feu semi-automatiques ou à répétition à percussion centrale, contenant plus de 20 cartouches pour les armes de poing, et plus de 10 cartouches pour les armes longues.
c) Armes à feu automatiques transformées en armes à feu semi-automatiques.
d) Armes à feu longues semi-automatiques pouvant être réduites à une longueur de moins de 60 cm sans perdre leur fonctionnalité grâce à une crosse pliante ou télescopique, ou une crosse pouvant être retirée sans outils.
e) Armes à feu mentionnées dans ce paragraphe 3, ainsi que les armes automatiques transformées pour tirer des cartouches à blanc, des produits irritants, d'autres substances actives ou des cartouches pyrotechniques, ou pour tirer des signaux sonores ou visuels.
f) Armes émettant des gaz ou des aérosols, ainsi que tout dispositif contenant des mécanismes capables de projeter des substances stupéfiantes, toxiques ou corrosives, à l'exception des armes des catégories 10a.1 et 10a.6.
g) Équipements de vision nocturne, dispositifs à rayons laser et similaires, adaptables aux armes à feu.
h) Munitions à projectiles perforants, explosifs, incendiaires ou irritants, ainsi que les projectiles correspondants.
i) Munitions pour pistolets et revolvers à projectiles dum-dum ou à pointe creuse, ainsi que les projectiles eux-mêmes.
j) Armes à impulsion électrique permettant de provoquer un choc électrique à distance ou par contact, et leurs munitions.
k) Aérosols de défense personnelle d'une capacité supérieure à 500 ml ou interdits par ordre du ministre compétent en matière d'intérieur.
l) Accessoires permettant de transformer des armes à feu en automatiques.

Sont également interdites la fabrication, l'importation, la circulation, la commercialisation, la publicité, la détention et l'utilisation :

a) D'armes dissimulées sous l'apparence de tout autre objet.
b) D'armes à feu longues à canon scié, d'armes à feu modifiées et d'armes à feu, à air ou à gaz comprimé, combinées à d'autres armes.
c) D'armes à feu résultant d'une fabrication illicite ou d'une modification substantielle des caractéristiques de fabrication ou d'origine d'autres armes, sans l'autorisation requise.
d) D'armes réglementées ne respectant pas les conditions de marquage prévues à l'article 34.
e) Des armes d'alarme et de signalisation ne répondant pas aux exigences pour être considérées comme telles.
f) Des frondes perfectionnées dont la puissance les rend particulièrement dangereuses. Une fronde perfectionnée est celle équipée d'éléments supplémentaires pour augmenter la force ou la précision du tir.
g) Poings américains, étoiles métalliques et tout instrument dont les caractéristiques peuvent représenter un danger pour l'intégrité physique des personnes ou pour la sécurité publique.
h) Les armes à feu longues contenant des dispositifs spéciaux, dans la crosse ou les mécanismes, permettant d'accueillir des pistolets ou d'autres armes.

Selon les informations contenues dans nos registres du commerce extérieur, du 1er mars 2021 à ce jour, il n'y a pas eu d'importation, d'exportation ou de trafic à travers la Principauté d'Andorre des biens et d'équipement intrinsèquement interdits.

(ii) l'exportation et le transit de certains produits chimiques pharmaceutiques (voir également le paragraphe 2 de l'annexe à la recommandation) ;

La Principauté d'Andorre n'est pas territoire de production, importation, exportation ni transit des produits chimiques pharmaceutiques listés à l'annexe 2 de la Recommandation.

(iii) le commerce de biens et d'équipements destinés au maintien de l'ordre (voir également le paragraphe 3 de l'annexe à la recommandation) ;

L'article 4 du Décret 255/2024, entend par armes réglementées les armes non incluses dans l'un des paragraphes de l'article 3 dont l'acquisition, la détention et le port peuvent être autorisés ou permis conformément à ce que prévoit le présent Règlement et qui, en tenant compte de leurs caractéristiques, du degré de dangerosité et de leur destination ou utilisation, sont énumérées et classées dans les catégories suivantes :

- 1ère catégorie : armes à feu courtes de défense.
  Sont considérées comme armes à feu courtes de défense les pistolets et les revolvers.

- 2ème catégorie : armes à feu courtes pour le tir sportif.
  Sont considérées comme armes à feu courtes pour le tir sportif les armes de la 1ère catégorie dont le calibre et les caractéristiques correspondent aux normes de compétition établies par la Fédération Internationale de Tir Sportif (ISSF) ou par la Confédération Internationale de Tir Pratique (IPSC).

- 3ème catégorie : armes à feu longues rayées, pour la chasse au gros gibier ou pour le tir sportif.

- 4ème catégorie : armes à feu longues à âme lisse ou fusils de chasse pour le gros gibier, le petit gibier ou pour le tir sportif.

- 5ème catégorie : armes à air ou à gaz comprimé.
  - Armes à air ou à gaz comprimé avec une énergie cinétique à la bouche supérieure à 24 joules.
  - Armes à air ou à gaz comprimé avec une énergie cinétique à la bouche inférieure ou égale à 24 joules.

- 6ème catégorie : armes d'alarme et de signalisation.
  Sont considérées comme armes d'alarme et de signalisation celles qui respectent les spécifications techniques établies dans l'annexe de la Directive d'exécution (UE) 2019/69.

- 7ème catégorie : armes blanches.

- 8ème catégorie : armes anciennes, à chargement par la bouche et historiques.
  - Armes anciennes. Les reproductions de ce type d'armes sont considérées de la même manière, sauf si elles peuvent tirer des munitions destinées à des armes interdites ou si la technique de fabrication améliore la précision et la durabilité de l'arme.
  - Armes à chargement par la bouche.
  - Armes historiques.

- 9ème catégorie : armes désactivées.

- 10ème catégorie : autres armes par nature.
  - Armes à injection anesthésique capables de lancer des projectiles facilitant la capture ou le contrôle d'animaux, en les anesthésiant à distance pour une durée déterminée.
  - Armes Flobert.
  - Arcs, efficaces pour la chasse et à d'autres fins sportives.
  - Arbalètes et frondes pour le tir sportif. Sont considérées comme arbalètes pour le tir sportif celles ayant une puissance égale ou supérieure à 50 livres.
  - Matraques et bâtons télescopiques de défense.
  - Aérosols de défense personnelle d'une capacité égale ou inférieure à 500 ml.
  - Armes à impulsion électrique de contact permettant de provoquer un choc électrique.
  - Pistolets lance-fusées, armes pour lancer des têtes et fusils de pêche sous-marine permettant de lancer des flèches ou des harpons.
  - Armes à ressort ou à levier avec une énergie cinétique à la bouche maximale de 3,5 joules. Ces armes ne peuvent en aucun cas être actionnées par air ou gaz comprimé.

Selon l'article 9, la fabrication d'armes des catégories 1ère, 2ème, 3ème, 4ème, 6ème, 8ème.2 et 10ème.2, ainsi que la fabrication de reproductions d'armes des catégories 8ème.1 et 8ème.3 et de munitions des catégories 1ère, 2ème et 6ème, est interdite.

Ainsi, l'article 55 du Décret 455/2024 prévoit la commercialisation des « autres armes » selon lequel :

1. L'acquisition d'armes et de munitions non soumises à autorisation ou à déclaration, conformément à l'article 53 ou à l'article 54, est libre, sans préjudice de l'obligation d'inscription aux registres correspondants et de l'application des interdictions prévues au paragraphe 4 suivant et à l'article 57.

2. Avant d'effectuer la vente, les armuriers, les fabricants et les autres établissements commerciaux spécialisés dans la vente d'armes doivent vérifier l'identité de l'acquéreur, qui doit

présenter son passeport ou sa carte d'identité nationale et, le cas échéant, son permis de résidence andorran. Cette dernière obligation ne s'applique pas aux ventes d'armes de la catégorie 7ème.
3. De même, les autres établissements commerciaux spécialisés dans la vente d'armes doivent communiquer trimestriellement à la Police la liste des armes qu'ils ont vendues, en indiquant la catégorie et le nombre d'armes vendues au cours de la période. Cette déclaration doit être effectuée durant le mois suivant la fin du trimestre civil.

4. Il est expressément interdit pour une même personne d'acquérir plus d'une arme de la catégorie 10ème.6 (d'une capacité supérieure à 100 ml) ou plus de cinq armes des catégories 10ème.5, 10ème.6 (d'une capacité égale ou inférieure à 100 ml), 10ème.7, 10ème.8 ou 10ème.9, qu'elles soient de la même catégorie ou non.

Dans le contexte des équipements destinés au maintien de l'ordre, l'Unité de Sécurité Citoyenne (*Unitat de Seguretat Ciutadana*) au sein de la Police andorrane, dispose d'armement, de munitions, d'équipements de protection ainsi que d'éléments de réduction et d'immobilisation des personnes, spécifiques pour la contention des personnes violentes et pour l'utilisation en cas de troubles publics et de rétablissement de l'ordre public.

Nous pouvons donc les différencier comme suit :

- Armement à munitions non létales, destiné à la neutralisation et au contrôle des personnes armées et violentes :
  - Pistolets à impulsions électriques, plus précisément de la marque TASER.
  - Armes propulsives de projectiles en éponge, de calibre 44 mm.

- Armement à munitions non létales, destiné à la dispersion des foules :
  - Balles en caoutchouc de 55 mm, propulsées par un lanceur adapté au canon d'un fusil à pompe et avec une cartouche de calibre 12 à blanc (sans charge de munitions) pour la dispersion des foules dans le cadre de manifestations violentes.
  - Cartouches de 55 mm, à utiliser avec un lanceur ou manuellement, contenant un agent lacrymogène de *Chlorobenzylidène malonitrile* (Gaz CS) pour la dispersion des foules dans le cadre de manifestations violentes.
  - Sprays lacrymogènes à base *d'Oleoresine de capsicum* (poivre), pour la défense des équipes policières en intervention lors de troubles publics ou face à des agressions contre ces dernières, dans le cadre d'altercations d'ordre public.

- Équipement pour l'immobilisation de personnes violentes ou détenues :
  - Menottes métalliques ordinaires, utilisées pour immobiliser les poignets des bras afin de réduire, contenir les personnes violentes et transférer les détenus.
  - Bien que nous disposions d'éléments de protection personnelle tels que des boucliers, nous ne possédons pas de boucliers ou de matraques électriques.

De plus, l'Unité d'Intervention Tactique (*Unitat d'Intervenció Tècnica*) au sein de la Police andorrane dispose aussi d'armement, de munitions, d'équipements de protection ainsi que d'éléments de réduction et d'immobilisation des personnes tels que :
- Armement à munitions non létales, destiné à la neutralisation et au contrôle des personnes armées et violentes :
  - Pistolets à impulsions électriques, plus précisément de la marque TASER.
  - Munitions non létales de calibre 12 (projection de grenaille de plomb à l'intérieur du sac en kevlar) pour les fusils de service.

- Munitions non létales de calibre 12 (dispersion de poudre lacrymogène) pour les fusils de service.

- Équipement pour l'immobilisation de personnes violentes ou détenues :
  - Menottes à dotation unique, métalliques et en corde, pour les poignets

Au sein de l'Administration Générale et plus précisément du Ministère de l'Intérieur, le Département des Institutions Pénitentiaires dispose également d'armement, de munitions et d'équipements d'immobilisation d'intérêt, dont nous précisons les détails :

- Armes à feu réglementaires de dotation :
  - Revolver S&W 357MG
  - Pistolet semi-automatique cal. 9 mm. Beretta PX4 Storm, modèle G
  - Carabine semi-automatique cal. 9 mm. Beretta CX4 Storm
  - Fusil à pompe cal. 12. Fabarm et Mossberg
- Moyens coercitifs réglementaires de dotation :
  - Dispositifs de pulsations électriques Taser x26 et Taser x2
  - Lanceur de projectiles cinétiques en mousse de 40 mm type S.I.R. (Save Impact Round)
  - Lanceur de projectiles sphériques OC (Oléorésine Capsicum) par air comprimé
  - Aérosols OC type MK3 et MK4 / Sabre Red
  - Matraques télescopiques (Bâton policier) ASP
  - Matraques rigides en caoutchouc

Il convient de souligner que les agents du Corps Pénitentiaire d'Andorre ont le statut d'agents de l'autorité. Le Corps Pénitentiaire est un corps armé et en uniforme chargé de la garde et de la surveillance des détenus et des installations pénitentiaires. Pour accéder au poste et exercer la profession d'agent pénitentiaire, il est nécessaire d'avoir suivi une formation initiale spécifique à l'utilisation des armes à feu réglementaires de dotation, ainsi qu'aux moyens coercitifs réglementaires de dotation.

(iv) si et comment vos autorités se sont engagées dans des actions au sein d'autres organisations internationales (voir également le paragraphe 6 de l'annexe à la recommandation).

Au sein de l'Organisation des Nations Unies, l'Andorre soutien depuis 2002 les résolutions annuelles puis biennales de l'Assemblée générale sur la torture et les autres peines ou traitements cruels, inhumains ou dégradants qui demandent à tous les États de prendre les mesures concrètes qui s'imposent, notamment d'ordre législatif, administratif et judiciaire, pour prévenir et interdire la production, le commerce, l'exportation, l'importation et l'utilisation de matériel spécialement conçu pour infliger la torture ou n'ayant aucune autre utilité pratique que celle d'infliger la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants.

En outre, et plus récemment, l'Andorre a été coauteur de la résolution suivante :

- **A/RES/72/163 Torture et autres peines ou traitements cruels, inhumains ou dégradants**

Cette résolution prend note du lancement de l'Alliance pour un commerce sans torture, et demande à tous les États de prendre les mesures concrètes qui s'imposent, notamment d'ordre législatif, administratif et judiciaire, pour prévenir et interdire la production, le commerce, l'exportation, l'importation et l'utilisation de matériel n'ayant aucune utilité pratique que celle d'infliger la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants.

Également, la Principauté d'Andorre a voté à faveur de la résolution suivante :

- **A/RES/73/304 Mettre fin au commerce des instruments de torture : examen de la possibilité d'établir des normes internationales communes, du champ d'application de telles normes et des paramètres applicables**

Cette résolution prie le Secrétaire général, en ayant à l'esprit les dispositions de la résolution 72/163, de solliciter les vues des États Membres sur la possibilité d'établir, à partir d'un ensemble de solutions, des normes internationales communes relatives à l'importation, à l'exportation et au transfert des biens utilisés pour infliger a) la peine capitale, b) la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants, et le champ d'application de celles-ci, et de lui présenter un rapport à ce sujet à sa soixante-quatorzième session.

En outre, cette résolution prie le Secrétaire général de créer un groupe d'experts gouvernementaux chargé d'examiner, à partir de 2020, la possibilité d'établir des normes internationales communes en la matière, les biens auxquels celles-ci s'appliqueraient et les paramètres d'un ensemble de solutions permettant de les définir.

Dans ce contexte, la Principauté d'Andorre a communiqué sa contribution à l'égard du cadre juridique national et régional en matière d'importation et d'exportation des biens utilisés pour infliger la peine capitale, la torture et d'autres peines ou traitements cruels, inhumains ou dégradants.

➔ Le rapport du Secrétaire général A/74/969 du 20/07/2020 est le résultat d'un travail de synthèse des contributions communiquées par l'Andorre et d'autres 45 États Membres.
- À l'égard de la possibilité d'établir, à partir d'un ensemble de solutions, des normes internationales communes et le champ d'application et les catégories de biens qui devraient être expressément visées par les normes internationales communes, l'Andorre considère qu'il faut prévoir l'interdiction ou le contrôle du commerce, de l'importation, de l'exportation et du transfert de ces biens et des activités connexes, et la nécessité de mettre en place un mécanisme et des critères d'évaluation des risques.
- Par rapport au champ d'application et catégories de biens, l'Andorre ha proposé une distinction supplémentaire entre les biens n'ayant d'autre utilité pratique que celle d'infliger la peine capitale et ceux n'ayant d'autre utilité pratique que celle d'infliger la torture ou d'autres formes de mauvais traitements.
- L'Andorre a indiqué dans sa contribution qu'il est nécessaire d'interdire, plutôt que de simplement contrôler, le commerce des biens n'ayant d'autre utilité pratique que celle d'infliger la peine capitale, la torture ou d'autres formes de mauvais traitements. En outre, il est nécessaire de contrôler les biens susceptibles d'être utilisés en vue d'infliger la peine capitale, la torture ou d'autres formes de mauvais traitements.
- Finalement, l'Andorre soutienne l'idée d'établir des normes internationales communes prévoyant la mise en place de mesures permettant de contrôler et de restreindre le commerce des biens utilisés pour infliger la peine capitale, la torture ou d'autres formes de mauvais traitements. Dans ce sens, l'Andorre s'est déclarée favorable à un traité international conclu sous les auspices de l'ONU.

Néanmoins, la Principauté d'Andorre n'a pas rejoint l'Alliance pour un commerce sans torture, mais partage les principes et réitère son engagement ferme à mettre fin au commerce des biens utilisés pour la torture et la peine de mort.

c) Vos autorités ont-elles rencontré des difficultés dans la mise en œuvre de la Recommandation ? Dans l'affirmative, veuillez fournir des informations pertinentes, y compris sur la manière dont ces défis ont été relevés et/ou sur la question de savoir si une assistance technique supplémentaire aurait été nécessaire.

Aucune difficulté n'a été rencontrée dans la mise en œuvre de la Recommandation.

AUSTRIA / *AUTRICHE*

Questionnaire

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

No, because the competent Austrian authorities use English as their working language at European level.

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

- Bundesministerium für Arbeit und Wirtschaft, Exportkontrolle
- Bundesministeriums für Inneres
- Bundesministerium für Finanzen
- Bundesministerium für Justiz
- Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz
- Volksanwaltschaft (i.e. *inter alia* Austrian NHRI and npm according OPCAT)

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

As far as legislation is concerned, the implementation of the Recommendation at national level is an exclusive competence of the European Union. The relevant legal act is 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, OJ Nr. L30, 31.1.2019, hereinafter “the EU regulation”. It is accessible under the following link: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R0125-20210101

The Ministry of Labour and Economy, Department V/2 Export Controls, is the competent authority according to the EU Regulation.

As far as goods not listed in the EU regulation are concerned, exports of narcotic drugs and psychotropic substances from Austria are subject to the regulatory licence of the Minister of Health and monitored by the ministry.

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

No, there is no additional legislation on the national level in Austria and there are also no specific administrative measures. Administrative practices are subject to information exchange and co-ordination between EU member States.

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);

There has been no trade in such goods

(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);

The following export licenses have been issued according to the *EU regulation*:

Year	2020	2021	2022	2023
Number of Licenses	11	6	2	1
Number of Denials	0	0	0	0
	Thiopental - (CAS RN 76-75-5)	Thiopental - (CAS RN 76-75-5)	Thiopental - (CAS RN 76-75-5)	Thiopental - (CAS RN 76-75-5)
Destination	Bosnia-Herzegovina, Montenegro, Serbia	Bosnia-Herzegovina, Serbia	Bosnia-Herzegovina	Bosnia-Herzegovina
Category of end user	clinical use	clinical use	clinical use	clinical use

The Ministry of Labour and Economy publishes an annual report according to the EU Regulation. The latest report (export data for 2020, 2021 and 2022) is accessible under the following link: https://www.bmaw.gv.at/Themen/Exportkontrolle/Export/Gueter-Anti-Folter-Verordnung.html

The data are also published in the annual Report from the Commission to the European Parliament and the Council.

The following export licenses for *certain chemicals not listed in the EU regulation* have been issued according to the § 12 Abs. 1 *Psychotropenverordnung*, BGBl. II Nr. 375/1997 as amended by BGBl. II Nr. 441/2023 (accessible under: RIS - Psychotropenverordnung - Bundesrecht konsolidiert, Fassung vom 19.05.2023 (bka.gv.at):

Pentobarbital: destination: United Arab Emirates

2020 + 2021:	0 g
2022:	218,913 g
2023:	12.243,84 g
2024:	12.243,84 g

The substance was also exported to some EU countries.

There has been no trade in other substances listed in Annex 2.

(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);

There has been no trade in such goods.

(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

Cf. reply to question 2 a) and 2) b).

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

The licensing authority according to the EU regulation has not encountered any challenges.

In terms of *goods not listed in the EU regulation* it might be challenging to verify whether the final designated use of a substance is a “legitimate medical, veterinary or other purpose”. E.g. the psychotropic substance “Pentobarbital” listed in Annex 2 is lawfully used *inter alia* by veterinarians. So far, however, there has not been any case in which an export license has been denied due to the suspicion that the substance would be used for the execution of human beings.

BELGIQUE / *BELGIQUE*

Questionnaire -

1) Diffusion de la recommandation

a) La recommandation a-t-elle été traduite dans la/les langue(s) nationale(s) ?

b) La Recommandation a-t-elle été communiquée aux autorités compétentes, y compris celles qui mettent en œuvre et/ou supervisent la réglementation du commerce et d’autres activités concernant les biens en question ? Dans l’affirmative, veuillez préciser les destinataires (pour rappel, le paragraphe 2 de la recommandation contient une liste indicative des acteurs concernés).

Si certaines autorités ont eu connaissance de la recommandation, notamment via l’Union européenne, le travail d’information et de diffusion tels que prévus par la Recommandation sera réalisé prochainement.

2) Mise en œuvre de la recommandation

a) Quelles mesures ont été prises ou sont envisagées pour mettre en œuvre la Recommandation au niveau national ?

En 2005, l'UE a adopté le règlement 1236/2005 concernant le commerce de certains biens susceptibles d'être utilisés en vue d'infliger la peine capitale, la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants. Avec cette législation, l'UE a établi des règles sur le commerce avec les pays tiers de biens susceptibles d'être utilisés en vue d'infliger la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants.

En 2011, ce règlement a été mis à jour et le règlement UE 1352/2011 a étendu la liste des biens soumis à des restrictions commerciales.

Conformément au règlement UE 1352/2011, la Belgique a adopté un nouvel arrêté ministériel le 21 juin 2012 modifiant l'arrêté ministériel du 27 avril 2007 : Arrêté Ministériel du 21/06/2012 arrêté ministériel modifiant l'arrêté ministériel du 26 avril 2007 soumettant a licence l'importation et l'exportation des marchandises susceptibles d'être utilisées en vue d'infliger la peine capitale, la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants (openjustice.be)).

Au regard du fait que de ce Règlement européen couvre la plupart des recommandations, il n'y a à ce jour pas eu d'initiative supplémentaire.

b) La Recommandation a-t-elle servi de base à l'adoption ou à la révision de la législation et/ou des mesures administratives au niveau national ?

Le règlement UE 2019/125 est d'application. La base légale **nationale** n'a pas été adaptée.

Dans ce contexte, veuillez fournir des informations détaillées, en particulier en ce qui concerne :

(i) le commerce de biens et d'équipements intrinsèquement interdits (voir en outre le paragraphe 1 de l'annexe à la recommandation) ;
Depuis l'entrée en vigueur de la règlementation UE initiale (2006), le SPF Economie n'a pas eu de demandes de licence import/export. Il n'y a dès lors pas d'informations à ce sujet.

(ii) l'exportation et le transit de certains produits chimiques pharmaceutiques (voir également le paragraphe 2 de l'annexe à la recommandation) ;
Depuis l'entrée en vigueur de la règlementation UE initiale (2006), le SPF Economie n'a pas eu de demandes de licence import/export. Il n'y a pas d'informations à ce sujet.

(iii) le commerce de biens et d'équipements destinés au maintien de l'ordre (voir également le paragraphe 3 de l'annexe à la recommandation) ;
Depuis l'entrée en vigueur de la règlementation UE initiale (2006), le SPF Economie n'a pas eu de demandes de licence import/export. Il n'y a donc pas d'informations à ce sujet.

(iv) si et comment vos autorités se sont engagées dans des actions au sein d'autres organisations internationales (voir également le paragraphe 6 de l'annexe à la recommandation).

c) Vos autorités ont-elles rencontré des difficultés dans la mise en œuvre de la Recommandation ? Dans l'affirmative, veuillez fournir des informations pertinentes, y compris sur la manière dont ces défis ont été relevés et/ou sur la question de savoir si une assistance technique supplémentaire aurait été nécessaire.

En ce qui concerne l'application du règlement UE 2019/125, le niveau fédéral est compétent, mais il est possible que certaines marchandises entrent aussi dans le champ d'application de certaines services régionaux. Le cas échéant, le niveau fédéral consultera les services régionaux.

Le Service de Licences du SPF Economie n'a reçu aucune demande concernant l'importation ou l'exportation de marchandises couvertes par le règlement 2019/125, ni de la part des opérateurs, ni de la part de l'Administration des Douanes et Accises.

CROATIA / *CROATIE*

NOTE:

As a member of the EU, **Croatia implements 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. **Recommendation CM/Rec (2021)2** on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment contains obligations which are similar to the EU Regulation, particularly with regard to the list of controlled goods. In this context, **Croatia has been actively implementing anti-torture regulation since its entry into the EU in 2013 and controlling exports of these goods. The Ministry of Foreign and European Affairs is the competent authority responsible for issuing licences for exports of controlled goods as well as monitoring these exports in cooperation with the Customs Authority** (Ministry of Finance).
The Ministry participates in **Anti-Torture Coordination Group (ATCG)** meetings that was formed in order to discuss issues related to the application of Regulation (EU) 2019/125. ATCG servers as a platform where experts from EU member states and the European Commission share information regarding administrative issues and discuss questions pertaining to the implementation of Regulation as well as technical issues with regard to listed goods and any other issues which may arise.

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

Answer: No

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors)

Answer: The Recommendation has been shared with the Customs Authority (Ministry of Finance). While the Ministry of Foreign and European Affairs is the competent authority for issuing licences related to goods specified in the Recommendation and Regulation (EU) 2019/125, the Customs Authority is at the front lines of enforcing these controls. Both national authorities closely monitor exports of goods listed in Annexes II, III and IV of Regulation (EU) 2019/125 which essentially encompasses the goods listed in Appendix 1, 2 and 3 of Recommendation CM/Rec (2021)2 and much more.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

Answer: As a member of the EU, Croatia directly implements Regulation 2019/125 and the Regulation on the implementation of the Regulation (EU) 2019/125 which contains adequate rules and procedures was adopted at the national level (Official Gazette, No: 100/2013, 17/2020).

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?
In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);

(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);

(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);

(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

Answer: See answer under 2a.

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

Answer: With regard to implementation of Regulation, no significant challenges were encountered.

CYPRUS / *CHYPRE*

Cyprus adopted Law no. 149(I)/2020 providing for the implementation of Regulation (EU)2019/125 of the European Parliament and of the Council concerning trade in certain goods which could be used for capital punishment, torture, inhuman or degrading treatment or punishment.

As *per* the law, it is prohibited to export, import or transit goods listed in Annex II of the above Regulation as well as providing brokering services, training, participation in trade fairs and advertising in relation to goods listed in the said Annex II.[3] It is also prohibited to export controlled goods listed in Annexes III and IV of the Regulation or to provide technical assistance or brokerage services regarding these goods without having a license issued by the competent authority (i.e. Ministry of Energy, Commerce and Industry).[4] Transit of controlled goods referred to in Annexes III and IV of the Regulation is also prohibited by the above law. As *per* the law, whoever imports, exports, transits, brokers goods contrary to the provisions of the law is liable and if found guilty is subject to imprisonment of up to two years or fine of up to €20.000 or both punishments. In case of subsequent conviction is subject to imprisonment of up to four years or fine of up to €30.000 or both punishments. According to the competent Ministry of Energy, Commerce and Industry, law no. 149(I)/2020 covers the provisions of Recommendation CM/Rec(2021)2.

According to information received from the Ministry of Health, with regards to the substances listed in Appendix 2 of the Recommendation, none of these are manufactured in Cyprus and only

[3] Annex II of the Regulation includes the list of prohibited inherently abusive goods and equipment referred to in Appendix 1 of the Recommendation.
[4] Annex IV of the Regulation includes the list of pharmaceutical chemicals referred to in Appendix 2 of the Recommendation.

one preparation of thiopental sodium has a marketing authorization, however its use is very limited. As for the list of controlled goods and equipment referred to in Appendix 3 of the Recommendation, the State laboratory of forensic chemistry and toxicology deals only with analyzing substances CS, CN, OC and PAVA in police exhibits that fall under law no. 113(I)/2004 providing for the import, export, acquisition, possession or transfer of firearms and other firearms.

 **CZECHIA** / *TCHÉQUIE*

3) Dissemination of the Recommendation

c) Has the Recommendation been translated into the national language(s)?

No.

d) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

Yes, with the Ministry of Industry and Trade.

4) Implementation of the Recommendation

d) What measures have been taken or are envisaged to implement the Recommendation at national level?

In the Czech Republic, trade in the goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment is governed by Regulation (EU) 2019/15 of the European Parliament and Council, which is legally binding and directly applicable in the Czech Republic. Act No. 38/2008 Coll., on foreign trade in goods that could be used for capital punishment, torture or other cruel, inhuman and degrading treatment or punishment, was adopted to implement the Regulation. Among other things, the law stipulates the requirements for submitting permit applications and sanctions for violation of the Regulation.

e) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

No.

In this context, please provide disaggregated information specifically in relation to:

(v) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);

According to Articles 3 and 4 of the Regulation, trade in this type of goods (Annex II of the Regulation) is prohibited. Exceptions are goods exclusively used for the purposes of public display in the museum due to its historical importance.

(vi) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);

According to Article 16 of the Regulation, trade in this type of goods (Annex IV of the Regulation) is only possible on the basis of a permit.

(vii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);

According to Article 11 of the Regulation, trade in this type of goods (Annex IV of the Regulation) is only possible on the basis of a permit.

(viii) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

f) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

Given that the Regulation applies in the Czech Republic, the requirements of the Recommendation are fulfilled. The European Commission reviews the implementation of the Regulation every 5 years and submits a summary report to the European Parliament and the Council. The last report was submitted in July 2020.

DENMARK / *DANEMARK*

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

No

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

N/A

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

There has not been envisaged any measures to implement the recommendation at national level. Instead, we follow the EU council regulations.

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

N/A

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);

N/A

(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);

N/A

(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);

N/A

(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

No

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

N/A

ESTONIA / *ESTONIE*

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

As a member of European Union Estonia is bound by 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. That regulation covers the same issues that form the object of the Recommendation. The regulation is available in Estonian.

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

The directly applicable EU Regulation serves as the main act on torture free trade in Estonia. It has been sent in Estonian to all relevant authorities. The Recommendation has been forwarded to the Strategic Goods Commission that is the competent authority under the EU Anti-Torture Regulation, and the Legal Chancellor (ombudsman) who acts as the national mechanism for the prevention of torture.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

The Recommendation can be considered to have been implemented through the application of the EU Anti-Torture Regulation and the domestic Strategic Goods Act. Under that act “the strategic goods” mean among other things the goods used to commit human rights violations, i.e. goods which cannot be used for practical purposes other than capital punishment, torture or other cruel, inhuman or degrading treatment or punishment within the meaning of EU regulation.

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

See answer to 2(a) above.

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);
(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);
(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);

In Estonia, the Strategic Goods Commission issues import and export licenses for goods used to commit human rights violations under the Regulation (EU) 2019/125. Since the adoption of Recommendation CM/Rec(2021)2, according to the Estonian e-licensing system Stratlink, no import or export licenses have been issued for goods used to violate human rights, which are listed in parts 2b (i)-(iv) of the questionnaire.

The Chancellor of Justice has referred to EU Anti-Torture Regulation on one occasion in connection with the use of a spit hood (see the CoE Recommendatoin, Appendix 3, i) as a restraint measure in one of the three prisons in Estonia. Following the Chancellor of Justice's recommendation, the use of spit bags was stopped in that prison. The other two prisons did not use that equipment.

(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

Estonia, together with other EU countries, is a member of the Alliance for Torture-Free Trade, which aims at ending global trade in goods used for torture and capital punishment and work towards a United Nations instrument, preferably a binding convention.

Estonian expert is a member and vice-chair of the UN Group of Governmental experts on torture-free trade (established in accordance with Assembly resolution 73/304 in July 2021).

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

FRANCE

1) Diffusion de la recommandation

a) La recommandation a-t-elle été traduite dans la/les langue(s) nationale(s) ?

Sans objet.

b) La Recommandation a-t-elle été communiquée aux autorités compétentes, y compris celles qui mettent en œuvre et/ou supervisent la réglementation du commerce et d'autres activités concernant les biens en question ? Dans l'affirmative, veuillez préciser les destinataires (pour rappel, le paragraphe 2 de la recommandation contient une liste indicative des acteurs concernés).

Après son adoption par le Comité des Ministres, la Recommandation a été transmise aux ministères qui avaient été consultés dans le cadre des travaux d'élaboration de la Recommandation (ministères de l'Europe et des Affaires étrangères, de la Défense, de l'Intérieur, de la Justice, de la Santé, et ministère en charge des Douanes).

2) Mise en œuvre de la recommandation

a) Quelles mesures ont été prises ou sont envisagées pour mettre en œuvre la Recommandation au niveau national ?
b) La Recommandation a-t-elle servi de base à l'adoption ou à la révision de la législation et/ou des mesures administratives au niveau national ?

Dans ce contexte, veuillez fournir des informations détaillées, en particulier en ce qui concerne :

(i) le commerce de biens et d'équipements intrinsèquement interdits (voir en outre le paragraphe 1 de l'annexe à la recommandation) ;
(ii) l'exportation et le transit de certains produits chimiques pharmaceutiques (voir également le paragraphe 2 de l'annexe à la recommandation) ;
(iii) le commerce de biens et d'équipements destinés au maintien de l'ordre (voir également le paragraphe 3 de l'annexe à la recommandation) ;
(iv) si et comment vos autorités se sont engagées dans des actions au sein d'autres organisations internationales (voir également le paragraphe 6 de l'annexe à la recommandation).

Le contenu de la Recommandation, ainsi que de ses annexes, est repris dans le règlement (UE) 2019/125 du Parlement européen et du Conseil du 16 janvier 2019 concernant le commerce de certains biens susceptibles d'être utilisés en vue d'infliger la peine capitale, la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants. Ce règlement est mis en œuvre en France depuis sa date d'entrée en application. Il sert de base juridique à la mise en application de la Recommandation.

Depuis juillet 2020, la compétence en matière de délivrance d'autorisations d'exportation de ces biens, antérieurement attribuée aux douanes, a été transférée au Service des Biens à Double Usage (SBDU). Comme pour les biens à double usage, le processus d'autorisation de ces biens implique le SBDU et la Commission interministérielle des biens à double usage (CIBDU), mais

dans un format adapté à la nature et aux objectifs du contrôle, en rassemblant les représentants du ministère de l'Europe et des Affaires étrangères, du ministère des Armées et du ministère de l'Intérieur.

C'est sur la base du règlement (UE) 2019/125 que sont contrôlés les exposants, les matériels exposés, ainsi que les catalogues mis à disposition dans le cadre des deux salons dédiés à la sécurité organisés en France (Milipol Paris et Eurosatory).

La douane contrôle l'importation et l'exportation des biens repris dans les annexes du règlement (UE) 2019/125, en créant des profils nationaux de sélection basés sur l'identification des autorisations délivrées par le Service des biens à double usage. Des contrôles *a posteriori* peuvent également être menés par les services d'enquête.

Les annexes 1, 2 et 3 de la Recommandation correspondent respectivement aux annexes II, IV et III du règlement européen. Les marchandises reprises dans ces annexes bénéficient d'un niveau équivalent de surveillance et de contrôle au moment du dédouanement par les services douaniers.

La Commission européenne a lancé au début de l'été un travail de révision des annexes du règlement (UE) 2019/125 concernant le commerce de certains biens susceptibles d'être utilisés en vue d'infliger la peine capitale, la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants.
Il s'agit de réviser :
- l'annexe 2, qui énumère les biens interdits à l'exportation (elle "*comprend des biens qui n'ont aucune autre utilisation pratique que celle d'infliger la peine capitale ou la torture et d'autres peines ou traitements cruels, inhumains ou dégradants*", selon l'article 3) ;
- l'annexe 3, qui énumère les biens soumis à autorisation d'exportation (ils sont "*susceptibles d'être utilisés en vue d'infliger la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants*" et sont "*principalement utilisés à des fins répressives" ou "présentent un risque grave d'être utilisés en vue d'infliger, etc*.").

Concrètement, la Commission a proposé en juillet d'ajouter 14 biens à la liste des interdictions, et 5 nouveaux biens à la liste des autorisations.

- Moyens d'entraves collectifs ou de conduite collective de détenus;
- Menottes de chevilles;
- Entraves attachées à un mur, etc.;
- Cagoules ou masques aveugles pour détenus ou retenus;
- Bâtons longs de tous types, servant aux forces de l'ordre;
- pistolets à impulsion électrique à contact direct conçues uniquement pour les forces de l'ordre ou conçus pour tirer plusieurs projectiles sur plusieurs individus;
- Lanceur de projectiles de gros calibres anti-émeutes;
- Dispositif fixe de dissémination d'agent chimique irritant ou incapacitant (type anti-intrusion);
- Équipement ou projectile de dissémination d'agent de contrôle des foules depuis les airs;
- Dispositif de lancer ou de dissémination imprécis, tel qu'un lanceur multiple de projectiles;
- armes de force intermédiaire à effet cinétique;
- grenades assourdissantes;
- armes acoustiques.

La liste comprenant des équipements en dotation dans les forces de l'ordre (Intérieur, Douanes, Armées), une réunion avec les ministères concernés et la Commission européenne doit se tenir le 2 octobre 2024.

Par ailleurs, la France soutient le principe de l'élaboration d'un instrument juridique international (contraignant) permettant l'interdiction des biens ayant pour finalité la torture et la régulation de ceux pouvant être détournés à cette fin. Le règlement européen en vigueur (2019/125) pourrait servir de base à l'élaboration d'un tel instrument.

c) Vos autorités ont-elles rencontré des difficultés dans la mise en œuvre de la Recommandation ? Dans l'affirmative, veuillez fournir des informations pertinentes, y compris sur la manière dont ces défis ont été relevés et/ou sur la question de savoir si une assistance technique supplémentaire aurait été nécessaire.

Les difficultés quant à la mise en œuvre de ces mesures reposent sur l'identification très large des marchandises reprises dans les annexes avec des descriptions techniques peu détaillées (ex : canons à eau) ou des nomenclatures douanières trop générales pour identifier les marchandises lors du dédouanement.

De plus, concernant les biens et équipements abusifs, le point 1.5 interdit toute publicité quel que soit le support, y compris les technologies de l'information et de la communication et l'internet, a télévision, la radio, la presse écrite et les salons professionnels. Cette exigence est reprise dans les articles 8 et 9 du règlement (UE) 2019/125. Contrairement au contrôle des flux internationaux de marchandises *via* les systèmes informatiques douaniers, ces interdictions de publicité et d'exposition nécessitent des contrôles physiques, par exemple lors des salons professionnels (consultation des catalogues papiers), qui diffèrent des méthodes habituelles de ciblage par les agents des douanes. Identifier des infractions dans ce domaine est donc plus complexe pour la Douane que de contrôler les marchandises en elles-mêmes lors de leur passage en frontière.

FINLAND / *FINLANDE* *(received on 9/02/2025)*

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

The Recommendation has been translated into Finnish. Please see the attached document.

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

The original Recommendation in English has been distributed to competent authorities. The Finnish translation of the Recommendation will be distributed more widely in February 2025, including to Parliament, the Parliamentary Ombudsman, the Chancellor of Justice, the National Human Rights Institution, the Centre for Torture Survivors and War Trauma Rehabilitation in Finland and civil society organisations. Many of the mentioned above

were offered the opportunity to comment on the Recommendation already at the drafting stage, so the process and the Recommendation are known at the national level.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

The Government notes that EU Regulation (2019/125) concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment contains provisions with the same substance as the present Recommendation of the Committee of Ministers of the Council of Europe.

Furthermore, the national Medicines Act (395/1987) regulates the manufacture, import, sale and other release of medicinal products, pharmacovigilance, pharmacy operations and pharmaceutical services in hospitals, health centres and social welfare institutions. The Finnish Medicines Agency (Fimea) supervises and develops the pharmaceutical sector in Finland.

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

The Government notes that the Recommendation and its implementation have not actually prompted any measures in Finland, as the relevant Finnish legislation and operating models have already been complied with the Recommendation before it was adopted.

 **GERMANY** / *ALLEMAGNE*

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

Germany applies the binding EU Regulation No 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 which is available in the national language.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);
(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);
(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);
(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

Germany implements the Recommendation through application of the above-mentioned EU Regulation.

Germany publishes yearly reports on the application of the above-mentioned EU Regulation which can be found here: https://www.bafa.de/DE/Aussenwirtschaft/Ausfuhrkontrolle/Antragsarten/Anti_Folter_Verordnung/anti_folter_node.html

In addition, Germany supports the EU-led initiative "Alliance for torture-free trade".

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

LATVIA / *LETTONIE*

The Government of the Republic of Latvia informs that in Latvia the control of goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment is carried out in accordance with the *Regulation 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 ('Regulation')*. Goods, which could be used for death penalty, torture or other cruel, inhuman or degrading treatment or punishment, are listed in Annexes II, III and IV to the *Regulation*, and authorisations are required for the import or export of such goods. According to the *Cabinet of Ministers' Regulation no.927 "On the procedure for issuing export and import permits for goods which could be used for the purposes of death penalty, torture or other cruel, inhuman or degrading treatment or punishment"* of 11 November 2008 the export and import permits for such goods are issued by the Strategic Goods Export Control Division of the Ministry of Foreign Affairs of the Republic of Latvia.

Considering that in Latvia the control of goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment is already regulated by the above *Regulation*, below we provide answers as far as possible to the questions listed in the Questionnaire on the implementation of the *Recommendation CM/Rec(2021)2 of the Committee of Ministers to member States on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment* ('*Recommendation'*).

1) Dissemination of the *Recommendation*

a) Has the Recommendation been translated into the national language(s)?

The Ministry of Justice of the Republic of Latvia has requested the State Language Centre to provide an official translation of the *Recommendation* into Latvian. It is expected that the translation would be completed by the end of 2024.

b) Has the Recommendation been shared with competent authorities, including those implementing and/or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

The Ministry of Justice and the State Security Service has been informed about the *Recommendation*. Additionally, following the receipt of the translation of the *Recommendation*, the Ministry of Justice plans to disseminate the translated version of the *Recommendation* to other competent institutions by the end of 2024.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

As noted above, the Ministry of Justice after receiving the translation of the *Recommendation* will disseminate it to other competent institutions. No other specific measures have been taken to implement the Recommendation in Latvia since the relevant legal framework has already been established by the *Regulation* and the Cabinet of Ministers' *Regulation no.927*.

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

The *Recommendation* has not served as a basis for the adoption or review of legislation and/or administrative measures at national level. At the same time, the aforementioned Cabinet of Ministers' *Regulation no.927* was adopted to further implement the provisions of the *Regulation*.

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

The authorities have not encountered any difficulties or problems in the implementation of the *Recommendation*.

LITHUANIA / *LITUANIE*

1) Dissemination of the Recommendation
a) The Recommendation was translated into the Lithuanian language.
b) The Recommendation has been shared with a few competent authorities – the Ministry of the Economy and Innovation, the Ministry of Health, Customs Department under the Ministry of Finance, the Ministry of Interior, Parliamentary Seimas Ombudspersons' office. Besides, the Recommendation has been published on the official internet website of the Ministry of Justice, thus, it is freely accessible to all the relevant institutions and public.

2) In this context it should be pointed out that the majority of the relevant authorities noted that in their work they follow 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 (hereinafter – the Regulation), which to some extent is repeated in the Recommendation.
Given the fact that the Regulation has served as a basis for the adoption or review of legislation and/or administrative measures at the national level, the information submitted in response to the second question of the Questionnaire concerns the implementation of the Regulation, which is closely related to the implementation of the Recommendation. The Regulation at the national level has been implemented having adopted several by-laws. E.g.:

- The Rules for issuing, suspending and revoking permits to export, import goods that could be used for capital punishment, torture or other cruel, degrading treatment or punishment, and permits to provide related technical assistance approved by the Order of the Commissioner General of the Lithuanian Police of 29 March 2006 No. 5-V-203. The said rules establish the order of authorizing export of the goods, listed in Annexes II and III to the Regulation, import the goods listed in Annex II to the Regulation, provision of technical aid, related the goods, listed in Annexes II and III to the Regulation, provision of mediation services related the goods listed in Annex II to the Regulation;

- Description for issuing permits to import/ export narcotic and psychotropic and medicinal substances and substances listed in Annex IV of the Regulation approved by the Order of the Minister of Health No. 409 of 25 July 2001 "As regards safeguarding control of import and export of narcotic and psychotropic and medicinal substances", which regulates the order to allow export of substances listed in Annex IV to the Regulation. To this end, it could be observed that the substances indicated in Annex IV to the Regulation conform to the substances listed in Appendix 2 of the Recommendation.

Up to date there have been no requests submitted to the relevant authorities to have the authorizations issued to export substances to third countries or to trade the said goods. However, as submitted by the Customs Department up to 20 September 2024 there have been 45 cases of export of the goods indicated in the Regulation (25 of them related to the export from Belgium to Russia of anaesthesia equipment) and 154 cases of import (31 of them related to import of plastic goods from to China to Lithuania). The officers of the Customs Department face difficulties related to identification of the goods indicated in the Annexes of the Regulation, e.g. to separate lashes used for torture from the whips used to drive cattle. Thus, specialized trainings to improve the officers' competences are required.

We hope the information laid down herein will be of value for the preparation of a comprehensive report analysing best practices and challenges in implementing the Recommendation.

 **MALTA** / *MALTE* *(received on 27/01/2025)*

Questionnaire

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

No, the document in English is used as this is one of Malta's official languages.

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

The Commerce Department is the authority listed within EU Regulation 2019/125 which is responsible for the enforcement of this regulation on a national level.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

As an EU Member State, Malta has directly implemented Regulation 2019/125 which is the regulation concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman, or degrading treatment or punishment. This Regulation provides a comprehensive approach to the rules and procedures which are to be adopted at national level in the control of trade in goods used for torture/capital punishment. This Regulation provides lists of goods which are prohibited from importation/exportation and those which require authorisation requirement. These lists are regularly updated, and any updates are directly implemented by Malta.

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

Since the regulation is directly applicable at a national level in Malta, this has served as a comprehensive approach toward controlling the trade in goods which may be used for capital punishment, torture and other cruel, inhuman and degrading treatment or punishment.

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);

Malta has not authorised trade contrary to that provided in EU Regulation 2019/125.

(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);

Malta has not authorised trade contrary to that provided in EU Regulation 2019/125.

(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);

Malta has not authorised trade contrary to that provided in EU Regulation 2019/125.

(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

Malta is a member of the Alliance for Torture-Free Trade.

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

The Competent Authority in Malta has not encountered any challenges or required any technical assistance.

 **MONTENEGRO** / *MONTÉNÉGRO*

I avail myself of the opportunity to inform you that the Recommendation CM/Rec(2021)2 of the Committee of Ministers to member States on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment was translated to Montenegrin language and published at the official website of the Office of the Representative of Montenegro before the European Court of Human Rights (hereinafter: „Office of the Representative“).

Furthermore, the Recommendation CM/Rec(2021)2 was disseminated to the competent authorities, in particular to the Ministry of Economic Development and the Customs Administration in charge of implementation and overseeing regulation of the trade in goods that can be used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment, the Protector of Human Rights and Freedoms of Montenegro (the Ombudsman institution), National Preventive Mechanism, as well as to the relevant civil society organisations.

The Act on foreign trade in goods that could be used for the execution of the death penalty, torture, or other cruel, inhuman or degrading treatment or punishment has been in force in Montenegro since 18 January 2018.

However, the Ministry of Economic Development informed the Office of the Representative that they had initiated the procedure of drafting the new Act on foreign trade in goods that could be used for the execution of the death penalty, torture, or other cruel, inhuman or degrading treatment

or punishment which would be aligned with the 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. Furthermore, the Ministry informed the Office of the Representative that the proposal of the new Act contained most of the recommendations set forth in the Recommendation CM/Rec(2021)2 and that the rest of the recommendations would be implemented in accordance with the domestic legislation and the present Recommendation.

Yours faithfully,

Representative of Montenegro
before the European Court of Human Rights
Katarina Peković

NETHERLANDS / *PAYS-BAS*

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

The Netherlands, as an EU MS, applies the European Anti-Torture Regulation 2019/125 – concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. This Regulation is directly applicable in the Netherlands and also translated in all EU 27 national languages.

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

The Ministry of Foreign Affairs, the Ministry of Health, Welfare and Sport and the Customs Authority (Ministry of Finance) are the competent authorities responsible for issuing export licenses/authorizations of goods controlled under Regulation 2019/125.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

See abovementioned answer.

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);
(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);
(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);
(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

The Netherlands publishes a yearly Export Policy report, including the granted licenses in relation to Regulation 2019/125. The publication of the 2023 report is expected shortly, but the 2022 report can be found here.

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

The Netherlands did not encounter any challenges with Regulation 2019/125 thus far.

The Netherlands publishes a yearly Export Policy report, including the granted licenses in relation to Regulation 2019/125. The 2023 report can be found here.

NORTH MACEDONIA / *MACÉDOINE DU NORD*

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

The Recommendation has been shared with competent authorities in North Macedonia, i.e. Ministry of Economy and the Customs Administration, which is responsible for the implementation of trade and other activities related to the relevant goods.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

b)

The adoption of a law regulating foreign trade in these goods is planned, along with by-laws that will define lists of goods prohibited from being used for capital punishment, torture, and other cruel, inhuman, or degrading treatment or punishment. These lists will also include goods that can be used for such purposes.

c) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

Yes.
The Recommendation CM/Rec(2021)2 on measures against the trade in goods used for the death penalty, torture, and other cruel, inhuman, or degrading treatment or punishment has been incorporated into a draft law on the foreign trade of goods and services that may be used for capital punishment, torture, or other cruel, inhuman, or degrading treatment or punishment. This law complies with Regulation (EU) 2019/125 of the European Parliament and Council of January 16, 2019, concerning the trade in certain goods and services that could be used to carry out the death penalty, torture, or other cruel, inhuman, or degrading treatment or punishment (CELEX number 32019R0125).

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);
(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);
(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);
(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

Regarding the goods listed in the Appendices, the proposed text of the law prohibits the import, export, transit, mediation, brokering, provision of technical assistance, advertising, and exhibition

at fairs of goods that serve no other purpose than the death penalty, torture, or other cruel, inhuman, or degrading treatment or punishment. An exception is made for goods used exclusively for exhibition in a museum, which requires a permit issued by the Ministry of Economy.

According to the proposed law, the import, export, transit, mediation, brokering, and provision of technical assistance for goods that could be used for capital punishment, torture, or other cruel, inhuman, or degrading treatment or punishment, and whose import and export are not prohibited, can only be conducted with a permit issued by the Ministry of Economy.

The lists of goods will be defined by a by-law, using tariff labels to facilitate the swift and accurate implementation of these measures within the electronic systems of the Customs Administration.

d) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

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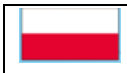 **POLAND** / *POLOGNE*

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

Yes, the Recommendation together with its explanatory memorandum has been translated into Polish by the Ministry of Foreign Affairs and published on its website.

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

Yes, the Ministry of Foreign Affairs shared the text of the Recommendation and explanatory memorandum with the following authorities: Bureau of the Polish Ombudsman (which acts as the National Mechanism for the Prevention of Torture), Ministry of the Economic Development and Technology (the main authority in charge of the areas covered by the Recommendation), Ministry of the National Defence, Ministry of the Interior and Administration, Ministry of Health, Ministry of Justice, Ministry of Finance, Ministry of Culture and National Heritage, National Prosecutor's Office, and the Chancellery of the Prime Minister (where the Minister – Coordinator of Special Services is situated). The text of the Recommendation has also been shared with the relevant departments of the MFA and some of the diplomatic missions abroad under their supervision.

Some of the above authorities have disseminated the Recommendation further. The Bureau of the Ombudsman posted the text of the Recommendation on its website. The Ministry of the Economic Development and Technology published the Recommendation on the governmental website presenting (to the general public) information on the regulations and the applicable procedures related to the trade in goods in question. The Ministry of Culture and National Heritage shared the Recommendation with 60 cultural institutions, mainly museums, under its supervision,

and invited the National Institute of Museums to disseminate the Recommendation among the museums that are not supervised by the Ministry.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

Joint reply to questions 2a) and 2b): The issues covered by the CoE Recommendation have been regulated in Poland since 2005 by virtue of the EU law – firstly by 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, and now – by 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). In accordance with Article 207 of the Treaty on the Functioning of the European Union, the matters covered by the Recommendation fall under the common commercial policy of the EU and thus the EU Member States are not authorised to adopt their individual policy or pass their own legal regulations that would not be in conformity with the EU law.

EU Regulation no. 2019/125 constitutes binding law in Poland and is directly effective and as such must be applied in its entirety on the Polish territory. The rules and the procedure applied based on the EU Regulation, including information on the prohibition of export, import, brokering and receipt of technical assistance related to equipment that has no practical use other than for capital punishment or torture, are explained to the general public on the official website of the government (https://www.biznes.gov.pl/pl/portal/ou378). The measures stemming from the Regulation, which take into account the Combined Nomenclature codes, are integrated in the national database of Integrated Tariff Information System (ISZTAR4), thus they are implemented in the National Customs Systems.

The Polish authorities thus directly apply the provisions of the 2019 Regulation, which prohibit the trade in goods that could be used for capital punishment, infliction of torture or other cruel, inhuman or degrading treatment or punishment, as recommended in the CoE Recommendation. The Regulation also establishes an authorisation system that is intended to prevent the export of goods that could be used for such purposes and introduces regulations related to the provision of brokering services, technical assistance, training and advertisement in connection with such goods. The lists of goods and equipment enclosed to the CoE Recommendation significantly overlap with the corresponding lists enclosed to the EU Regulation 2019/125 (the main difference concerning the list of riot control agents attached to the CoE Recommendation). The vast majority of recommendations stemming from the CoE Recommendation had thus already been implemented in the Polish law even before the CoE Recommendation was adopted. Consequently, in so far as the recommendations stemming from the CoE Recommendation overlap with the EU Regulation 2019/125, there has been no need to adopt additional legislation at the domestic level.

Nevertheless, **in 2022 legislative works were initiated** by the Ministry of the Economic Development to determine legal sanctions for the breach of the prohibitions at stake (as recommended in para. 3.1.5 of the CoE Recommendation and as required by the EU Regulation) and to establish control over the provision of technical assistance and training (as recommended in para. 3.1.3 of the CoE Recommendation). In consequence, a draft law on trade with third countries in certain goods which could be used for capital punishment, torture or other cruel,

inhuman or degrading treatment or punishment, was prepared. However, these legislative works had to be discontinued for formal reasons upon the change of government in December 2023. Nevertheless, new conceptual works have been initiated in the Ministry of the Economic Development and Technology in order to prepare a new law that would determine legal sanctions for the breach of the prohibitions stemming from both the CoE Recommendation and the EU Regulation and would implement the relevant provisions of the CoE Recommendation. It is expected that this work could be finished before 1 April 2026, i.e. the 5-year deadline indicated in the CoE Recommendation.

Pending the adoption of the new law, the foreign trade in goods contrary to the prohibitions or restrictions provided for by the EU Regulation, including trade without a necessary authorisation, may be qualified as a fiscal offence under Article 86(2) of the Fiscal Penal Code (customs smuggling concerning goods in foreign trade covered by non-tariff restriction punishable by a fine or deprivation of liberty or both these penalties jointly).

In order to reflect the overall picture of the domestic law, it would also be useful to mention the following Polish legal acts that **additionally support or may indirectly support** the achievement of the objectives of the EU Regulation and the CoE Recommendation:

- *the Law of 16 April 2004 on the administration of foreign trade in goods and the Law of 10 March 2006 on the administration of foreign trade in services* – both containing technical regulations necessary for the functioning of the EU law in Poland;
- *the Law of 13 June 2019 on the performance of economic activity in the field of manufacturing of, and trading in explosives, weapons, ammunition and products and technology for military or police use (together with the Ordinance of the Council of Ministers of 17 September 2019 on the classification of types of explosives, weapons, ammunition and products and technologies of military or police use, for the manufacturing or trade of which a licence is required*) – According to the Law of 13 June 2019, the economic activity of manufacturing and trading in explosives, weapons, ammunition and products and technology for military or police use is only permitted if the conditions set out in the Law are met. The Law sets conditions under which entrepreneurs may apply for a licence authorising them to carry out economic activities consisting in the manufacturing or trade in goods in the classified areas listed in the Ordinance of the Council of Ministers of 17 September 2019. As this list does not include goods and equipment which are abusive by their nature, their marketing may not be covered by any licences granted by the state. Therefore, the licences granted to entrepreneurs in accordance with the provisions of the aforementioned Law, do not cover business activities consisting in the manufacturing or marketing of goods and equipment that are inherently abusive in nature in the meaning of the CoE Recommendation.
  Manufacturing of, and trade in goods and equipment serving law enforcement listed in the above-mentioned Ordinance is only available for entrepreneurs who comply with the relevant requirements and have been granted a licence. The Law precisely determines rules of registering the respective stages of the process of manufacturing the types of weapons and goods designed for the army or police and of the transactions made. Only entrepreneurs who have been granted a licence for the purchase of goods serving law enforcement and some public authorities and public services enumerated in the legal provisions are authorised to purchase goods covered by the Law and Ordinance.
  Any application for manufacturing or trade in the incapacitating agents for control and law enforcement tasks which are listed in annexes to the above Ordinance, or in goods which are not mentioned in these annexes but which are anyway linked with, or could potentially be used for, incapacitating of persons in connection with control and law-enforcement tasks, requires an opinion of the Military Institute of Chemistry and Radiometry in Warsaw. The Ministry of the Interior and Administration intends to consult with the Institute on the need to supplement

the Ordinance with three outstanding riot control agents, as mentioned in Appendix no. 3 to the CoE Recommendation, paragraphs IVd)-f).

- *the Ordinance of the Minister of Health of 17 August 2018 on the list of psychotropic substances, drugs and new psychoactive substances* – it classifies the pharmaceutical chemicals such as amobarbital (CAS RN 57-43-2); amobarbital sodium salt (CAS RN 64-43-7); pentobarbital (CAS RN 76-74-4); pentobarbital sodium salt (CAS 57-33-0) as group III-P, and secobarbital (CAS RN 76-73-3) whereas secobarbital sodium salt (CAS RN 309-43-3) as group II-P psychotropic substances and subjects them to control with regard to manufacturing, processing, conversion, distribution, import, export, use and possession – in accordance with the regulations of the Act of 29 July 2005 on Counteracting Drug Addiction. According to Article 37(1) of the latter, import, export, intra-Community supply or intra-Community acquisition of drugs or psychotropic substances may be carried out by authorised entities only – *i.e.* entrepreneurs holding authorisations for manufacturing, processing, conversion, import, distribution or wholesale trade in such drugs or substances or their use for the purpose of scientific research.
- *the Pharmaceutical Law of 6 September 2001* – it governs distribution as medicinal products of thiopental (CAS RN 76-75-5) and thiopental sodium salt (CAS RN 71-73-8) – which are not covered by the above-mentioned Ordinance of the Minister of Health of 17 August 2018 on the list of psychotropic substances, drugs and new psychoactive substances. If these substances are distributed as medicinal products, they are covered by general regulations related to the trade in medical products under the Pharmaceutical Law. According to that Law, these chemicals that are intended for the manufacture of medicines (APIs) or that are contained in medicinal products can only be introduced by authorised entities (e.g. pharmaceutical wholesalers). Medicinal products currently registered in Poland containing thiopental are dedicated to inpatient treatment which makes them intended for use in inpatient (hospital) care only. The indication for their use is short-term anaesthesia without intubation or for induction of general anaesthesia with or without intubation (induction of prolonged anaesthesia during surgical procedures with or without preparation of the patient for artificial respiration). Internal consultations are currently taking place at the Chief Pharmaceutical Inspectorate regarding a possible notification of the thiopental (and its sodium salt) to the Team in charge of the assessment of risks to human health or life in order for it to assess the possibility of inclusion in the above-mentioned list of psychotropic substances, drugs and new psychoactive substances;
- *the Law of 29 November 2000 on foreign trade in goods, technologies and services of strategic character for the state security and for preservation of international peace and security* – according to that Law, the trade control authority shall refuse, by administrative decision, to issue an individual licence or a global licence for trade in weapons if there is a risk that the weapons to be exported could be used for internal repression or acts in violation of international humanitarian law, or if there is a risk that the weapons to be exported might be used to provoke or prolong an armed conflict or aggravate existing tensions or conflicts in the end-user country; or if the operator does not warrant the lawful conduct of trade. The trade control authority also may refuse, by administrative decision, to issue an individual licence or a global licence for the trade in weapons if the granting of such a licence would adversely affect respect for human rights, or if the end-user country fails to comply with international obligations, in particular on the non-use of force or international humanitarian law, or there is a risk of a change of end-user and of end-use. Although the Law does not directly apply to the subject matter of the Recommendation in question, it concerns the international system of control over the trade in weapons and dual-use goods and technologies. Poland has ratified all significant conventions applicable in this area and, based on this Law, cooperates with other State Parties to these treaties to foster international security and stability;
- *the Ordinance of the Minister of the Economic Development and Technology of 4 June 2024 on the list of weapons the trade in which requires licence* (replacing previous ordinances) –

the authorisation is required for export, brokering services, technical assistance or transit. The Regulation implements the Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community, as amended by the Commission Delegated Directive (EU) 2024/242 of 27 September 2023 amending Directive 2009/43/EC of the European Parliament and of the Council as regards the updating of the list of defence-related products in line with the updated Common Military List of the European Union of 20 February 2023.

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);

No applications for trade in such goods and equipment have been registered by the Ministry of the Economic Development and Technology since 2020 (i.e. following the adoption of EU Regulation 2019/125 and the CoE Recommendation).

(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);

According to the data in possession of the Ministry of the Economic Development and Technology:
- in 2020 – no applications;
- in 2021 – no applications;
- in 2022 – no applications;
- in 2023 – 1 application by a private company for export licence to Armenia of chemicals listed in Annex IV to EU Regulation 2019/125 (butabarbital, amobarbital, pentobarbital and secobarbital) – a positive decision issued;
- in 2024 – 1 application by a private company for export licence to Kazakhstan of barbiturates – proceedings pending.

In addition, in 2023, the Ministry of Health reported an application for export to Ukraine of Thiopental Impurity Mixture CRS - * Psy (dogs) (containing a trace amount (0,011 mg) of Pentobarbital) – a positive decision issued.

(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);

According to the data in possession of the Ministry of the Economic Development and Technology:
- in 2020 – 4 applications, including:
    - 1 application by a Polish public law enforcement entity for export to Georgia of handcuffs and pepper gas – a positive decision issued;
    - 3 applications by a private company for export licence to Kuwait of backpack gas throwers – proceedings discontinued as the applicant company did not correct the formal deficiencies of its applications;
- in 2021 – no applications;
- in 2022 – no applications;
- in 2023 – no applications;
- in 2024 – 1 application by a private company for export licence to Ukraine of capsicum flavour – proceedings discontinued.

(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

Poland actively participates in initiatives aimed at the prohibition of trade in goods serving torture and death penalty, including those undertaken by the UN and the Alliance for Torture-Free Trade (of which Poland is a member). One of such initiatives was the adoption by the UN General Assembly of resolution 73/304 – Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards, proposed by the European Union.

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

No particular challenges have been reported by the consulted authorities.

ROMANIA / *ROUMANIE* *(received on 13/02/2025)*

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

*At European Union level, 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 is in force and directly applicable in all Member States. This regulation has been translated in the national language.

The European Commission also presented a report on the review of Regulation (EU) 2019/125 with its main findings and conclusions. The report provides a comprehensive assessment of the Regulation, analysing its impact, global influence, challenges and opportunities. The report outlines further actions to enhance the effectiveness of the Regulation and to ensure that it continues to make an important contribution to the fight against torture and the death penalty.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);
(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);
(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);
(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

*As regards the barbiturate derivatives mentioned in Appendix 2 to CM/Rec(2021)2 (amobarbital and its sodium salt; pentobarbital and its sodium salt; secobarbital and its sodium salt; thiopental and its sodium salt), we specify that only Thiopental is conditioned in the form of medicinal products for human use authorized for marketing in Romania, being used as a general anesthetic under the following trade names: Thiopental Sodic Panpharma | g; Thiopental Sodic Panpharma 500 mg; Thiopental Sodium Eipico 1 g; Thiopental Sodium Eipico 500 mg. The marketing of these medicines is legal, regardless of whether they are intended for customers in the national territory, EU Member States or third countries.
Moreover, marketing in the legal distribution chain is only for entities authorized to purchase such medicines. Each wholesale distributor has the obligation to verify its customers, in accordance with the provisions of the Order of the Minister of Health No. 761/2015 for the approval of the Guide on good practice in the wholesale distribution of medicines.
Please note that all the other substances mentioned above (amobarbital and its sodium salt, pentobarbital and its sodium salt; secobarbital and its sodium salt), besides the fact that they are not currently available in the form of any medicinal product for human use with a valid marketing authorization in Romania (they are not included in the nomenclature on the ANMDMR website), are mentioned in Tables II or III of Law no. 339/2005 on the legal regime of plants, substances and narcotic and psychotropic preparations, with subsequent amendments and additions, so that their possession and marketing [if in the future would be (re)authorized for marketing medicines with these active substances] would require specific authorizations issued by the Ministry of Health, which is a filter and an effective control mechanism.

SLOVAK REPUBLIC / *RÉPUBLIQUE SLOVAQUE*

1) Dissemination of the Recommendation

The Recommendation has not been translated into Slovak or shared with other relevant authorities yet. In this connection it is necessary at the same time to underline the existing legal framework in the Slovakia concerning the trade of certain goods that could be used for capital punishment, torture, or other cruel, inhuman, or degrading treatment or punishment that came into effect in November 2007, as referenced below.

2) Implementation of the Recommendation

Slovakia has already signed and ratified most of the international human rights instruments, whether introduced by United Nations or the Council of Europe, among others the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (establishing the Committee for the Prevention of Torture of the Council of Europe). Regarding the regulation of trade in goods used for capital punishment, torture, or other cruel, inhuman, or degrading treatment or punishment, Slovakia is also already a member of the Global Alliance for Torture-Free Trade, which was founded through the joint cooperation of the European Union, Argentina and Mongolia.

Being a member State of the European Union, the EU legislation in this respect applies to Slovakia as well. The major EU instrument aimed at this topic is the 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, also known as “Anti – Torture Regulation”, which entered into force as of 20 February 2019. The Anti – Torture Regulation is directly applicable in the Slovak Republic and part of the Slovak legislation.

The aforementioned EU legislation has been implemented through Act no. 474/2007 Coll., which governs the trade of certain goods that could be used for capital punishment, torture, or other cruel, inhuman, or degrading treatment or punishment. This Act outlines the allocation of responsibilities, rights, and duties of State authorities. It regulates trade with third countries involving goods that may be used for capital punishment, torture, or other inhuman or degrading practices. Additionally, the Act stipulates that goods potentially used to carry out the death penalty must not be exported or released to countries that have not yet abolished capital punishment. It also establishes a specific trade regime for the goods listed in the Appendix to the Recommendation.

The goods listed in the Appendix to the Recommendation are strictly prohibited from being exported to or imported from third countries unless they are designated as museum exhibits due to their historical significance. Such goods can only be exported or imported with a permit issued by the Ministry of Economy of the Slovak Republic.

The Ministry of Economy of the Slovak Republic is the primary State authority responsible for trade in goods, including issuing various types of permits for the export and import of goods specified in other legislation. Additional State bodies involved in trade matters include the Ministry of Foreign and European Affairs of the Slovak Republic, the Ministry of Culture of the Slovak Republic and the Customs Directorate of the Slovak Republic.

Violations and sanctions under this Act are enforced by the customs authority. If goods intended for exhibition are transferred from the Slovak Republic’s customs territory to a third country, or vice versa, without proper authorization, fines are imposed. The Customs Directorate or local customs offices issue fines and sanctions, which may also include the confiscation of goods.

To sum up, Slovakia being also one of the co-sponsoring States of the UN Resolution *“Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards“,* strongly believes that international standards in this respect should be adopted. Prohibition of torture as one of the most important peremptory norms of the international law requires from States not only to abolish torture or its criminalisation but to take actions to prevent occurrence of this crime. Adoption of international standards prohibiting trade in goods designed for the sole purpose of torture or other cruel, inhuman or degrading treatment or punishment is one of the means that can eliminate the occurrence of this crime.

Slovakia has not encountered any recent difficulties with implementing this Recommendation, as the legal framework addressing this issue has been in force since 2007, as previously mentioned.

 **SLOVENIA** / *SLOVÉNIE*

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

Yes.

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

Yes. Financial Administration, Ministry of the Economy, Tourism and Sport.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

Since Recommendation is in line with *the 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* the latter is directly applicable in Slovenian legal order. Moreover, the national Regulation complementing implementation of the EU Regulation has been adopted in 2019 (Official Journal of the Republic of Slovenia no. 38/19, see link: https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2019-01-1799). Financial Administration of the Republic of Slovenia is responsible for monitoring their Implementation.

Measures applicable in relation to prohibitions and restrictions on imports and exports of goods listed in the Annexes to the Regulation 2019/125/EU are integrated into the customs systems for the control of imports and exports of goods. List of goods, the import/export of which is prohibited or restricted under Regulation 2019/125/EU is included in the TARIC database managed by the Commission (the EU Integrated Tariff, which is a database in which integrates all measures relating to customs tariff as well as trade and agricultural legislation).

In the last three years, Financial Administration of the Republic of Slovenia has not received requests for authorisations concerning goods listed in the Annexes to Regulation 2019/125/EU, nor has detected any infringements in the control of those goods.

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

See answer above.

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);

Regular awareness raising among stakeholders is carried out. Although there have been some applications in the past, perhaps also due to awareness raising, the Ministry of the Economy has not received any applications for trade in the goods in question in the last three years and has therefore not issued any licences.
Relevant website: https://www.gov.si/zbirke/storitve/nov-storitev-548/

(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation); same reply

(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation); same reply

(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

The Ministry of the Economy implements all the mandatory provisions of the EU Regulation, reports annually to the European Commission and publishes its annual report on its website.

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

SWEDEN / *SUÈDE* *(received on 13/01/2025)*

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

No.

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

Yes.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

The EU Regulation 125/2019 (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) fulfils in our view the requirements set out in the Recommendation.

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

No, see above, 2a.

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);

In Sweden's view the appendix I to the EU Regulation 125/2019 fulfils the requirements of the Recommendation, therefore no national Swedish measures have been adopted in this regard.

(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);

See above and appendix IV to EU Regulation 125/2019.

(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);

See above and appendix III to EU Regulation 125/2019.

(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

In one case the Swedish competent authority, The Swedish National Board of Trade, has communicated with the German authorities (BAFA) to ensure harmonised application of EU Regulation 125/2019. The case concerned goods in appendix III to EU Regulation 125/2019.

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

No challenges were encountered.

SWITZERLAND / *SUISSE*

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

French is a national language in Switzerland.
The Federal Council Dispatch concerning the new law contains detailed information about the recommendation and is available in the official languages German, French and Italian (see BBl 2023 2408 - Botschaft zum Foltergütergesetz | Fedlex (admin.ch); FF 2023 2408 - Message concernant la loi sur les... | Fedlex (admin.ch); FF 2023 2408 - Messaggio concernente la legge su... | Fedlex (admin.ch)).

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

See answer above.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

A new law regulating goods that could be used for torture or capital punishment has been drafted. It is currently be discussed in the Swiss parliament.

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

Yes, see answer above.

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation)
Would be covered under the new law.

(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation)
Medicinal products that could potentially be used for the death penalty already require an export licence from the Swiss Agency for Therapeutic Products.

(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation)
Would be covered under the new law.

(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).
Switzerland is a member of the Global Alliance for Torture-Free Trade and actively participates in the UN discussions on this topic.

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

At this stage, the Swiss authorities responsible for implementation have not yet encountered any challenges.

TÜRKIYE

Le ministère du Commerce a déclaré que le formulaire avait été examiné, mais qu'il n'était pas possible de fournir des informations claires sans les positions statistiques du tarif douanier des produits faisant l'objet de la décision.

UNITED KINGDOM / *ROYAUME-UNI*

Questionnaire

1) Dissemination of the Recommendation

a) Has the Recommendation been translated into the national language(s)?

The recommendation is available in English.

b) Has the Recommendation been shared with competent authorities, including those implementing and/ or overseeing regulation of the trade and other activities concerning relevant goods? If so, please specify the recipients (as a reminder, paragraph 2 of the Recommendation contains an indicative list of relevant actors).

The Export Control Joint Unit (part of the UK Department of Business and Trade) are the competent authority in the UK and aware of the Recommendation.

2) Implementation of the Recommendation

a) What measures have been taken or are envisaged to implement the Recommendation at national level?

Goods are subject to export prohibitions or controls if they can be used for: torture, capital punishment or cruel and inhuman or degrading treatment or punishment.

These goods are controlled by the Torture Regulations:

- In Great Britain, the assimilated Regulation (EU) 2019/125 of the European Parliament and of the Council.
- In Northern Ireland, Regulation 2019/125 applies.
- Licensing, enforcement and penalties powers are in the Export Control Order 2008 (as amended).

Goods controlled by the Torture Goods Regulations include drugs used in executions by lethal injection. The export of pancuronium bromide and propofol to the United States is also controlled under UK legislation.

b) Has the Recommendation served as a basis for the adoption or review of legislation and/ or administrative measures at national level?

No, Regulations to prohibit or control the export of torture goods have been in place in the UK since 2005.

In this context, please provide disaggregated information specifically in relation to:

(i) the trade in inherently prohibited goods and equipment (see further paragraph 1 of the Appendix to the Recommendation);

The export and import of goods referred to in paragraph 1 of the Appendix to the Recommendation is prohibited.

(ii) the export and transit of certain pharmaceutical chemicals (see further paragraph 2 of the Appendix to the Recommendation);

In the UK pharmaceutical chemicals that could be used for in lethal injection executions are subject to the Regulations (see the response to question 2 above).

(iii) the trade in law enforcement goods and equipment (see further paragraph 3 of the Appendix to the Recommendation);

The Regulations (see the response to question 2 above) establish effective export and transit control measures with respect to law-enforcement goods and equipment.

(iv) whether and how your authorities have engaged in action with other international organisations (see further paragraph 6 of the Appendix to the Recommendation).

The UK is a member of the Alliance for Torture-Free Trade.

c) Did your authorities encounter challenges in the implementation of the Recommendation? If so, please provide relevant information, including on how those challenges were met and/ or whether additional technical assistance would have been needed.

No.