

A Visual Guide to
Military, Security & Police Equipment
Prohibited or Controlled by the
EU Torture Trade Regulation

Council Regulation (EC) 1236/2005 concerning trade in
certain goods which could be used for capital
punishment, torture or other cruel, inhuman or
degrading treatment or punishment.

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About the Omega Research Foundation

The Omega Research Foundation provides rigorous, objective, evidence-based research on the manufacture, trade, and use of, military, security and police (MSP) technologies worldwide.

Our research is used to develop and monitor effective controls and standards on the manufacture, trade, and use of MSP equipment; hold governments to account for the transfers they authorise; challenge questionable transfers of MSP equipment; educate policy makers, journalists & human rights monitors; and provide redress for torture survivors.

For more information or to contact us, please visit our website at www.omegaresearchfoundation.org.

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Disclaimer

This glossary illustrates the *types* of MSP technology commercially available and controlled by EC Trade Regulation 1236/2005 (last updated December 2016) concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. It is not intended as an exhaustive resource containing *all* products by *all* companies.

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About this Guide

Using a combination of text and images, this Guide describes the equipment currently prohibited or controlled under EC Regulation 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. To aid employment, the Guide is arranged in the same order as EC Regulation 1236/2005 (as amended by subsequent regulations), with the prohibited goods listed in Annex II preceding Annex III and Annex IIIa restricted goods. This is followed by a section on goods which the Omega Research Foundation considers should be prohibited or controlled under EC Regulation 1236/2005. The Guide is intended as a practical tool for use by a wide range of governmental and civil society actors, notably:

EU customs officers and relevant law enforcement officials: The Guide provides a basic visual and descriptive guide to the range of goods designated in the Control or Prohibited Annexes, facilitating greater awareness of and increased ability to recognise the common types and variations of goods covered by the Regulation and consequently facilitating improved interdiction of inappropriate transfers;

EU export control officials: By describing the features of and human rights concerns associated with Controlled and Prohibited goods, the Guide seeks to inform officials responsible for licensing decisions and enable government and parliamentary oversight bodies responsible for monitoring implementation to assess the human rights impacts of transfers.

EU policy makers and advisors: In order to inform EU Member State and Commission officials responsible for reviewing and strengthening national and EU wide trade controls, the Guide includes a selection of further security equipment and restraints not currently covered by the Regulation. Such goods are currently available in the international market and promoted for use by law enforcement agencies; the Guide highlights related human rights concerns and recommends their trade be either prohibited or controlled.

Officials from non-EU States: The Guide is intended to be a resource for non-EU trade policy and enforcement officials, particularly in EU candidate or accession States, who are obliged or intend to bring their export control policy and practice into line with current EU trade obligations in this area.

This glossary is based on the Omega Research Foundation & Mispo.org's existing Visual Glossary of Military, Security and Police (MSP) Equipment, published in 2012, and which covers a wide range of existing MSP equipment.¹

Any information, including photographs, provided in relation to specific companies is for illustrative purposes. It is not intended to infer wrong-doing on the part of these companies and no such inference should be drawn.

¹ The online version of the Visual Glossary is available on the Omega Research Foundation website: <https://omegaresearchfoundation.org/resources/visual-glossary-introduction>.

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EC Regulation 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment

History

Council Regulation (EC) No. 1236/2005 (and subsequent revisions, hereinafter “EU Torture Trade Regulation” or “the Regulation”) entered into force on 30 July 2006 and is legally binding on all EU Member States. The aim of the Regulation is to prevent capital punishment, torture and other cruel, inhuman or degrading treatment or punishment, by establishing “Union rules governing trade with third countries in goods that could be used for the purpose of capital punishment or for the purpose of torture or other cruel, inhuman or degrading treatment or punishment, and rules governing the supply of brokering services, technical assistance, training and advertising related to such goods”.²

Substantive amendments have expanded the scope of the Regulation, specifically Commission Implementing Regulation (EU) No 1352/2011 of 20 December 2011; Commission Implementing Regulation (EU) No 775/2014 of 16 July 2014; and most recently, Regulation (EU) 2016/2134 of the European Parliament and of the Council of 23 November 2016.

Key Provisions of the Regulation

- The export or import of any goods deemed to have **no practical use other than** for the execution of human beings, torture or other cruel, inhuman or degrading treatment or punishment (ill-treatment) is prohibited under **Articles 3 and 4** of the Regulation with specifics of the goods covered listed in **Annex II**.
- Regulation (EU) 2016/2134 of the European Parliament and of the Council extended the scope of this prohibition to include the **transit** of goods listed in Annex II, the supply of **brokering services or training** in relation to such goods and their **promotion** at trade fairs and other promotional activities.
- Under **Article 5** of the Regulation, the export of any goods which **could** be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment (hereinafter “torture and other ill-treatment”) requires authorisation regardless of the origin of such goods. Details of such goods are listed in **Annex III**.
- **Exceptions** to the rule of Article 5 include:
 - (a) exports which only pass through the customs territory of the Community;
 - (b) exports to the territories of Member States listed in Annex IV³ and which are not part of the customs territory of the Community as long as the goods are used by an authority in charge of law enforcement in both the country or territory of destination and the metropolitan part of the Member State to which that territory belongs;
 - (c) exports to third countries provided that the goods exported are used by military or civil personnel of a Member State, if such personnel is taking part in an EU or UN peace keeping or crisis management operation in the third country concerned or in an operation based on agreements between Member States and third countries in the field of defence.

² See Article 1 of Regulation (EU) 2016/2134 of the European Parliament and of the Council of 23 November 2016 amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, published in Official Journal of the European Union, L338/1, 13 December 2016.

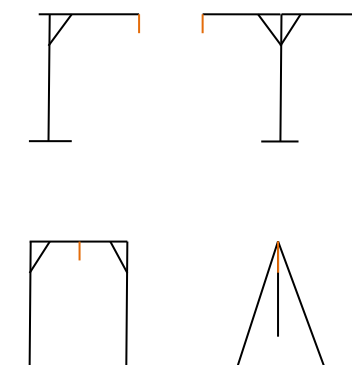
³ The territories listed in Annex IV are: Greenland (Denmark), New Caledonia and Dependencies (France), French Polynesia (France), French Southern and Antarctic Territories (France), Wallis and Futuna Islands (France), Mayotte (France), St Pierre and Miquelon (France), and Büsingen (Germany).

ANNEX II

PROHIBITED GOODS

1. Goods designed for the execution of human beings, as follows:

~ 1.1. Gallows, guillotines and blades for guillotines



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Type	Gallows
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Potence
	Spanish: Horca
Key Technical Features	<p>A frame, usually made of wood but can be made of other materials, used for execution by hanging. The most typical styles consist of, but are not limited to:</p> <ul style="list-style-type: none"> - a single upright with horizontal beam - a double upright with horizontal beam - a pyramid shape consisting of three vertical beams which meet in the centre. <p>Sometimes constructed on a stage with a trapdoor.</p>
Human Rights Concerns	The European Union holds a strong and principled position against the death penalty; its abolition is a key objective of the Union's human rights policy.

1. Goods designed for the execution of human beings, as follows:

~ 1.1. Gallows, guillotines and blades for guillotines



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Type	Guillotine
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Guillotine
	Spanish: Guillotina
Key Technical Features	A tall upright frame often with a mechanism to trap the head/neck at the base and with a weighted angled blade which can be hoisted to the top of the frame and then let fall. Used for execution by beheading.
Human Rights Concerns	The European Union holds a strong and principled position against the death penalty; its abolition is a key objective of the Union's human rights policy.

1. Goods designed for the execution of human beings, as follows:

~ 1.1. Gallows, guillotines and blades for guillotines



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Type	Guillotine blade
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Lame pour guillotine
	Spanish: Cuchilla para guillotina
Key Technical Features	Often weighted and angled. Made of metal.
Human Rights Concerns	<p>The European Union holds a strong and principled position against the death penalty; its abolition is a key objective of the Union's human rights policy.</p> <p>At present the Regulation does not prohibit the transfer of components of execution equipment, with the exception of guillotine blades. The Omega Research Foundation believes that components specifically intended for such purposes – such as hanging ropes - should be prohibited [see Page 63].</p>

1. Goods designed for the execution of human beings, as follows:

~ 1.2. Electric chairs for purpose of execution of human beings



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Type	Electric Chair
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Chaise électrique
	Spanish: Silla eléctrica
Key Technical Features	A chair usually made of wood, with straps to secure an individual – usually around the chest, groin, legs and arms but sometimes also over other parts of the body such as the face – and with electrodes for placement on the head and another part of the body – usually the legs. Designed to give a jolt of electricity, most commonly between 500 and 2000 volts. Used for execution by electrocution.
Human Rights Concerns	The European Union holds a strong and principled position against the death penalty; its abolition is a key objective of the Union's human rights policy.

1. Goods designed for the execution of human beings, as follows:

~ 1.3. Airtight vaults, made of e.g. steel and glass, designed for the purpose of execution of human beings by the administration of a lethal gas or substance



The above image is subject to a Creative Commons copyright licence [© Ken Plorkowski](#). It shows the gas chamber at New Mexico State Penitentiary.

Type	Airtight Vault designed for the purpose of execution of human beings by the administration of a lethal gas or substance
Annex	II – Import / Export Prohibited
Alternative name(s)	Gas chamber
Name in Other Languages	French: Chambre hermétique conçue pour l'exécution d'êtres humains par l'administration d'un gaz ou d'un agent mortel
	Spanish: Cámara hermética diseñada con el fin ejecutar a seres humanos mediante la administración de un gas o sustancia química letal
Key Technical Features	A sealable chamber often made of steel and glass, containing a chair into which a subject is strapped. Contains equipment for introducing a lethal gas or substance into the chamber and equipment e.g. an exhaust fan for removing the poisoned air from the chamber post-execution.
Human Rights Concerns	The European Union holds a strong and principled position against the death penalty; its abolition is a key objective of the Union's human rights policy.

1. Goods designed for the execution of human beings, as follows:

~ 1.4. Automatic drug injection systems designed for the purpose of execution of human beings by the administration of a lethal chemical substance.



Author: California Department of Corrections and Rehabilitation. Image shows the lethal injection room at San Quentin State Prison, completed in 2010.

Type	Automated drug injection system designed for the purpose of execution
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Système d'injection automatique conçu pour l'exécution d'êtres humains
	Spanish: Sistema automático de inyección de droga diseñado con el fin de ejecutar a seres humanos
Key Technical Features	<p>Execution by lethal injection often involves injecting heavy doses of three chemicals: 1) an anaesthetic or sedative to render the person unconscious (often sodium thiopental or pentobarbital); 2) pancuronium bromide to cause muscle paralysis, including of the diaphragm; 3) potassium chloride to stop the heart.</p> <p>Alternatively, one- or two-drug protocols normally use a lethal dose of an anaesthetic or sedative, often including the use of pentobarbital.⁴</p>
Human Rights Concerns	The European Union holds a strong and principled position against the death penalty; its abolition is a key objective of the Union's human rights policy.

⁴ Death Penalty Information Centre, <http://www.deathpenaltyinfo.org/state-lethal-injection> accessed 5 May 2017.

2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

~ 2.1. Electric shock devices which are intended to be worn on the body by a restrained individual, such as belts, sleeves and cuffs, designed for restraining human beings by the administration of electric shocks



Type	Body worn electric shock equipment
Annex	II – Import / Export Prohibited
Alternative name(s)	Stun sleeve, stun cuff, stun belt, stun vest
Name in Other Languages	French: Dispositif corporel à impulsions électriques
	Spanish: Dispositivo corporal de electrochoque
Key Technical Features	<p>A remote controlled device with capabilities to deliver electric shocks. Designed to be worn on the body, usually around the waist, arm, leg or ankle. Has also been incorporated into a vest with multiple contact points including on the shoulders and waist.</p> <p>Remote control range varies between models – can be up to 100m.</p> <p>Voltage output varies; current models range between 15,000 and 80,000v.</p> <p>Duration of shock varies; current models range from 5 seconds to continuous.</p> <p>Some models feature warning alert tones/sirens.</p>
Human Rights Concerns	<p>The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) opposes the use of these devices, calling them “inherently degrading”.⁵</p> <p>Open for abuse through multiple or continuous shocks; accidental or unwarranted discharge.</p> <p>Even if the electric shock component is never triggered, the mere fact of wearing a device that can deliver a painful shock at any moment causes profound mental suffering.</p> <p>The UN Committee against Torture (UN CAT) has recommended that the use of stun belts to restrain those in custody be abolished.⁶</p>

⁵ CPT Standards, Police / Law enforcement, Electrical discharge weapons, Extract from the 20th General Report of the CPT, published in 2010, CPT/Inf(2010)28-part, p. 2, para. 74.

⁶ Committee against Torture, Concluding Observations on the Report submitted by the United States of America, 23rd and 24th sessions, May 2000, UN doc. A/55/44(SUPP) paras. 175-180, para. 180.

2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

~ 2.2. Thumb-cuffs, finger-cuffs, thumbscrews and finger-screws.⁷

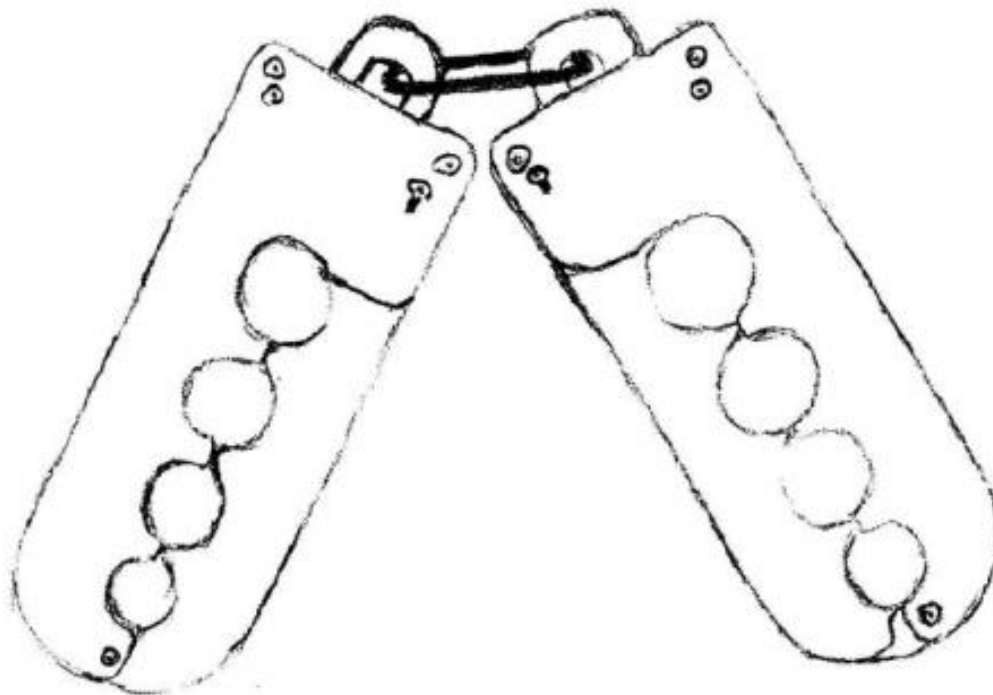


Type	Thumb-cuffs
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Poucettes
	Spanish: Esposas para pulgares
Key Technical Features	<p>Designed to restrict hand movement by trapping the thumbs.</p> <p>Two small cuffs connected by either solid metal or a short metal chain-link.</p> <p>Some cuffs are internally serrated.</p>
Human Rights Concerns	<p>Risk of misuse during detention.</p> <p>Can facilitate torture, especially “stress positions”.</p> <p>Increased risk of injury from falls – unable to cushion the fall.</p> <p>Risk of direct injury to thumbs by excessive pressure, high risk of fracture of delicate bones, nerve damage.</p>

⁷ Note: This item includes both serrated and non-serrated cuffs and screws.

2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

~ 2.2. Thumb-cuffs, finger-cuffs, thumbscrews and finger-screws.⁸



Type	Finger-cuffs
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Menottes pour les doigts
	Spanish: Esposas para dedos
Key Technical Features	Designed to restrict hand movement by trapping the fingers. Two metal plates each with four finger holes and joined by a single or short chain-link.
Human Rights Concerns	Risk of misuse during detention. Painful when applied. Risk of permanent injury to fingers / joints. Increased risk of injury from falls – unable to cushion the fall.

⁸ Note: This item includes both serrated and non-serrated cuffs and screws.

2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

~ 2.2. Thumb-cuffs, finger-cuffs, thumbscrews and finger-screws.⁹



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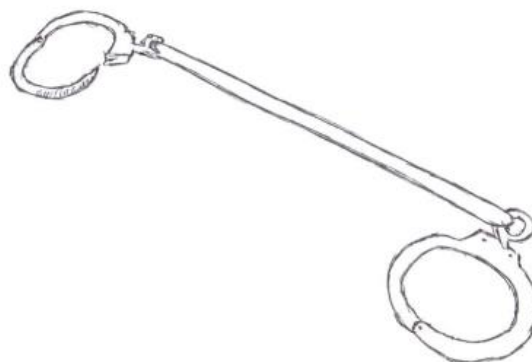
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Type	Thumbscrews and finger-screws
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Vis de pouces et de doigts
	Spanish: Empulgueras y prensadados
Key Technical Features	<p>Predominantly made of metal, sometimes wood.</p> <p>Designed to crush the fingers or thumbs by screwing two plates together with the fingers or thumbs in between them.</p>
Human Rights Concerns	<p>Specially designed instrument of torture designed to inflict unnecessary pain.</p> <p>Has no use other than for torture or other cruel, inhuman or degrading treatment or punishment.</p> <p>Historical widespread use to extract confessions under duress.</p>

⁹ Note: This item includes both serrated and non-serrated cuffs and screws.

2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

~ 2.3. Bar fetters, weighted leg restraints and gang chains comprising bar fetters or weighted leg restraints.¹⁰



Type	Bar fetters
Annex	II – Import / Export Prohibited
Alternative name(s)	Leg irons (term also used to refer to other types of leg restraints)
Name in Other Languages	French: Barres d'entrave; entraves pour les jambes
	Spanish: Grillos con barra; grilletes con barra
Key Technical Features	A rigid, typically metal, bar connecting two lockable rings or cuffs.
Human Rights Concerns and Additional Information	<p>Can help facilitate torture or other ill-treatment (especially “stress positions”) – prohibited under Rule 47 of the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) which states that, “use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited”.</p> <p>Rigid bars significantly restrict movement whilst increasing the risk of ankle injury/damage. Prolonged use of cuffs can lead to lacerations which can lead to blood poisoning and other long term physical impairments amongst other ills.</p> <p>Whilst the Regulation’s prohibition upon trade in bar fetters and weighted leg restraints does not appear to extend to all metal leg restraints, it does allow EU Member States to “adopt or maintain a prohibition on the export and import of leg irons”.¹¹</p>

¹⁰ Notes: 1. Bar fetters are shackles or ankle rings fitted with a locking mechanism, linked by a rigid bar which is typically made of metal. 2. This item includes bar fetters and weighted leg restraints which are linked to ordinary handcuffs by means of a chain.

¹¹ See Article 7.1 of the EC Torture Trade Regulation.

2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

~ 2.3. Bar fetters, weighted leg restraints and gang chains comprising bar fetters or weighted leg restraints.¹²



Type	Weighted leg restraints
Annex	II – Import / Export Prohibited
Alternative name(s)	Weighted leg irons, weighted shackles
Name in Other Languages	French: Entraves pour jambes lestées; Menottes pour les chevilles : à chaîne lestée
	Spanish: Sujeciones de pierna lastradas; Esposas para tobillos: de cadena lastrada
Key Technical Features	<p>A leg restraint which is unnecessarily heavy over and above the physical strength of material needed to adequately restrain a human. It may have weights added (for example on the chain link) or be made from heavy or extra thick material. Fixed around the ankles and usually non-adjustable.</p> <p>Known models can weigh up to 8kg (approx. 17.5lbs).</p>
Human Rights Concerns	<p>Added weight significantly restricts movement whilst increasing the risk of ankle damage / injuries. Prolonged use of cuffs can lead to lacerations which can lead to blood poisoning and other long term physical impairments amongst other ills.</p> <p>Can help facilitate torture or other ill-treatment (especially “stress positions”) – prohibited under Rule 47 of the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) which states that, “use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited”.</p>

¹² Notes: 1. Bar fetters are shackles or ankle rings fitted with a locking mechanism, linked by a rigid bar which is typically made of metal. 2. This item includes bar fetters and weighted leg restraints which are linked to ordinary handcuffs by means of a chain.

2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

~ 2.4. Cuffs for restraining human beings, designed to be anchored to a wall, floor or ceiling.



Type	Cuffs designed to be anchored to a wall, floor, or ceiling
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Menottes à fixation murale; Menottes conçues pour être ancrées au sol / au plafond
	Spanish: Esposa de sujeción a la pared / el suelo / el techo
Key Technical Features	Single or double lockable cuffs, usually attached to a metal chain, which can be anchored to a fixed object through means of an integral bolt or other fixing device.
Human Rights Concerns	<p>Use of such items can be considered inhuman and degrading treatment.</p> <p>Can help facilitate torture and other ill-treatment (especially “stress positions”) – prohibited under Rule 47 of the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) which states that, “use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited”.</p> <p>The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) noted in its report after its 2009 visit to the Slovak Republic, that <i>“the practice of handcuffing detained persons to wall fixtures or like objects is a matter of longstanding concern for the CPT ... the CPT once again has to call upon ... authorities to remove without delay such fixtures from all police stations and, more generally, to take effective measures to stamp out the practice of having persons held by the police attached to fixed objects.”</i>¹³</p>

¹³ CPT (2010) *Report to the Government of the Slovak Republic on the visit to the Slovak Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 24 March to 2 April 2009*, CPT/Inf (2010) 1, <https://rm.coe.int/1680697da3> accessed 5 May 2017.

2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

~ 2.5. Restraint chairs: chairs fitted with shackles or other devices to restrain a human being.¹⁴



Type	Restraint chair
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Chaise d'immobilisation
	Spanish: Silla de inmovilización
Key Technical Features	<p>Various models exist with a variety of restraining points and techniques. Multiple restraining points are often used; combinations vary.</p> <p>Features include cuffs to restrain at the wrists and ankles or fixtures to which restraints can be connected, and some also have straps at the waist, chest or shoulders.</p> <p>Some models are in the style of a child's high chair with metal handcuffs and leg restraints attaching the subject to a chair with a lockable metal table or tray.</p>
Human Rights Concerns	<p>Danger occurs when the subject is left unattended, is restrained for long periods, or when additional force is used such as the use of electric shock equipment or chemical irritants. Additional danger occurs if the subject is restrained whilst under the influence of drugs or alcohol.</p> <p>Prone to being used as a punishment, or to facilitate torture or other ill-treatment.</p>

¹⁴ Note: This item does not prohibit chairs only fitted with straps or belts.

2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

~ 2.6. Shackle boards and shackle beds: boards and beds fitted with shackles or other devices to restrain a human being.¹⁵



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Type	Shackle board / bed
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Lit / Table avec entraves
	Spanish: Cama / plancha de inmovilización
Key Technical Features	<p>Various models exist with a variety of restraining points and techniques. Multiple restraining points are often used.</p> <p>Most common 4 points of restraint using belts / straps and cuffs (a combination of which can be used at any one time) include: 2x ankle and 2x wrist. Other possible restraint points include: 2x shoulder, 1x waist, and 1x chest.</p> <p>Common features include cuffs to restrain at the wrists and ankles or fixtures to which restraints can be connected, and some also have straps at the waist, chest or shoulders.</p>
Human Rights Concerns	<p>Danger occurs when the subject is left unattended, is restrained for long periods, or when additional force is used such as electric shock equipment or chemical irritants. Additional danger occurs if the subject is restrained whilst under the influence of drugs or alcohol.</p> <p>Prone to being used as a punishment, or to facilitate ill-treatment or torture.</p>

¹⁵ Note: This item does not prohibit boards and beds on fitted with straps or belts.

2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

~ 2.7. Cage beds: beds comprising a cage (four sides and a ceiling) or similar structure enclosing a human being within the confines of the bed, the ceiling or one or more of the sides of which are fitted with metal or other bars, and which can only be opened from outside.



© Volunteers at Kepep. Photo shows a cage bed used in Kepep Child Care Centre, Greece.

Type	Cage bed
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Lit-cage
	Spanish: Cama-jaula
Key Technical Features	<p>One or more sides of a cage enclosing a bed is fitted with bars.</p> <p>Some models have metal bars while others have wooden ones.</p> <p>The cage can be locked from the outside with an integrated locking system or a padlock.</p>
Human Rights Concerns	<p>Can be used as a punishment.</p> <p>Danger occurs when the subject is left unattended or is restrained for long periods. Restrained person unable to escape in case of emergency (e.g. fire).</p> <p>The UN Human Rights Committee has called for a cessation of the use of cage beds, and has stated that their use “<i>is considered an inhuman and degrading treatment of patients confined in psychiatric and related institutions</i>”.¹⁶</p>

¹⁶ United Nations Human Rights Committee, *Concluding Observations of the Human Rights Committee, Slovakia*, 22 August 2003, UN Doc. CCPR/CO/78/SVK, para. 13; United Nations Human Rights Committee, *Concluding Observations of the Human Rights Committee, Czech Republic*, 9 August 2007, UN Doc. CCPR/C/CZE/CO/2 para. 13.

2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

~ 2. 8. Net beds: beds comprising a cage (four sides and a ceiling) or similar structure enclosing a human being within the confines of the bed, the ceiling or one or more sides of which are fitted with nets, and which can only be opened from the outside.



Type	Net bed
Annex	II – Import / Export Prohibited
Alternative names	Network bed
Name in Other Languages	French: Lit à filets
	Spanish: Cama-red
Key Technical Features	<p>One or more sides of a cage – usually a tubular metal structure – enclosing a bed is fitted with nets.</p> <p>Some models have nets made of soft fabric and others are harder mesh.</p>
Human Rights Concerns	<p>The net may be torn and used for self-harm or suicide.</p> <p>Can be used as a punishment.</p> <p>Danger occurs when the subject is left unattended or is restrained for long periods. Restrained person unable to escape in case of emergency (e.g. fire).</p> <p>In a report published in 2015 following a visit to the Czech Republic, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) again expressed “<i>serious misgivings</i>” about the use of net-beds and recommended that the Czech authorities ended their use as soon as possible.¹⁷</p>

¹⁷ CPT (2015), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 1 to 10 April 2014*, CPT/Inf (2015) 18, para. 169, <https://rm.coe.int/168069568c> accessed 5 May 2017.

3. Portable devices which are not suitable for use by law enforcement authorities for the purpose of riot control or self-protection, as follows:

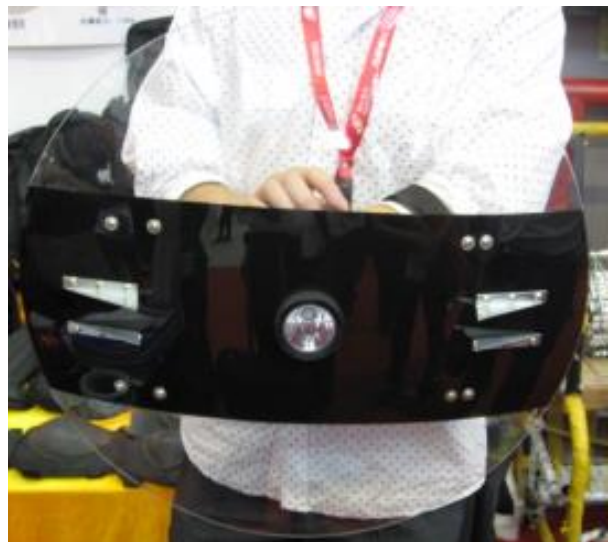
~ 3.1. Batons or truncheons made of metal or other material having a shaft with metal spikes



Type	Spiked baton
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Matraque hérissée de pointes
	Spanish: Porra con púas
Key Technical Features	Baton or truncheon – usually made of metal but can be made of other materials such as rubber, hardened plastic or wood – with sharp metal spikes along part or all of the shaft.
Human Rights Concerns	<p>Specially designed instrument of torture designed to inflict unnecessary pain.</p> <p>Cannot be used without inflicting serious and unwarranted injury or pain.</p> <p>Use amounts to excessive force or cruel or inhuman treatment, possibly amounting to torture.</p>

3. Portable devices which are not suitable for use by law enforcement authorities for the purpose of riot control or self-protection, as follows:

~ 3.2. Shields with metal spikes



Type	Spiked shield
Annex	II – Import / Export Prohibited
Name in Other Languages	French: Bouclier muni de pointes en métal
	Spanish: Escudo con púas
Key Technical Features	Usually based on the standard riot control / anti-riot shield but with additional metal spikes attached. Some models feature an additional electric shock stun feature.
Human Rights Concerns	Cannot be used without inflicting serious and unwarranted injury or pain. Use amounts to excessive force or cruel or inhuman treatment possibly amounting to torture.

4. Whips, as follows:

~ 4.1. Whips comprising multiple lashes or thongs, such as knouts or cats o' nine tails

~ 4.2. Whips having one or more lashes or thongs fitted with barbs, hooks, spikes, metal wire or similar objects enhancing the impact of the lash or thong.



The above image is subject to GNU Free Documentation copyright licence [© OwenX](#). It shows a multiple lashed whip (Cat O' Nine Tails).

Type	Whip with multiple lashes or thongs
Annex	II – Import / Export Prohibited
Alternative name(s)	Cat o' nine tails
Name in Other Languages	French: Fouet comprenant plusieurs lanières ou longues
	Spanish: látigo de múltiples colas o bridas
Key Technical Features	Multiple lashes or thongs. Often made of leather but also of other materials. Some models incorporate barbs, spikes, knots or hooks, or are plaited with wire.
Human Rights Concerns	<p>Inherently degrading in nature. Can cause lacerations and/or permanent scarring/injury. Lack of medical attention and/or unsanitary conditions can lead to infection.</p> <p>The EU states that, <i>"in its actions against torture, the EU will urge third countries to take, inter alia, the following measures: ... abolish all forms of judicial corporal punishment"</i>.¹⁸</p> <p>The UN Human Rights Committee in <i>Osbourne vs. Jamaica</i> states that, <i>"it is the firm opinion of the Committee that corporal punishment constitutes cruel, inhuman and degrading treatment or punishment contrary to article 7 of the Covenant."</i>¹⁹</p> <p>The European Court of Human Rights under <i>Tyrer vs. UK</i> 1978 ruled judicial birching breached Article 3 of the European Convention on Human Rights.</p>

¹⁸ European Union (circa 2006) *Guidelines to EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, <http://www.consilium.europa.eu/uedocs/cmsUpload/TortureGuidelines.pdf> accessed 5 May 2017.

¹⁹ United Nations (2000) *Report of the Human Rights Committee Volume II*, Supplement No. 40 (A/55/40), <http://www.un.org/documents/ga/docs/55/a5540vol2.pdf> accessed 5 May 2017.

ANNEX III

RESTRICTED GOODS

1. Goods designed for restraining human beings, as follows:

~ 1.1. Shackles and gang chains.²⁰



Type	Shackles
Annex	III – Export Authorisation Required
Alternative name(s)	Leg cuffs; Oversized cuffs
Name in Other Languages	French: Menottes pour les chevilles; Entraves de pied, Menottes: grande taille
	Spanish: Esposas para tobillos; Grilletes para pies, Esposas de gran tamaño
Key Technical Features	Two cuffs, usually larger than those of ordinary handcuffs, attached by a chain to allow the subject some movement.
Human Rights Concerns and Additional Information	<p>Restricts movement. Can help facilitate torture or other ill-treatment (especially “stress positions”).</p> <p>Prolonged use of cuffs can lead to lacerations which can lead to blood poisoning and other long term physical impairments amongst other ills.</p> <p>The Regulation permits Member States to implement more stringent controls on the export and import of certain types of restraints, specifically allowing them to “adopt or maintain a prohibition on the export and import of leg irons” and to “impose an authorisation requirement on the export of handcuffs which have an overall dimension including chains, measured from the outer edge of one cuff to the outer edge of the other cuff, exceeding 240mm when locked”.²¹</p>

²⁰ Notes: 1. Shackles are restraints consisting of two cuffs or rings fitted with a locking mechanism, with a connecting chain or bar. 2. This item does not control the leg restraints and gang chains prohibited by item 2.3 of Annex II. 3. This item does not control “ordinary handcuffs”. Ordinary handcuffs are handcuffs which meet all the following conditions: - their overall dimension including chain, measured from the outer edge of one cuff to the outer edge of the other cuff, is between 150 and 280mm when both cuffs are locked; - the inside circumference of each cuff is a maximum of 165mm when the ratchet is engaged at the last notch entering the locking mechanism; - the inside circumference of each cuff is a minimum of 200mm when the ratchet is engaged at the first notch entering the locking mechanism; and – the cuffs have not been modified to cause physical pain or suffering.

²¹ See Article 7 of the EC Torture Trade Regulation.

1. Goods designed for restraining human beings, as follows:~ 1.1. Shackles and gang chains.²²

Type	Gang chains
Annex	III – Export Authorisation Required
Name in Other Languages	French: Chaînes multiples
	Spanish: Cadenas colectivas
Key Technical Features	Multiple pairs of shackles, handcuffs, belly chains, or a combination thereof, attached to a chain (often made of metal) allowing for the group restraint of a number of subjects.
Human Rights Concerns and Additional Information	<p>Restricts movement. Increases the risk of falls and resulting injuries if unable to break fall. One falling individual can be hazardous for the group chained together.</p> <p>Prolonged use of cuffs can lead to lacerations which can lead to blood poisoning and other long term physical impairments amongst other ills.</p> <p>The Regulation allows Member States to “adopt or maintain a prohibition on the export and import of (...) gang chains”.²³</p> <p>Prohibited under Rule 47 of the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) which states that, “use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited”.</p>

²² Notes: 1. Shackles are restraints consisting of two cuffs or rings fitted with a locking mechanism, with a connecting chain or bar. 2. This item does not control the leg restraints and gang chains prohibited by item 2.3 of Annex II. 3. This item does not control “ordinary handcuffs”. Ordinary handcuffs are handcuffs which meet all the following conditions: - their overall dimension including chain, measured from the outer edge of one cuff to the outer edge of the other cuff, is between 150 and 280mm when both cuffs are locked; - the inside circumference of each cuff is a maximum of 165mm when the ratchet is engaged at the last notch entering the locking mechanism; - the inside circumference of each cuff is a minimum of 200mm when the ratchet is engaged at the first notch entering the locking mechanism; and – the cuffs have not been modified to cause physical pain or suffering.

²³ See Article 7.1 of the EC Torture Trade Regulation.

1. Goods designed for restraining human beings, as follows:

~ 1.2. Individual cuffs or rings fitted with a locking mechanism, having an inside circumference exceeding 165mm when the ratchet is engaged at the last notch entering the locking mechanism.²⁴



Type	Individual cuffs with locking mechanism with an inside circumference exceeding 165mm when the ratchet is engaged.
Annex	III – Export Authorisation Required
Name in Other Languages	French: Manilles ou anneaux individuels
	Spanish: Esposas o aros individuales
Key Technical Features	Larger size cuff. Some models comprising other restraints such as handcuffs or shackles.
Human Rights Concerns	Restricts movement. Cuffs designed to be worn around the neck increase the risk of severe neck injuries or asphyxiation and the Omega Research Foundation considers that they have no legitimate law enforcement function that cannot be achieved with safer means. ²⁵ Prolonged use of cuffs can lead to lacerations which can lead to blood poisoning and other long term physical impairments amongst other ills.

²⁴ *Note:* This item includes neck restraints and other individual cuffs or rings fitted with a locking mechanism, which are linked to ordinary handcuffs by means of a chain.

²⁵ The Omega Research Foundation recommends that the use of neck cuffs be prohibited for law enforcement purposes and all corresponding production and transfer should be banned.

1. Goods designed for restraining human beings, as follows:

~ 1.3. Spit hoods: hoods, including hoods made of netting, comprising a cover of the mouth which prevents spitting.²⁶



Type	Spit hood
Annex	III – Export Authorisation Required
Additional name(s)	Spit sock; Spit net
Name in Other Languages	French: Cagoule anti-crachat
	Spanish: Capucha de malla; Capucha anti escupitajos
Key Technical Features	<p>Different to “capture” hoods as these are made of netting and are not designed to impair vision.</p> <p>Often a thick piece of material covers the mouth to prevent a subject spitting on those nearby whilst netting covers the eyes and nose so as not to impair vision. Some products are made fully of net or other materials, e.g. clear plastic.</p>
Human Rights Concerns	<p>Risk of suffocation / strangulation if used incorrectly, for excessive periods or subject left unattended. Increased risk when used in conjunction with other restraints.</p> <p>Reports indicate spit hoods have been misused in conjunction with chemical irritants, for example, subject not being allowed to decontaminate sufficiently after being sprayed with chemical irritant before being made to wear a spit hood, trapping the irritant on the face.²⁷</p>

²⁶ Note: This item includes spit hoods which are linked to ordinary handcuffs by means of a chain.

²⁷ Heim, M et al (2013) *Shocking Video from Maine Prison Shows a Restrained Prisoner being Tortured with Pepper Spray*, ACLU, April 3rd 2013, <https://www.aclu.org/blog/prisoners-rights-immigrants-rights/shocking-video-maine-prison-shows-restrained-prisoner-being> accessed 5 May 2017.

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

~ 2.1. Portable electric discharge weapons that can target only one individual each time an electric-shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns.²⁸



Type	Electric shock baton
Annex	III – Export Authorisation Required
Alternative name(s)	Stun baton
Name in Other Languages	French: Matraque incapacitante
	Spanish: Porra eléctrica; Porra de descarga eléctrica
Key Technical Features	<p>Usually have two or four electrodes on the tip.</p> <p>Sometimes hidden under a removable cover or incorporated into a flashlight.</p> <p>Strips or spirals of metal along length of some batons to conduct electricity.</p> <p>Many designs are available – straight, telescopic, flashlight, etc.</p> <p>Voltage outputs vary as does duration of shock.</p>
Human Rights Concerns and Additional Information	<p>Open to misuse through sustained use / multiple shocks / shocks on inappropriate areas of the body and/or used as a punishment.</p> <p>Designed to cause compliance through pain rather than incapacitation.</p>

²⁸ Notes: 1. This item does not control individual electric shock belts and other devices falling within item 2.1 of Annex II. 2. This item does not control individual electronic shock devices when accompanying their user for the user's own personal protection.

The Omega Research Foundation believes that direct contact electric shock devices have no legitimate law enforcement function that cannot be effectively accomplished with safer alternatives.²⁹

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has expressed “*strong reservations*” about the use of electric shock equipment in contact mode, noting that “*properly trained law enforcement officials will have many other control techniques available to them when they are in touching distance of a person who has to be brought under control*”.³⁰

The Regulation allows Member States to “adopt or maintain a prohibition on the export and import of (...) portable electric shock devices”.³¹

²⁹ Omega recommends that the use of electric shock batons be prohibited for law enforcement purposes and all corresponding production and transfer should be banned.

³⁰ CPT Standards, “Substantive” sections of the CPT’s General Reports, CPT/Inf/E (2002) 1 - Rev. 2015, p. 111.

³¹ See Article 7.1 of the EC Torture Trade Regulation.

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

~ 2.1. Portable electric discharge weapons that can target only one individual each time an electric-shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns.³²



Type	Electric shock shield
Annex	III – Export Authorisation Required
Alternative name(s)	Stun shield
Name in Other Languages	French: Bouclier électrifié
	Spanish: Escudo paralizante de electrochoque
Key Technical Features	<p>Convex models most often used for riot control; current models are round, rectangular, square, or shield shaped.</p> <p>Concave models most often used for cell extractions; most often rectangular.</p> <p>Electrical current runs along one or more conductive strips; some models feature visible shock sparks and/or warning alert tones/sirens.</p> <p>Voltage outputs vary – current models range from 6,000- 500,000v.</p>
Concerns	<p>Some models can be set to “continuous shock” function with no cut out.</p> <p>Documented accounts of abuse in prison systems.³³</p> <p>Use in crowd control situations can induce fear and cause stampedes.</p> <p>Open to misuse through sustained use / multiple shocks / shocks on inappropriate areas of the body and/or used as a punishment.</p> <p>Designed to cause compliance through pain rather than incapacitation.</p>

³² Notes: 1. This item does not control individual electric shock belts and other devices falling within item 2.1 of Annex II. 2. This item does not control individual electronic shock devices when accompanying their user for the user's own personal protection.

³³ Institute for Security Studies and Omega Research Foundation, *Compliance through Pain: Electric shock equipment in South African prisons*, June 2016, <https://omegaresearchfoundation.org/sites/default/files/uploads/Publications/Compliance%20through%20pain.pdf> accessed 30 January 2017.

The Omega Research Foundation believes that direct contact electric shock devices have no legitimate law enforcement function that cannot be effectively accomplished with safer alternatives.³⁴

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has expressed “*strong reservations*” about the use of electric shock equipment in contact mode, noting that “*properly trained law enforcement officials will have many other control techniques available to them when they are in touching distance of a person who has to be brought under control*”.³⁵

The Regulation allows Member States to “adopt or maintain a prohibition on the export and import of (...) portable electric shock devices”.³⁶

³⁴ The Omega Research Foundation recommends that the use of electric shock shields be prohibited for law enforcement purposes and all corresponding production and transfer should be banned.

³⁵ CPT Standards, “Substantive” sections of the CPT’s General Reports, CPT/Inf/E (2002) 1 - Rev. 2015, p. 111.

³⁶ See Article 7.1 of the EC Torture Trade Regulation.

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

~ 2.1. Portable electric discharge weapons that can target only one individual each time an electric-shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns.³⁷



Type	Stun gun	
Annex	III – Export Authorisation Required	
Name in Other Languages	French: Pistolet incapacitant; Arme de defense électrique	
	Spanish: Pistola paralizante; Arma de electrochoque, Arma aturdidora	
Key Technical Features	Many designs available – most are either straight or curved and have either 2 or 4 electrodes.	
	Voltage outputs vary as does duration of shock.	
	Some models can dispense chemical irritants.	
Human Concerns Additional Information	Rights and	Open to misuse through sustained use / multiple shocks / shocks on inappropriate areas of the body and/or used as a punishment.
		Designed to cause compliance through pain rather than incapacitation.
		The Omega Research Foundation considers that such weapons have no legitimate law enforcement function that cannot be effectively accomplished with safer alternatives. ³⁸
		The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has expressed “ <i>strong reservations</i> ” about the use of electric shock equipment in contact mode, noting that “ <i>properly trained law enforcement officials will have many other</i>

³⁷ Notes: 1. This item does not control individual electric shock belts and other devices falling within item 2.1 of Annex II. 2. This item does not control individual electronic shock devices when accompanying their user for the user's own personal protection.

³⁸ The Omega Research Foundation recommends that the use of stun guns be prohibited for law enforcement purposes and all corresponding production and transfer should be banned.

control techniques available to them when they are in touching distance of a person who has to be brought under control".³⁹

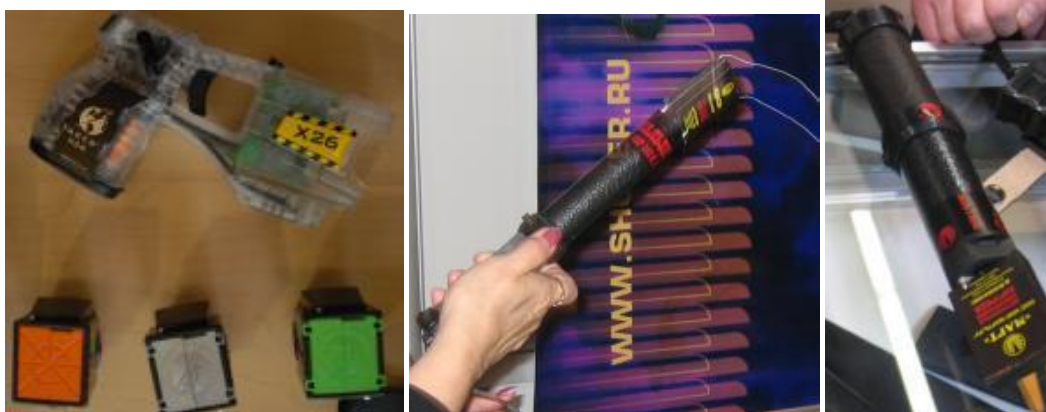
The Regulation allows Member States to "adopt or maintain a prohibition on the export and import of (...) portable electric shock devices".⁴⁰

³⁹ CPT Standards, "Substantive" sections of the CPT's General Reports, CPT/Inf/E (2002) 1 - Rev. 2015, p. 111.

⁴⁰ See Article 7.1 of the EC Torture Trade Regulation.

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

~ 2.1. Portable electric discharge weapons that can target only one individual each time an electric-shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns.⁴¹



Type	Electric shock dart gun – wired projectiles
Annex	III – Export Authorisation Required
Alternative name(s)	The brand name ‘Taser’ is sometimes mistakenly used as a generic term.
Name in Other Languages	French: Dispositif tirant des projectiles incapacitants
	Spanish: Dispositivo de proyectiles paralizantes
Key Technical Features	<p>Small, often pistol-shaped weapon (although models vary – such as with the baton above), which holds a cartridge which fires (usually) two darts (also called probes) attached to wires and delivers an electric shock to the target.</p> <p>Range, voltage output and duration of shock varies between models.</p> <p>Some models can fire multiple cartridges.</p> <p>Some models can also be used as a direct contact stun device (often called “drive stun” or “touch stun”).</p> <p>Some can fire a range of cartridges including chemical irritants and / or kinetic impact projectiles.</p>
Human Rights Concerns and Additional Information	<p>Designed to temporarily incapacitate the individual, but generally also cause severe pain. Some studies have found a risk of cardiac, respiratory, and brain-specific injuries and complications, including a number of cases where death has occurred subsequent to the use of the weapon.</p> <p>Open to misuse through sustained / multiple shocks / shocks on inappropriate areas of the body.</p> <p>Projectile electric shock devices are designed to incapacitate, however certain models incorporate a “drive stun” mode which is designed to force</p>

⁴¹ Notes: 1. This item does not control individual electric shock belts and other devices falling within item 2.1 of Annex II. 2. This item does not control individual electronic shock devices when accompanying their user for the user's own personal protection.

compliance through pain. The Omega Research Foundation believe that this aspect has no legitimate law enforcement function.⁴²

The UN Committee against Torture has expressed concern that the use of projectile electric shock weapons [specifically “tasers”] “causes severe pain constituting a form of torture, and that in some cases [they] may even cause death”.⁴³

The UN Committee against Torture has recommended that “electrical discharge weapons should be used exclusively in extreme limited situations where there is a real and immediate threat to life or risk of serious injury, as a substitute for lethal weapons”.⁴⁴

The Regulation allows Member States to “adopt or maintain a prohibition on the export and import of (...) portable electric shock devices”.⁴⁵

⁴² The Omega Research Foundation recommends that the use of electric shock dart guns with “drive stun” mode enabled be prohibited for law enforcement purposes and all corresponding production and transfer should be banned.

⁴³ UN Committee against Torture, Conclusions and recommendations of the Committee against Torture: Portugal, 19 February 2008, UN doc. CAT/C/PRT/CO/4, para. 14.

⁴⁴ UN Committee against Torture, Concluding observations on the combined fifth and sixth periodic reports of the Netherlands, 20 June 2013, UN doc. CAT/C/NLD/CO/5-6, para. 27.

⁴⁵ See Article 7.1 of the EC Torture Trade Regulation.

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

~ 2.1. Portable electric discharge weapons that can target only one individual each time an electric-shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns.⁴⁶



Type	Electric shock dart gun – wireless projectiles
Annex	III – Export Authorisation Required
Name in Other Languages	French: Dispositif tirant des projectiles incapacitants (sans fils)
	Spanish: Dispositivo de proyectiles paralizantes (sin cables)
Key Technical Features	<p>Long range projectile stun / kinetic impact cartridges / “electric bullets”.</p> <p>Fired from a range of weapons including shotguns, and specially designed launchers / pistols. 40mm wireless electric projectiles are under development.</p> <p>Range, voltage output and duration of shock varies between models.</p> <p>Some models can fire a range of cartridges including chemical irritants and / or kinetic impact projectiles.</p>
Human Rights Concerns and Additional Information	<p>Some models administer long duration or continuous shocks, over which the operator has no control once the projectile has left the weapon.</p> <p>Inaccurate and affected by weather conditions – increased risk of head / upper body injury from kinetic energy impact.</p> <p>Lack of research on wireless projectiles, but some studies on wired projectiles have found a risk of cardiac, respiratory, and brain-specific injuries and complications, including a number of cases where death has occurred subsequent to the use of the weapon.</p> <p>The UN Committee against Torture has expressed concern that the use of projectile electric shock weapons [specifically “tasers”] “causes severe pain</p>

⁴⁶ Notes: 1. This item does not control individual electric shock belts and other devices falling within item 2.1 of Annex II. 2. This item does not control individual electronic shock devices when accompanying their user for the user's own personal protection.

constituting a form of torture, and that in some cases [they] may even cause death”.⁴⁷

The UN Committee against Torture has recommended that “electrical discharge weapons should be used exclusively in extreme limited situations where there is a real and immediate threat to life or risk of serious injury, as a substitute for lethal weapons”.⁴⁸

The Regulation allows Member States to “adopt or maintain a prohibition on the export and import of (...) portable electric shock devices”.⁴⁹

⁴⁷ UN Committee against Torture, Conclusions and recommendations of the Committee against Torture: Portugal, 19 February 2008, UN doc. CAT/C/PRT/CO/4, para. 14.

⁴⁸ UN Committee against Torture, Concluding observations on the combined fifth and sixth periodic reports of the Netherlands, 20 June 2013, UN doc. CAT/C/NLD/CO/5-6, para. 27.

⁴⁹ See Article 7.1 of the EC Torture Trade Regulation.

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

~ 2.1. Portable electric discharge weapons that can target only one individual each time an electric-shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns.⁵⁰



Type	Direct contact stun gloves or sleeves
Annex	III – Export Authorisation Required
Name in Other Languages	French: Gants ou manches incapacitants à contact direct
	Spanish: Guantes o mangas paralizantes de contacto directo
Key Technical Features	<p>Currently manufactured in the US (image above left), Spain (image above centre) and China (image above right).</p> <p>Models vary but all generally feature a built-in direct contact stun device.</p> <p>Some models also feature built-in flashlights, laser pointers, or computer consoles through which the user can access various items such as maps, a video camera, or fingerprint scanner.</p>
Concerns	<p>Open to misuse through sustained use / multiple shocks / shocks on inappropriate areas of the body and/or used as a punishment.</p> <p>Designed to cause compliance through pain rather than incapacitation.</p> <p>Lack of information about duration or power of shocks.</p> <p>The Omega Research Foundation considers that such devices have no legitimate law enforcement function that cannot be effectively accomplished with safer alternatives.⁵¹</p> <p>The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has expressed “<i>strong reservations</i>” about the use of electric shock equipment in contact mode, noting that “<i>properly trained law enforcement officials will have many other control techniques available to them when they are in touching distance of a person who has to be brought under control</i>”.⁵²</p> <p>The Regulation allows Member States to “adopt or maintain a prohibition on the export and import of (...) portable electric shock devices”.⁵³</p>

⁵⁰ Notes: 1. This item does not control individual electric shock belts and other devices falling within item 2.1 of Annex II. 2. This item does not control individual electronic shock devices when accompanying their user for the user's own personal protection.

⁵¹ The Omega Research Foundation recommends that the use of all direct contact electric shock devices be prohibited for law enforcement purposes and all corresponding production and transfer should be banned.

⁵² CPT Standards, “Substantive” sections of the CPT's General Reports, CPT/Inf/E (2002) 1 - Rev. 2015, p. 111.

⁵³ See Article 7.1 of the EC Torture Trade Regulation.

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

~ 2.1. Portable electric discharge weapons that can target only one individual each time an electric-shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns.⁵⁴



Type	Stun “grabber” or “capture pole”
Annex	III – Export Authorisation Required
Name in Other Languages	French: Perche / gaule / Baton de capture incapacitante
	Spanish: Palo / vara / dispositivo paralizante de agarre para captura
Key Technical Features	<p>Extendable pole / long handle with curved arms / half hoop at one end large enough to fit around a subject’s waist. Some models allow curved arms to be closed around limbs, etc. Designed to hold a subject back or pin them to a wall.</p> <p>Usually made of metal or plastic.</p>
Human Rights Concerns and Additional Information	<p>Can easily be used to trap subject and open to misuse through sustained use / multiple shocks / shocks on inappropriate areas of the body and/or used as a punishment.</p> <p>Designed to cause compliance through pain rather than incapacitation.</p> <p>Lack of information about duration or power of shocks.</p> <p>There are additional concerns that employment of such devices risk death through strangulation or serious injury to neck or limbs of the person captured, particularly when the pole is twisted or jerked to force compliance from a resistant individual.</p>

⁵⁴ Notes: 1. This item does not control individual electric shock belts and other devices falling within item 2.1 of Annex II. 2. This item does not control individual electronic shock devices when accompanying their user for the user’s own personal protection.

The Omega Research Foundation considers that such devices have no legitimate law enforcement function that cannot be effectively accomplished with safer alternatives.⁵⁵

The UN Committee against Torture has recommended that “electrical discharge weapons should be used exclusively in extreme limited situations where there is a real and immediate threat to life or risk of serious injury, as a substitute for lethal weapons”.⁵⁶

The Regulation allows Member States to “adopt or maintain a prohibition on the export and import of (...) portable electric shock devices”.⁵⁷

⁵⁵ The Omega Research Foundation recommends that the use of all direct contact electric shock devices be prohibited for law enforcement purposes and all corresponding production and transfer should be banned.

⁵⁶ UN Committee against Torture, Concluding observations on the combined fifth and sixth periodic reports of the Netherlands, 20 June 2013, UN doc. CAT/C/NLD/CO/5-6, para. 27.

⁵⁷ See Article 7.1 of the EC Torture Trade Regulation.

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

~ 2.2. Kits containing all essential components for the assembly of portable electronic discharge weapons controlled by item 2.1.⁵⁸



Type	Kit containing essential components for assembly of portable electronic discharge weapons controlled by item 2.1
Annex	III – Export Authorisation Required
Name in Other Languages	<p>French: Kit contenant tous les composants essentiels pour l'assemblage des armes portatives à décharge électrique visées au point 2.1</p> <p>Spanish: Kit que contiene todos los elementos esenciales para el ensamble de armas portátiles de descarga eléctrica a las que se aplica la partida 2.1</p>
Key Technical Features	<p>Unit producing an electric shock – power varies between models.</p> <p>The switch – whether or not on a remote control.</p> <p>The electrodes – numbers vary between models.</p> <p>The wires through which the electric shock is administered (if applicable).</p>
Concerns	<p>See entries under 2.1 above for product concerns.</p> <p>There is potential for evasion of export controls by shipping components rather than complete products.</p>

⁵⁸ Note: The following goods are considered to be essential components: - the unit producing an electric shock, - the switch, whether or not on a remote control, and – the electrodes or, where applicable, the wires through which the electrical shock is to be administered.

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

~ 2.3. Fixed or mountable electric discharge weapons that cover a wide area and can target multiple individuals with electrical shocks.



Type	Fixed or mountable electric discharge weapon that covers a wide area and can target multiple individuals
Annex	III – Export Authorisation Required
Name in Other Languages	French: Arme à décharge électrique fixe ou montable qui couvre une grande superficie et permet de cibler de nombreuses personnes
	Spanish: Arma de descarga eléctrica fija o portátil que cubre un amplio área y que puede alcanzar a varias personas
Key Technical Features	<p>A complex system which fires cartridges controlled via a wire from a distance. Can be free standing or mounted on a vehicle.</p> <p>Some models allow numerous cartridges to be stacked and/or “daisy chained” potentially in large numbers</p>
Human Rights Concerns	<p>Indiscriminate and inaccurate – with the consequent danger of injuring bystanders and also the risk that multiple cartridges or barbs may impact one individual.</p> <p>Wired electric shock projectiles are designed to temporarily incapacitate the individual, but generally also cause severe pain. Some studies have found a risk of cardiac, respiratory, and brain-specific injuries and complications, including a number of cases where death has occurred subsequent to their use.</p>

The Omega Research Foundation believes that such devices have no legitimate law enforcement function that cannot be effectively accomplished with safer alternatives.⁵⁹

The UN Committee against Torture has expressed concern that the use of projectile electric shock weapons [specifically “tasers”] “causes severe pain constituting a form of torture, and that in some cases [they] may even cause death”.⁶⁰

The UN Committee against Torture has recommended that “electrical discharge weapons should be used exclusively in extreme limited situations where there is a real and immediate threat to life or risk of serious injury, as a substitute for lethal weapons”.⁶¹

⁵⁹ The Omega Research Foundation recommends that the use of wide area electric shock weapons be prohibited for law enforcement purposes and all corresponding production and transfer should be banned.

⁶⁰ UN Committee against Torture, Conclusions and recommendations of the Committee against Torture: Portugal, 19 February 2008, UN doc. CAT/C/PRT/CO/4, para. 14.

⁶¹ UN Committee against Torture, Concluding observations on the combined fifth and sixth periodic reports of the Netherlands, 20 June 2013, UN doc. CAT/C/NLD/CO/5-6, para. 27.

3. Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:

~ 3.1. Portable weapons and equipment which either administer a dose of an incapacitating or irritating chemical substance that targets one individual or disseminate a dose of such substance affecting a small area, e.g. in the form of a spray fog or cloud, when the chemical substance is administered or disseminated.⁶²

Note: Equipment for the dissemination of riot control agents included in the EU Common Military List (e.g. CS, CN) is not covered by the Regulation (see footnotes throughout this section).



Type	Hand-held spray
Annex	III – Export Authorisation Required
Name in Other Languages	French: Pulvérisateur (manuel) / Aérosol
	Spanish: Pulverizador (manual) / Aerosol de defensa
Key Technical Features	<p>Can contain a range of chemical irritants or incapacitants including: OC/Pepper, PAVA, a malodourant (a chemical irritant whose extreme smell leads to temporary incapacitation), or a mix thereof.</p> <p>Disperses as a fine spray / mist / fog or a liquid stream; ranges vary.</p> <p>Vary in size from small 25ml sprays to larger 500ml sprays and beyond.</p>
Human Rights Concerns	<p>Can cause serious injury or death through asphyxiation or agent toxicity, particularly if used in enclosed spaces or against restrained individuals.</p> <p>Risks are heightened if used in confined spaces.</p> <p>The European Court of Human Rights has stated that strong doses of pepper spray “<i>may cause necrosis of tissue in the respiratory or digestive tract, pulmonary oedema or internal haemorrhaging</i>”.⁶³</p>

⁶² Notes: This item does not control equipment controlled by item ML7(e) of the Common Military List of the European Union. 2. This item does not control individual portable equipment, even if containing a chemical substance, when accompanying their user for the user's own personal protection. 3. In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substance.

⁶³ Case of Oya Ataman v. Turkey, judgment of 5 December 2006, ¶ 17-18.

3. Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:

~ 3.1. Portable weapons and equipment which either administer a dose of an incapacitating or irritating chemical substance that targets one individual or disseminate a dose of such substance affecting a small area, e.g. in the form of a spray fog or cloud, when the chemical substance is administered or disseminated.⁶⁴



Type	Shoulder-worn sprayer
Annex	III – Export Authorisation Required
Alternative name(s)	Fogger
Name in Other Languages	French: Pulvérisateur porté à l'épaule, Pulverisateur générateur de brouillard
	Spanish: Pulverizador para llevar en el hombro, Nebulizador
Key Technical Features	<p>Larger canister with a shoulder strap – usually 1 to 5 litre capacity.</p> <p>Trigger and nozzle shapes vary.</p> <p>These products allow short bursts or continuous spray until the canister is empty, dispersing a mist / fog or a liquid stream.</p> <p>Usually contain OC or CS but could contain any chemical mix.</p>
Human Rights Concerns	<p>Potentially could cause serious injury or death through asphyxiation or agent toxicity, particularly if used in enclosed spaces or against restrained individuals.</p> <p>Although certain sprayers can be used to target individuals or small groups, the employment of large capacity foggers/sprayers risk indiscriminately affecting everyone in the area.</p> <p>Risks are heightened if used in confined spaces.</p> <p>Increases the risk of panic-driven stampede.</p> <p>The European Court of Human Rights has stated that strong doses of pepper spray “<i>may cause necrosis of tissue in the respiratory or digestive tract, pulmonary oedema or internal haemorrhaging</i>”.⁶⁵</p>

⁶⁴ Notes: This item does not control equipment controlled by item ML7(e) of the Common Military List of the European Union. 2. This item does not control individual portable equipment, even if containing a chemical substance, when accompanying their user for the user's own personal protection. 3. In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substance.

⁶⁵ Case of Oya Ataman v. Turkey, judgment of 5 December 2006, ¶ 17-18.

3. Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:

~ 3.1. Portable weapons and equipment which either administer a dose of an incapacitating or irritating chemical substance that targets one individual or disseminate a dose of such substance affecting a small area, e.g. in the form of a spray fog or cloud, when the chemical substance is administered or disseminated.⁶⁶



Type	Backpack-style sprayer
Annex	III – Export Authorisation Required
Name in Other Languages	French: Pulvérisateur se portant dans le dos
	Spanish: Pulverizador tipo mochila
Key Technical Features	<p>Backpack style sprayer equipment. Some models have the appearance of a fire-fighter's breathing apparatus.</p> <p>Usually contain OC or CS but could contain any chemical mix.</p>
Human Rights Concerns	<p>Potentially could cause serious injury or death through asphyxiation or agent toxicity, particularly if used in enclosed spaces or against restrained subjects.</p> <p>Although certain sprayers can be used to target individuals or small groups, the employment of large capacity foggers/sprayers risk indiscriminately affecting everyone in the area.</p> <p>Risks are heightened if used in confined spaces.</p> <p>Increases the risk of panic-driven stampede.</p> <p>The European Court of Human Rights has stated that strong doses of pepper spray “may cause necrosis of tissue in the respiratory or digestive tract, pulmonary oedema or internal haemorrhaging”.⁶⁷</p>

⁶⁶ Notes: This item does not control equipment controlled by item ML7(e) of the Common Military List of the European Union. 2. This item does not control individual portable equipment, even if containing a chemical substance, when accompanying their user for the user's own personal protection. 3. In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substance.

⁶⁷ Case of Oya Ataman v. Turkey, judgment of 5 December 2006, ¶ 17-18.

3. Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:

~ 3.1. Portable weapons and equipment which either administer a dose of an incapacitating or irritating chemical substance that targets one individual or disseminate a dose of such substance affecting a small area, e.g. in the form of a spray fog or cloud, when the chemical substance is administered or disseminated.⁶⁸



Type	Cell extraction device
Annex	III – Export Authorisation Required
Name in Other Languages	French: Pulvérisateur pour évacuation des cellules Spanish: Pulverizador para extracción de reclusos de las celdas
Key Technical Features	<p>“Extraction” device which uses a “wand” to introduce chemical irritants or incapacitants into a confined area such as a cell, vehicle or other enclosed space.</p> <p>Long metal tube allows injection of the chemical irritant or incapacitant under doors or through windows, grilles, or keyholes.</p>
Human Rights Concerns	<p>Potentially could cause serious injury or death through asphyxiation or agent toxicity.</p> <p>Inherently dangerous as designed for use in enclosed spaces.</p> <p>Following a 2007 visit to Bosnia & Herzegovina, the European Committee for the Prevention of Torture (CPT) stated that “<i>Pepper spray is a potentially dangerous substance and should not be used in confined spaces.</i>”⁶⁹</p> <p>The European Court of Human Rights has stated that strong doses of pepper spray “<i>may cause necrosis of tissue in the respiratory or digestive tract, pulmonary oedema or internal haemorrhaging</i>”.⁷⁰</p>

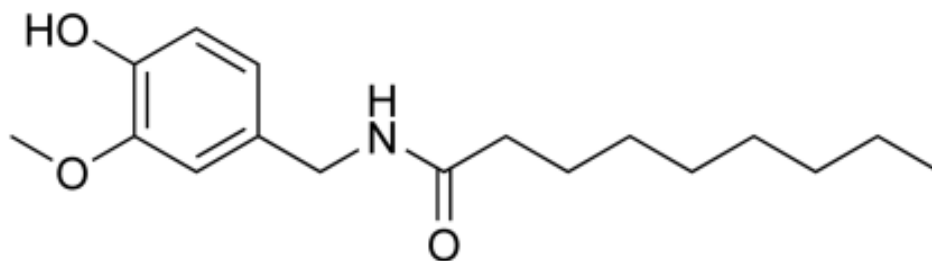
⁶⁸ Notes: This item does not control equipment controlled by item ML7(e) of the Common Military List of the European Union. 2. This item does not control individual portable equipment, even if containing a chemical substance, when accompanying their user for the user's own personal protection. 3. In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substance.

⁶⁹ CPT (2007), *Report to the Government of Bosnia and Herzegovina on the visit to Bosnia and Herzegovina carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 19 to 30 March 2007*, CPT/Inf(2009)25, <https://rm.coe.int/1680693eb3> accessed 8 May 2017.

⁷⁰ Case of Oya Ataman v. Turkey, judgment of 5 December 2006, ¶ 17-18.

3. Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:

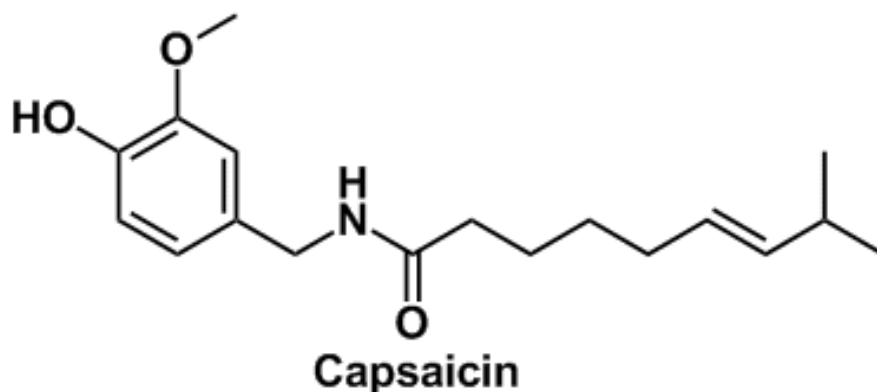
~ 3.2. Pelargonic acid vanillylamide (PAVA) (CAS RN 2444-46-4)



Type	Pelargonic acid vanillylamide (PAVA) (CAS RN 2444-46-4)
Annex	III – Export Authorisation Required
Alternative name(s)	PAVA is often the active ingredient in what is commonly referred to as “Pepper spray”.
Name in Other Languages	French: Vanillylamide de l'acide pélargonique (PAVA)
	Spanish: Vanillilamida del ácido pelargónico (PAVA)
Key Technical Features	<p>PAVA is a crystalline solid at room temperature.</p> <p>It is a synthetic formulation of one of the active ingredients in OC.</p> <p>It interacts with sensory nerve receptors to produce discomfort, severe pain, itching, burning or other pain principally in the eyes, respiratory tract and/or skin.</p>
Human Rights Concerns and Additional Information	<p>PAVA can be used legitimately if employed in conformity with human rights standards and robust guidelines. However, inappropriate and/or excessive use is widespread and can result in serious injury or death, for example through suffocation, allergic reaction, or hazardous overdose.</p> <p>Conditions affecting an individual's reaction to the effects of PAVA include: excessive application of the agent, delivery in an enclosed space, prolonged exposure, pre-existing medical conditions (e.g. asthma), and (for skin reactions) high temperature and relative humidity.</p>

3. Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:

~ 3.3. Oleoresin capsicum (OC) (CAS RN 8023-77-6)



Type	Oleoresin capsicum (OC) (CAS RN 8023-77-6)
Annex	III – Export Authorisation Required
Alternative name(s)	OC is often the active ingredient in what is commonly referred to as ‘pepper spray’.
Name in Other Languages	French: Capsicum oléorésine (OC)
	Spanish: Oleorresina Capsicum (OC)
Key Technical Features	<p>OC is an oil at room temperature.</p> <p>It is naturally derived from the capsicum species of plant (such as chilli peppers).</p> <p>It interacts with sensory nerve receptors to produce discomfort, severe pain, itching, burning or other pain principally in the eyes, respiratory tract and/or skin.</p>
Concerns	<p>OC can be used legitimately if employed in conformity with human rights standards and robust guidelines. However, inappropriate and/or excessive use is widespread and can result in serious injury or death, for example through suffocation, allergic reaction, or hazardous overdose.</p> <p>Conditions affecting an individual’s reaction to the effects of OC include: excessive application of the agent, delivery in an enclosed space, prolonged exposure, pre-existing medical conditions, and (for skin reactions) high temperature and relative humidity.</p>

3. Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:

~ 3.4. Mixtures containing at least 0.3% by weight of PAVA or OC and a solvent (such as ethanol, 1-propanol or hexane), which could be administered as such as incapacitating or irritating agents, in particular in aerosols and in liquid form, or used for manufacturing of incapacitating or irritating agents.⁷¹



Type	Mixtures containing at least 0.3% by weight of PAVA or OC and a solvent (such as ethanol, 1-propanol or hexane), which could be administered as such as incapacitating or irritating agents, in particular in aerosols and in liquid form, or used for manufacturing of incapacitating or irritating agents
Annex	III – Export Authorisation Required
Name in Other Languages	<p>French: Mélanges contenant au moins 0,3 % en poids de PAVA ou d'OC et un solvant (tel que l'éthanol, le 1-propanol ou l'hexane), susceptibles d'être administrés comme tels en tant qu'agents incapacitants ou irritants, en particulier dans des aérosols et sous forme liquide, ou utilisés pour la fabrication d'agents incapacitants ou irritants</p> <p>Spanish: Mezclas que contengan al menos un 0,3 % en peso de PAVA u OC y un disolvente (como el etanol, 1-propanol o hexano), que podrían ser administradas como agentes incapacitantes o irritantes en sí mismas, en particular en aerosoles y en forma líquida, o utilizadas para la fabricación de agentes incapacitantes o irritantes</p>
Key Technical Features	Concentration of OC or PAVA in mixture varies both by manufacturer and product.
Human Rights Concerns and	Lack of testing of different concentrations of OC and PAVA in different scenarios.

⁷¹ Notes: 1. This item does not control sauces and preparations therefor, soups or preparations therefor and mixed condiments or seasonings, provided that PAVA or OC is not the only constituent flavour in them. 2. This item does not control medicinal products for which a marketing authorisation has been granted in accordance with Union Law (See in particular Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1) and Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

**Additional
Information**

Lack of regulation stipulating the appropriate concentration of OC and PAVA for use in specific settings.

Lack of transparency regarding the concentration and type of agents in commercially available products.

3. Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:

~ 3.5. Fixed equipment for the dissemination of incapacitating or irritating chemical substances, which can be attached to a wall or to a ceiling inside a building, comprises a canister of irritating or incapacitating chemical agents and is activated using a remote control system.⁷²



Type	In-built chemical irritant dispenser
Annex	III – Export Authorisation Required
Name in Other Languages	French: Diffuseur fixe de substances chimiques irritantes
	Spanish: Dispensador fijo de agentes químicos irritantes
Key Technical Features	<p>Attached to a wall or ceiling, these dispense chemical irritants into a confined space.</p> <p>They can either be manually operated (i.e. activated by remote control or remote control panel) or automatically, using motion sensor technology.</p>
Concerns	<p>The placement of such devices in confined spaces or poorly ventilated rooms, or their use in situations where prisoners, detainees, or other targets cannot leave the contaminated area rapidly due to limited exit routes, could pose a risk of resultant build-up of toxic chemicals, leading to serious injury or death.</p> <p>Could potentially lead to injuries resulting from panic and stampedes when used in larger enclosed areas such as prison halls or where small / limited exit is provided.</p> <p>Potentially indiscriminate – affects all who happen to be in the room. Of particular concern are those systems which disperse large quantities of agent in enclosed areas and also those which are automated and do not provide for meaningful human control / a “man in the loop”.</p> <p>According to the European Committee for the Prevention of Torture (CPT), “tear gas is a potentially dangerous substance and should not be used in confined spaces”.^{73 74}</p>

⁷² Note: In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substances.

⁷³ CPT (2015), Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 1 to 10 April 2014, CPT/Inf (2015) 18, para. 39.

⁷⁴ Omega recommends that the use of built in chemical irritant dispensers be prohibited in places of detention and in other law enforcement contexts and all corresponding production and transfer should be prohibited.

3. Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:

~ 3.6. Fixed or mountable equipment for the dissemination of incapacitating or irritating chemical agents that covers a wide area and is not designed to be attached to a wall or to a ceiling inside a building.⁷⁵



Type	Irritant fence
Annex	III – Export Authorisation Required
Name in Other Languages	Spanish: Valla aspersora de agentes químicos irritantes
Key Technical Features	<p>Perimeter fence barrier with chemical irritant or incapacitant deterrent attached – disperses irritant usually in the form of a cloud.</p> <p>They can either be manually operated (i.e. activated by remote control or remote control panel) or automatic, using motion sensor technology.</p>
Human Rights Concerns	<p>Potentially indiscriminate – affecting all who happen to be in the coverage area:</p> <ul style="list-style-type: none"> - Of particular concern are those systems which cover a wide area or which disperse very large quantities of agent. - Automated systems which do not provide for meaningful human control / a “man in the loop” are inherently indiscriminate weapons that could be triggered through the actions of unintended targets such as children.

⁷⁵ Notes: 1. This item does not control equipment controlled by item ML7(e) of the Common Military List of the European Union. 2. This item also controls water cannons. 3. In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substances.

3. Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:

~ 3.6. Fixed or mountable equipment for the dissemination of incapacitating or irritating chemical agents that covers a wide area and is not designed to be attached to a wall or to a ceiling inside a building.⁷⁶



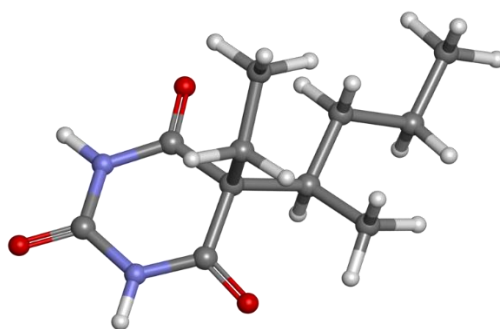
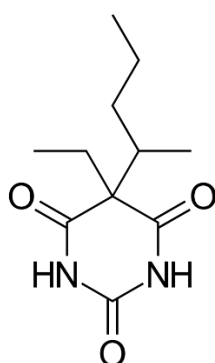
Type	Multiple-shot projectile or grenade launcher – free-standing / vehicle mounted / fixed
Annex	III – Export Authorisation Required
Name in Other Languages	<p>French: Lanceur de projectiles ou de grenades à répétition – indépendant / monté sur véhicule / fixé</p> <p>Spanish: Lanzador de proyectiles o granadas de disparos múltiples – independiente / montado sobre vehículo / fijo</p>
Key Technical Features	<p>Number of barrels and range vary between models (current commercially available models typically have from 2 – 36 barrels and some have more).</p> <p>Can be stand alone or mounted onto vehicles such as 4x4 vehicles or unmanned ground vehicles, seafaring vessels or onto permanent structures such as prisons, government buildings, etc.</p> <p>Manually operated via direct operator contact or via remote control.</p> <p>Allows individual, sequential or simultaneous firing of projectiles, resulting in rapid fire or bursts of fire.</p>
Human Rights Concerns	<p>Can be used to disseminate large amounts of chemical irritant over a wide area almost instantaneously. Potentially could cause serious injury or death through asphyxiation, agent toxicity or kinetic impact.</p> <p>Could potentially lead to injuries resulting from panic and stampedes when used in larger enclosed areas or where small / limited exit is provided.</p> <p>The Omega Research Foundation believes that these have no tactical necessity in law enforcement and are by nature indiscriminate.</p>

⁷⁶ Notes: 1. This item does not control equipment controlled by item ML7(e) of the Common Military List of the European Union. 2. This item also controls water cannons. 3. In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substances.

Goods Covered under Annex IIIa of EC Regulation 1236/2005 that could be used for the purpose of capital punishment referred to in Article 7b

1. Products which could be used for the execution of human beings by means of lethal injection, as follows:

- 1.1. Short and intermediate acting barbiturate anaesthetic agents including, but not limited to: (a) amobarbital (CAS RN 57-43-2) (b) amobarbital sodium salt (CAS RN 64-43-7) (c) pentobarbital (CAS RN 76-74-4) (d) pentobarbital sodium salt (CAS 57-33-0) (e) secobarbital (CAS RN 76-73-3) (f) secobarbital sodium salt (CAS RN 309-43-3) (g) thiopental (CAS RN 76-75-5) (h) thiopental sodium salt (CAS RN 71-73-8), also known as thiopentone sodium. *Note:* This item also controls products containing one of the anaesthetic agents listed under short or intermediate acting barbiturate anaesthetic agents.



Images show: (left) Skeletal formula of pentobarbital and (right) ball-and-stick model of pentobarbital molecule.

Type	Short and intermediate acting barbiturate anaesthetic agents
Annex	III – Export Authorisation Required
Name in Other Languages	French: Agents anesthésiants barbituriques à action rapide et intermédiaire
	Spanish: Agentes anestésicos barbitúricos de acción corta o intermedia
Key Technical Features	<p>Execution by lethal injection often involves injecting heavy doses of three chemicals: 1) an anaesthetic or sedative to render the person unconscious (often sodium thiopental or pentobarbital); 2) pancuronium bromide to cause muscle paralysis, including of the diaphragm; 3) potassium chloride to stop the heart.⁷⁷</p> <p>Alternatively, one- or two-drug protocols normally use a lethal dose of an anaesthetic or sedative, often including the use of pentobarbital.⁷⁸</p>
Human Rights Concerns and Additional Information	<p>The European Union holds a strong and principled position against the death penalty; its abolition is a key objective of the Union's human rights policy.</p> <p>These goods have legitimate medical uses but can also be employed for the execution of human beings.</p> <p>The Omega Research Foundation is also concerned about the potential use of such chemicals in forced interrogation, e.g. the practice of narcoanalysis in India.</p>

⁷⁷ The Omega Research Foundation recommends that the scope of Annex III is extended so as to include pancuronium bromide, as well as introducing a "catch-all" safeguard provision which would address the export of other lethal injection drugs, thereby subjecting these drugs to the export control systems of their respective Member States.

⁷⁸ Death Penalty Information Centre, <http://www.deathpenaltyinfo.org/state-lethal-injection> accessed 25 January 2016.

RECOMMENDED ADDITIONS TO ANNEXES II AND III

The following section is made up of goods which are not currently covered by the EU Torture Trade Regulation, but which the Omega Research Foundation believes should either be prohibited and included in Annex II of the Regulation or controlled and included in Annex III. The Omega Research Foundation further believes that some of the goods currently controlled under Annex III should be moved to Annex II due to the fact that they have no legitimate law enforcement purpose. Please refer to footnotes in the previous section for further information.

I. Equipment which should be included in the Annex II prohibited list

1. Specially-designed hanging ropes



The above image is subject to a Creative Commons copyright licence [© Rossographer](#). It shows a hanging rope used in the Crumlin Road Gaol, Northern Ireland, where executions were carried out until 1961.

Type	Specially-designed hanging rope	
Recommended Annex	II – Import / Export Prohibited	
Name in Other Languages	French: Corde du bourreau	
	Spanish: Soga para horca	
Key Technical Features	Rope, accessories and components (e.g. eyelet and fittings) specifically designed for the purpose of executing human beings.	
Human Rights Concerns and Additional Information	<p>The European Union holds a strong and principled position against the death penalty; its abolition is a key objective of the Union's human rights policy.</p> <p>The Omega Research Foundation and Amnesty International have presented evidence of an international trade in specially designed hanging ropes, and of detailed technical specifications for such ropes.⁷⁹</p>	

⁷⁹ Amnesty International, European Union: Stopping the Trade in Tools of Torture, AI Index: POL 34/001/2007, pp. 9-11.

2. Prisoner hoods and blindfolds (especially where linked to other restraints)



Type	Prisoner hoods and blindfolds [For law enforcement purposes]
Recommended Annex	II – Import / Export Prohibited
Name in Other Languages	<p>French: Bandeaux / Cagoules pour les prisonniers (aux fins de l'application de la loi)</p> <p>Spanish: Antifaces y capuchas para presos (para los fines de aplicación de la ley)</p>
Key Technical Features	<p>Material used to cover the eyes, sometimes the entire head and face, designed to eliminate all vision. Some models can deny all sensory stimuli.</p> <p>Some models are secured with a lock around the neck.</p> <p>Some models are attached to mechanical restraints such as handcuffs.</p>
Human Rights Concerns	<p>Use can lead to disorientation and undue stress.</p> <p>Risk of suffocation or strangulation with use of certain hoods.</p> <p>In a report to the Spanish government in 2007, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) stated that:</p> <p><i>“The CPT ... has strong objections to law enforcement officials blindfolding or hooding apprehended persons. In the Committee’s experience, the purpose of such a practice is most often to prevent such persons from being able to identify law enforcement officials who inflict ill-treatment upon them. Even in cases when no physical ill-treatment occurs, to blindfold a person in custody – and in particular someone undergoing questioning or being transported from one place to another – is a form of oppressive conduct, the effect of which on the person concerned will frequently amount to psychological ill-treatment.”</i>⁸⁰</p> <p>The Omega Research Foundation believes that such hoods and blindfolds have no legitimate law enforcement use that cannot be effectively accomplished with safer alternatives.</p>

⁸⁰ CPT (2011) Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 19 September to 1 October 2007, CPT/INF (2011) 11, <https://rm.coe.int/1680697ea6> accessed 8 May 2017.

3. Kinetic impact devices: sjamboks, weighted batons, slappers, saps



Type	Sjambok
Recommended Annex	II – Import / Export Prohibited
Name in Other Languages	French: Cravache
	Spanish: Sjambok; látigo
Key Technical Features	<p>Heavy whip.</p> <p>Traditionally made of leather but now also made of other materials such as steel and plastic.</p>
Human Rights Concerns	<p>Can easily lacerate / tear the skin leaving severe long lasting injuries.</p> <p>May be used for judicial corporal punishment.</p> <p>The Omega Research Foundation believes that sjamboks have no legitimate law enforcement use that cannot be effectively accomplished with safer alternatives.</p>

3. Kinetic impact devices: sjamboks, weighted batons, slappers, saps



a.



b.



c.

Type	a. Slapper; b. Saps; c. Weighted baton
Recommended Annex	II – Import / Export Prohibited
Alternative names	b. weighted gloves; c. billy club
Name in Other Languages	French: a. matraque queue de castor; b. gants lourds; c. trique
	Spanish: a. palmeta; b. guantes lastrados; c. porra lastrada
Key Technical Features	<p>Weighted batons and weighted gloves.</p> <p>Weighted batons – two main types: slapper - a flat device consisting of metal (spring steel) encased in thick leather and used for slapping or striking a person; billy club - a short baton consisting of spring steel encased in leather sometimes weighted at one end with lead shot, also used for striking a person.</p> <p>Weighted gloves – usually made of leather, usually with powdered steel or lead sewn into the material over the knuckle, fingers, back of the hand, or combination thereof.</p>
Human Rights Concerns	<p>Additional kinetic energy likely to cause significant injury especially if used on sensitive areas of the body.</p> <p>The Omega Research Foundation believe that such devices have no legitimate law enforcement function that cannot be effectively accomplished with a safer alternative.</p>

4. Restraint chairs utilising straps / belts (where not for medical use)



Type	Restraint chair utilising straps / belts (where not for medical use)
Recommended Annex	II – Import / Export Prohibited
Name in Other Languages	French: Chaise d'immobilisation
	Spanish: Silla de inmovilización
Key Technical Features	<p>Various models exist with a variety of restraining points and techniques. Multiple restraining points are often used.</p> <p>Common features include straps or cuffs made from fabric or leather to restrain at the wrists, elbows, ankles, waist, thighs, chest or shoulders.</p> <p>Can be wheeled for transporting a prisoner.</p>
Human Rights Concerns	<p>Danger occurs when the subject is left unattended, is restrained for long periods, or when additional force is used such as electric shock equipment or chemical irritants. Additional danger occurs if the subject is restrained whilst under the influence of drugs or alcohol.</p> <p>Can be used as a punishment, or to facilitate ill-treatment or torture.</p> <p>The Omega Research Foundation believes that such chairs have no legitimate law enforcement function that cannot be effectively accomplished with safer alternatives.</p> <p>In 2000, the United Nations Committee against Torture recommended to the U.S. that they should, “<i>Abolish ...restraint chairs as methods of restraining those in custody. Their use almost invariably leads to breaches of article 16 of the Convention [the prohibition against cruel, inhuman or degrading treatment].</i>”⁸¹</p>

⁸¹ Committee against Torture, Concluding Observations on the Report submitted by the United States of America, 23rd and 24th sessions, May 2000, UN doc. A/55/44(SUPP) paras. 175-180, para. 180.

5. Shackle boards / shackle beds utilising straps / belts (where not for medical use)

Type	Shackle board / shackle bed utilising straps / belts (where not for medical use)
Recommended Annex	II – Import / Export Prohibited
Name in Other Languages	French: Lit / Table avec entraves
	Spanish: Cama / plancha de inmovilización
Key Technical Features	<p>Various models exist with a variety of restraining points and techniques. Multiple restraining points are often used.</p> <p>Most common 8 points of restraint using straps or cuffs made from fabric or leather (a combination of which can be used at any one time) include: 2x ankle, 2x wrist, 2x shoulder, 1x waist, and 1x chest.</p>
Human Rights Concerns	<p>Danger occurs when the subject is left unattended, is restrained for long periods, or when additional force is used such as electric shock equipment or chemical irritants. Additional danger occurs if the subject is restrained whilst under the influence of drugs or alcohol.</p> <p>Can be used as a punishment, or to facilitate ill-treatment or torture.</p> <p>The Omega Research Foundation believes that shackle boards have no legitimate law enforcement function that cannot be effectively accomplished with safer alternatives.</p>

II. Equipment which should be included in the Annex III controlled list

1. 3-way handcuffs



Type	3-way handcuffs
Recommended Annex	III – Export Authorisation Required
Name in Other Languages	French: Menotes avec trois bracelets
	Spanish: Esposas triples
Key Technical Features	<p>3 cuffs all attached to the same small ring.</p> <p>Allows subject to be cuffed to a fixed object or cuffed closely to multiple subjects or guards.</p> <p>A ratchet allows for use on a range of wrist sizes.</p>
Human Rights Concerns	<p>Risk of misuse during detention / torture & “stress positions”.</p> <p>Can be easily over-tightened to cause pain, discomfort and permanent injury.</p>

2. “Ordinary” handcuffs



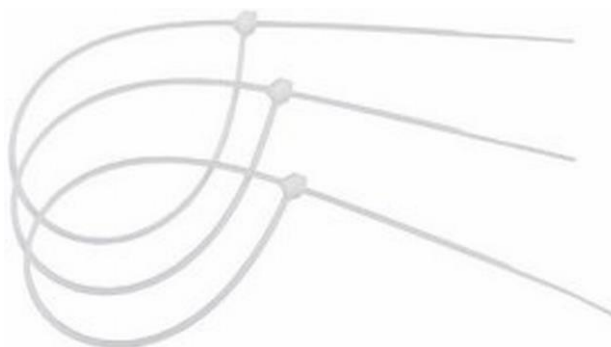
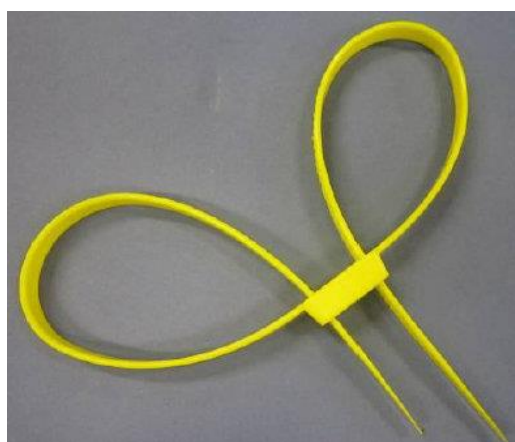
Type	Ordinary handcuffs
Recommended Annex	III – Export Authorisation Required
Name in Other Languages	French: Menottes ordinaires
	Spanish: Esposas para muñeca normales
Key Technical Features	<p>Two lockable cuffs, usually made of metal, connected by a short chain-link, rigid bar, or hinge.</p> <p>A ratchet allows for use on a range of wrist sizes.</p> <p>Some models feature a double locking mechanism, designed to prevent overtightening, and others are single locking, which can be progressively tightened through a ratchet.</p>
Human Rights Concerns and Additional Information	<p>Can help facilitate torture or other ill-treatment (especially “stress positions”).</p> <p>Cuffs connected by a rigid bar can be used as a weapon for levering a suspect into submission. This increases the risk of wrist injury.</p> <p>Prolonged use of cuffs can lead to lacerations which can lead to blood poisoning and other long term physical impairments, amongst other ills.</p> <p>Can be easily over-tightened to cause pain, discomfort, and permanent injury (some models allow double locking which reduces this risk).</p> <p>At present one EU Member State, the UK, regulates the export of handcuffs, which have an overall dimension, including chains, exceeding 240mm when locked, measured from the outer edge of one cuff to the outer edge of the other cuff. This more stringent control is permitted by the Regulation⁸² and is intended to restrict the export of such goods to end users who will later adapt such over-sized cuffs into de facto leg irons.⁸³ Another Member State, Spain, regulates the export of “ordinary handcuffs”.⁸⁴</p>

⁸² See Article 7.2 of the EC Torture Trade Regulation.

⁸³ See Guidance, Controls on torture goods, UK Department for International Trade and Export Control Organisation, <https://www.gov.uk/guidance/controls-on-torture-goods>, last updated 14 January 2014, accessed 5 May 2017.

⁸⁴ Annex II.2 of the Regulation on the control of foreign trade in defence materials, and dual-use materials, products and technology, approved by Royal Decree 679/2014 of 1 August 2014.

3. Plastic / nylon handcuffs



Type	Plastic / nylon handcuffs
Recommended Annex	III – Export Authorisation Required
Name in Other Languages	French: Menottes en plastique / nylon
	Spanish: Esposas de plástico / nailon
Key Technical Features	<p>Resembles a plastic “cable tie” (which are also used).</p> <p>Single or double cuffs.</p> <p>Mostly used to restrain the hands, but there are also models designed to restrain the feet.</p>
Human Rights Concerns	<p>Can be easily over-tightened but difficult to loosen – most can only be tightened but not subsequently loosened which makes it very easy to purposefully or inadvertently cause the wearer severe pain and discomfort.</p> <p>Easily cuts into flesh over time.</p> <p>Risk of misuse during detention / torture & “stress positions”.</p> <p>Can help facilitate torture or other ill-treatment.</p>

4. Kinetic impact devices: including but not limited to: tonfas, t-batons, dual handled batons, straight batons, extendable batons



Type	Kinetic impact device (hand-held): dual handled baton, straight baton, extendable baton
Recommended Annex	III – Export Authorisation Required
Alternative name(s)	Truncheon, telescopic baton, t-baton, tonfa
Name in Other Languages	<p>French: Dispositif à impact cinétique: tonfa; matraque avec poignée latérale / double poignée; matraque droite; matraque télescopique</p> <p>Spanish: Dispositivo de impacto cinético: tonfa; porra con empuñadura lateral / doble empuñadura; porra recta; porra telescópica</p>
Key Technical Features	<p>Four main types of batons:</p> <p>Straight baton – commonly made of rubber, plastic or wood. Lengths vary from approx. 20cm – 2m. Longer batons are commonly sold as “riot batons”.</p> <p>Side-handle/tonfas – straight baton with side handle. Commonly made of plastic or aluminium.</p> <p>Dual handle baton – straight baton with two handles on either side.</p> <p>Extendable – usually extend up to 2 or 3 times retracted length. Typically made of aluminium. The impact can feel like a whip.</p>
Human Rights Concerns	<p>The level of kinetic impact depends on the strength / skill of the user.</p> <p>Widely misused by law enforcement officials to inflict unnecessary or excessive force through beating. Requires rigorous training to be used properly, if not, serious injury can occur.</p> <p>If driven “end on” into the subject, batons can cause serious injury, including internal organ injury and bleeding.</p> <p>Over arm strikes and strikes to the head and other sensitive areas increase the risk of serious injury or death.</p>

5. Millimetre wave weapons / area denial systems



Type	Millimetre wave weapon / area denial system
Recommended Annex	III – Export Authorisation Required
Name in Other Languages	French: Arme d'onde millimétriques
	Spanish: Arma de ondas milimétricas
Key Technical Features	<p>A directed energy weapon designed to heat the skin with a focused beam of millimetre wave energy.</p> <p>Vehicle-mounted models and models for indoor use have been developed.</p>
Human Rights Concerns	<p>Directed energy beam is silent and invisible making avoidance difficult.</p> <p>A long exposure, especially one at higher power could potentially lead to second or third degree burns.</p> <p>The beam can be widened resulting in either full body exposure, the targeting of more than one person at a time, or the targeting, in larger models, of a crowd indiscriminately.</p>

6. Long Range Acoustic Devices



Type	Long Range Acoustic Device
Recommended Annex	III – Export Authorisation Required
Name in Other Languages	French: Dispositif acoustique longue portée
	Spanish: Dispositivo acústico de largo alcance
Key Technical Features	<p>Emits a “deterrent tone” to disperse a crowd or can be used as a megaphone-type device to convey instructions over a large area.</p> <p>Can be free-standing, vehicle-mounted, embedded in a riot control shield, or body-worn (i.e. over the shoulder).</p>
Concerns	<p>Produce high volume sounds at various frequencies, with limited ability to target the sound to an individual or group, risking indiscriminate / unnecessary exposure.</p> <p>Exposure levels affect individuals differently. Risk of permanent hearing damage, ear drum rupture, loss of equilibrium / balance.</p> <p>Could be misused for ill-treatment, potentially on a large scale.</p>

7. Laser dazzlers⁸⁵



Type	Laser dazzler
Recommended Annex	III – Export Authorisation Required
Name in Other Languages	French: Éblouissement par laser
	Spanish: Láser de deslumbramiento
Key Technical Features	<p>Optical weapon / ocular disruption.</p> <p>Designed to cause temporary loss of vision.</p> <p>Some products can “dazzle” suspects from up to 1000m in daylight and up to 3000m at night.</p> <p>Can be rifle-shaped with bipods and picatinny rail (top), as a baton (centre), or designed to be attached as accessories to small arms or light weapons (bottom).</p>
Concerns	<p>Can cause permanent loss or damage to vision, blurred vision, sensitivity to light, headaches.</p> <p>Lack of testing / lack of reporting on testing, to date (2017).</p>

⁸⁵ This does not include weapons intended to cause permanent blindness, prohibited by Protocol IV to the 1980 Convention on the Use of Certain Conventional Weapons.

Appendix: Consolidated Text of EC Reg 1236/2005 and Relevant Annexes⁸⁶

**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**

**CHAPTER I
Subject matter, scope and definitions**

Article 1
Subject matter

This Regulation lays down Union rules governing trade with third countries in goods that could be used for the purpose of capital punishment or for the purpose of torture or other cruel, inhuman or degrading treatment or punishment, and rules governing the supply of brokering services, technical assistance, training and advertising related to such goods.

Article 2
Definitions

For the purposes of this Regulation:

(a) 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from that person or from a third person information or a confession, punishing that person for an act that either that person or a third person has committed or is suspected of having committed, or intimidating or coercing that person or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted either by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. It does not, however, include pain or suffering arising only from, inherent in or incidental to, lawful penalties. Capital punishment is not deemed a lawful penalty under any circumstances;

(b) 'other cruel, inhuman or degrading treatment or punishment' means any act by which pain or suffering attaining a minimum level of severity, whether physical or mental, is inflicted on a person, when such pain or suffering is inflicted either by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. It does not, however, include pain or suffering arising only from, inherent in or incidental to, lawful penalties. Capital punishment is not deemed a lawful penalty under any circumstances;

(c) 'law enforcement authority' means any authority responsible for preventing, detecting, investigating, combating and punishing criminal offences, including, but not limited to, the police, any prosecutor, any judicial authority, any public or private prison authority and, where appropriate, any of the state security forces and military authorities;

(d) 'export' means any departure of goods from the customs territory of the Union, including the departure of goods that requires a customs declaration and the departure of goods after their storage

⁸⁶ Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02005R1236-20161216&qid=1491378522823&from=EN> accessed 9 May 2017.

in a free zone within the meaning of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁸⁷;

(e) 'import' means any entry of goods into the customs territory of the Union, including temporary storage, the placing in a free zone, the placing under a special procedure and the release for free circulation within the meaning of Regulation (EU) No 952/2013;

(f) 'technical assistance' means any technical support related to repairs, development, manufacture, testing, maintenance, assembly or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical assistance includes verbal forms of assistance and assistance provided by electronic means;

(g) 'museum' means a non-profit making, permanent institution in the service of society and of its development, and open to the public, which acquires, conserves, researches, communicates and exhibits, for purposes of study, education and enjoyment, material evidence of people and their environment;

(h) 'competent authority' means an authority of one of the Member States, as listed in Annex I, which is, in accordance with Article 8, entitled to make a decision on an application for an authorisation or to prohibit an exporter from using the Union general export authorisation;

(i) 'applicant' means:

1. the exporter, in the case of exports referred to in Article 3, 5 or 7b;
2. the natural or legal person, entity or body transporting the goods within the customs territory of the Union, in the case of transit referred to in Article 4a;
3. the supplier of technical assistance, in the case of supplies of technical assistance referred to in Article 3;
4. the museum that will display the goods, in the case of imports and supplies of technical assistance referred to in Article 4; and
5. the supplier of technical assistance or the broker, in the case of supplies of technical assistance referred to in Article 7a or brokering services referred to in Article 7d;

(j) 'customs territory of the Union' means the territory within the meaning of Article 4 of Regulation (EU) No 952/2013;

(k) 'brokering services' means:

- (1) the negotiation or arrangement of transactions for the purchase, sale or supply of relevant goods from a third country to any other third country, or
- (2) the selling or buying of relevant goods that are located in a third country for their transfer to another third country.

For the purposes of this Regulation the sole provision of ancillary services is excluded from this definition. Ancillary services are transportation, financial services, insurance or re-insurance, or general advertising or promotion;

(l) 'broker' means any natural or legal person, entity or body, including a partnership, resident or established in a Member State that supplies services defined under point (k) from within the Union; any natural person having the nationality of a Member State, wherever resident, who supplies such services

⁸⁷ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1)

from within the Union; and any legal person, entity or body incorporated or constituted under the law of a Member State, wherever established, that supplies such services from within the Union;

(m) 'supplier of technical assistance' means any natural or legal person, entity or body, including a partnership, resident or established in a Member State that supplies technical assistance defined under point (f) from within the Union; any natural person having the nationality of a Member State, wherever resident, who supplies such assistance from within the Union; and any legal person, entity or body incorporated or constituted under the law of a Member State, wherever established that supplies such assistance from within the Union;

(n) 'exporter' means any natural or legal person entity or body, including a partnership, on whose behalf an export declaration is made, that is to say the person, entity or body, who, at the time when the export declaration is accepted, holds a contract with the consignee in the third country concerned and has the necessary power for determining the sending of the goods out of the customs territory of the Union. If no such contract has been concluded or if the holder of that contract does not act on its own behalf, the exporter means the person, entity or body who has the necessary power for determining the sending of the goods out of the customs territory of the Union. Where the benefit of a right to dispose of the goods belongs to a person, entity or body resident or established outside the Union pursuant to that contract, the exporter shall be considered to be the contracting party resident or established in the Union;

(o) 'Union General Export Authorisation' means an authorisation for exports as defined under point (d) to certain countries which is available to all exporters who respect conditions and requirements for its use as listed in Annex IIIb;

(p) 'individual authorisation' means an authorisation granted to:

1. one specific exporter for exports as defined under point (d) to one end-user or consignee in a third country and covering one or more goods;
2. one specific broker for the supply of brokering services as defined under point (k) to one end-user or consignee in a third country and covering one or more goods; or
3. a natural or legal person, entity or body transporting goods within the customs territory of the Union for transit as defined under point (s);

(q) 'global authorisation' means an authorisation granted to one specific exporter or broker in respect of a type of goods listed in Annex III or in Annex IIIa, which may be valid for:

1. exports as defined under point (d) to one or more specified end-users in one or more specified third countries;
2. exports as defined under point (d) to one or more specified distributors in one or more specified third countries, where the exporter is a manufacturer of goods included in point 3.2 or 3.3. of Annex III or in Section 1 of Annex IIIa;
3. the supply of brokering services related to transfers of goods which are located in a third country, to one or more specified end-users in one or more specified third countries;
4. the supply of brokering services related to transfers of goods which are located in a third country, to one or more specified distributors in one or more specified third countries, where the broker is a manufacturer of goods included in point 3.2 or 3.3. of Annex III or in Section 1 of Annex IIIa;

(r) 'distributor' means an economic operator performing wholesale activities in relation to goods listed in point 3.2 or 3.3 of Annex III or in section 1 of Annex IIIa, such as procuring such goods from manufacturers or holding, supplying or exporting such goods; wholesale activities of such goods do not

include procurement by either a hospital, a pharmacist or a medical professional for the sole purpose of supplying such goods to the public;

(s) 'transit' means a transport within the customs territory of the Union of non-Union goods which pass through the customs territory of the Union with a destination outside the customs territory of the Union.

CHAPTER II

Goods which have no practical use other than for the purposes of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment

Article 3

Export prohibition

1. Any export of goods listed in Annex II, shall be prohibited, irrespective of the origin of such goods.

Annex II shall comprise goods which have no practical use other than for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment.

A supplier of technical assistance shall be prohibited from supplying technical assistance related to goods listed in Annex II to any person, entity or body in a third country, whether for consideration or not.

2. By way of derogation from paragraph 1, the competent authority may authorise an export of goods listed in Annex II, and the supply of related technical assistance, if it is demonstrated that, in the country to which the goods will be exported, such goods will be used for the exclusive purpose of public display in a museum in view of their historic significance.

Article 4

Import prohibition

1. Any import of goods listed in Annex II, shall be prohibited, irrespective of the origin of such goods.

The acceptance by a person, entity or body in the Union of technical assistance related to goods listed in Annex II, supplied from a third country, whether for consideration or not, by any person, entity or body shall be prohibited.

2. By way of derogation from paragraph 1, the competent authority may authorise an import of goods listed in Annex II, and the supply of related technical assistance, if it is demonstrated that, in the Member State of destination, such goods will be used for the exclusive purpose of public display in a museum in view of its historic significance.

Article 4a

Prohibition of transit

1. Any transit of goods listed in Annex II shall be prohibited.

2. By way of derogation from paragraph 1, the competent authority may authorise a transit of goods listed in Annex II, if it is demonstrated that, in the country of destination, such goods will be used for the exclusive purpose of public display in a museum in view of their historic significance.

Article 4b

Prohibition of brokering services

A broker shall be prohibited from supplying to any person, entity or body in a third country brokering services in relation to goods listed in Annex II, irrespective of the origin of such goods.

Article 4c
Prohibition of training

A supplier of technical assistance or a broker shall be prohibited from supplying or offering to any person, entity or body in a third country training on the use of goods listed in Annex II.

Article 4d
Trade fairs

It shall be prohibited for any natural or legal person, entity or body, including a partnership, whether resident or established in a Member State or not, to display or offer for sale any of the goods listed in Annex II in an exhibition or fair taking place in the Union, unless it is demonstrated that, given the nature of the exhibition or fair, such display or offering for sale is neither instrumental in nor promotes the sale or supply of the relevant goods to any person, entity or body in a third country.

Article 4e
Advertising

It shall be prohibited for any natural or legal person, entity or body, including a partnership, resident or established in a Member State that sells or purchases advertising space or advertising time from within the Union, for any natural person having the nationality of a Member State that sells or purchases advertising space or advertising time from within the Union, and for any legal person, entity or body incorporated or constituted under the law of a Member State, that sells or purchases advertising space or advertising time from within the Union, to sell to or purchase from any person, entity or body in a third country advertising space in print media or on the Internet or advertising time on television or radio in relation to goods listed in Annex II.

Article 4f
National measures

1. Without prejudice to the applicable Union rules, including the prohibition of discrimination on grounds of nationality, Member States may adopt or maintain national measures restricting transportation, financial services, insurance or re-insurance, or general advertising or promotion in relation to goods listed in Annex II.

2. Member States shall notify the Commission of any measures adopted pursuant to paragraph 1. Existing measures shall be notified by 17 February 2017. New measures, amendments and repeals shall be notified before they enter into force.

CHAPTER III
Goods that could be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment

Article 5
Export authorisation requirement

1. For any export of goods listed in Annex III, an authorisation shall be required, irrespective of the origin of such goods. However, no authorisation shall be required for goods which only pass through

the customs territory of the Union, namely those which are not assigned a customs approved treatment or use other than the external transit procedure under Article 226 of Regulation (EU) No 952/2013, including storage of non-Union goods in a free zone.

Annex III shall only comprise the following goods that could be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment:

- (a) goods which are primarily used for law enforcement purposes; and
- (b) goods which, taking into account their design and technical features, present a material risk of use for torture or other cruel, inhuman or degrading treatment or punishment.

Annex III shall not include:

- (a) firearms controlled by Regulation (EU) No 258/2012 of the European Parliament and of the Council⁸⁸;
- (b) dual-use items controlled by Council Regulation (EC) No 428/2009⁸⁹; and
- (c) goods controlled in accordance with Council Common Position 2008/944/CFSP⁹⁰.

2. Paragraph 1 shall not apply to exports to those territories of Member States which are both listed in Annex IV and are not part of the customs territory of the Community, provided that the goods are used by an authority in charge of law enforcement in both the country or territory of destination and the metropolitan part of the Member State to which that territory belongs. Customs or other relevant authorities shall have the right to verify whether this condition is met and may decide that, pending such verification, the export shall not take place.

3. Paragraph 1 shall not apply to exports to third countries, provided that the goods are used by military or civil personnel of a Member State, if such personnel is taking part in an EU or UN peace keeping or crisis management operation in the third country concerned or in an operation based on agreements between Member States and third countries in the field of defence. Customs and other relevant authorities shall have the right to verify whether this condition is met. Pending such verification, the export shall not take place.

Article 6

Criteria for granting export authorisations

1. Decisions on applications for authorisations in respect of the export of goods listed in Annex III shall be taken by the competent authorities, taking into account all relevant considerations, including in particular whether an application in respect of an essentially identical export has been dismissed by another Member State in the preceding three years and considerations about intended end-use and the risk of diversion.

2. The competent authority shall not grant any authorisation when there are reasonable grounds to believe that goods listed in Annex III might be used for torture or other cruel, inhuman or degrading

⁸⁸ Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.3.2012, p. 1).

⁸⁹ Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ L 134, 29.5.2009, p. 1).

⁹⁰ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

treatment or punishment, including judicial corporal punishment, by a law enforcement authority or any natural or legal person in a third country.

The competent authority shall take into account:

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

Other relevant information, including available national court judgements, reports or other information prepared by civil society organisations and information on restrictions on exports of goods listed in Annexes II and III applied by the country of destination, may be taken into account.

3. The following rules shall apply to the verification of the intended end-use and the risk of diversion:

3.1. If the manufacturer of goods listed in point 3.2 or 3.3 of Annex III requests an authorisation for exporting such goods to a distributor, the competent authority shall make an assessment of the contractual arrangements made by the manufacturer and the distributor and of the measures that they are taking to ensure that these goods and, if applicable, the products in which they will be incorporated will not be used for torture or other cruel, inhuman or degrading treatment or punishment.

3.2. If an authorisation is requested for exporting goods listed in point 3.2 or 3.3 of Annex III to an end-user, the competent authority may, when assessing the risk of diversion, take into account the contractual arrangements that apply and the end-use statement signed by the end-user, if such a statement is provided. If no end-use statement is provided, it shall be up to the exporter to demonstrate who will be the end-user and what use will be made of the goods. If the exporter fails to provide sufficient information on the end-user and the end-use, the competent authority shall be deemed to have reasonable grounds to believe that the goods might be used for torture or other cruel, inhuman or degrading treatment or punishment.

4. In addition to the criteria set out in paragraph 1, when assessing an application for a global authorisation, the competent authority shall take into consideration the application by the exporter of proportionate and adequate means and procedures to ensure compliance with the provisions and objectives of this Regulation and with the terms and conditions of the authorisation.

Article 6a Prohibition of transit

A natural or legal person, entity or body, including a partnership, whether resident or established in a Member State or not, shall be prohibited from executing the transit of goods listed in Annex III, if he, she or it knows that any part of a shipment of such goods is intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a third country.

Article 7 National measures

1. Notwithstanding the provisions in Articles 5 and 6, a Member State may adopt or maintain a prohibition on the export and import of leg irons, gang chains and portable electric shock devices.

2. A Member State may impose an authorisation requirement on the export of handcuffs which have an overall dimension including chains, measured from the outer edge of one cuff to the outer edge of the

other cuff, exceeding 240 mm when locked. The Member State concerned shall apply Chapter III and IV to such handcuffs.

3. Member States shall notify the Commission of any measures adopted pursuant to paragraphs 1 and 2. Existing measures shall be notified by 30 July 2006. Subsequent measures shall be notified before they enter into force.

CHAPTER IIIa

Goods that could be used for the purpose of capital punishment

Article 7b

Export authorisation requirement

1. For any export of goods listed in Annex IIIa, an authorisation shall be required irrespective of the origin of such goods. However, no authorisation shall be required for goods which only pass through the customs territory of the Union, namely those which are not assigned a customs approved treatment or use other than the external transit procedure under Article 226 of Regulation (EU) No 952/2013, including storage of non-Union goods in a free zone.

Annex IIIa shall only comprise goods that could be used for the purpose of capital punishment and have been approved or actually used for capital punishment by one or more third countries that have not abolished capital punishment. It shall not include:

- (a) firearms controlled by Regulation (EU) No 258/2012;
- (b) dual-use items controlled by Regulation (EC) No 428/2009 and
- (c) goods controlled in accordance with Common Position 2008/944/CFSP.

2. Where the export of medicinal products requires an export authorisation pursuant to this Regulation and the export is also subject to authorisation requirements in accordance with international conventions controlling narcotic drugs and psychotropic substances, such as the 1971 Convention on Psychotropic Substances, Member States may use a single procedure to carry out the obligations imposed on them by this Regulation and by the relevant convention.

Article 7c

Criteria for granting export authorisations

1. Decisions on applications for authorisations in respect of the export of goods listed in Annex IIIa shall be taken by the competent authorities, taking into account all relevant considerations, including in particular whether an application in respect of an essentially identical export has been dismissed by another Member State in the preceding three years and considerations about intended end-use and the risk of diversion.

2. The competent authority shall not grant any authorisation when there are reasonable grounds to believe that the goods listed in Annex IIIa might be used for capital punishment in a third country.

3. The following rules shall apply to the verification of the intended end-use and the risk of diversion:

3.1. If the manufacturer of goods listed in section 1 of Annex IIIa requests an authorisation for exporting such products to a distributor, the competent authority shall make an assessment of the contractual arrangements made by the manufacturer and the distributor and of the measures that they are taking to ensure that the goods will not be used for capital punishment.

3.2. If an authorisation is requested for exporting goods listed in section 1 of Annex IIIa to an end-user, the competent authority may, when assessing the risk of diversion, take into account the contractual arrangements that apply and the end-use statement signed by the end-user, if such a statement is provided. If no end-use statement is provided, it shall be up to the exporter to demonstrate who will be the end-user and what use will be made of the goods. If the exporter fails to provide sufficient information on the end-user and the end-use, the competent authority shall be deemed to have reasonable grounds to believe that the goods might be used for capital punishment.

3.3. The Commission, in cooperation with competent authorities of the Member States, may adopt best practice guidelines on the assessment of end-use and assessing the purpose for which technical assistance would be used.

4. In addition to the criteria set out in paragraph 1, when assessing an application for a global authorisation the competent authority shall take into consideration the application by the exporter of proportionate and adequate means and procedures to ensure compliance with the provisions and objectives of this Regulation and with the terms and conditions of the authorisation.

Article 7d Prohibition of transit

A natural or legal person, entity or body, including a partnership, whether resident or established in a Member State or not, shall be prohibited from executing the transit of goods listed in Annex IIIa, if he, she or it knows that any part of a shipment of such goods is intended to be used for capital punishment in a third country.

CHAPTER IV Authorisation procedures

Article 8 Types of authorisations and issuing authorities

1. A Union General Export Authorisation for certain exports as set out in Annex IIIb is established by this Regulation.

The competent authority of the Member State where the exporter is resident or established can prohibit the exporter from using this authorisation, if there is reasonable suspicion about the exporter's ability to comply with the terms of this authorisation or with a provision of the export control legislation.

The competent authorities of the Member States shall exchange information on all exporters deprived of the right to use the Union General Export Authorisation, unless they determine that a specific exporter will not attempt to export goods listed in Annex IIIa through another Member State. A secure and encrypted system for exchange of information shall be used for this purpose.

2. An authorisation for exports other than those referred to in paragraph 1 for which an authorisation is required under this Regulation shall be granted by the competent authority of the Member State where the exporter is resident or established, as listed in Annex I. Such authorisation may be an individual or a global authorisation, if it concerns goods listed in Annex III or in Annex IIIa. An authorisation concerning goods listed in Annex II shall be an individual authorisation.

3. An authorisation for transit of goods listed in Annex II shall be granted by the competent authority of the Member State where the natural or legal person, entity or body transporting the goods within the customs territory of the Union is resident or established, as listed in Annex I. If that person, entity or

body is not resident or established in a Member State, an authorisation shall be granted by the competent authority of the Member State in which the entry of goods into the customs territory of the Union takes place. Such an authorisation shall be an individual authorisation.

The competent authorities of the Member States shall exchange information on all exporters deprived of the right to use the Union General Export Authorisation, unless they determine that a specific exporter will not attempt to export goods listed in Annex IIIa through another Member State. A secure and encrypted system for exchange of information shall be used for this purpose.

2. An authorisation for exports other than those referred to in paragraph 1 for which an authorisation is required under this Regulation shall be granted by the competent authority of the Member State where the exporter is resident or established, as listed in Annex I. Such authorisation may be an individual or a global authorisation, if it concerns goods listed in Annex III or in Annex IIIa. An authorisation concerning goods listed in Annex II shall be an individual authorisation.

3. An authorisation for transit of goods listed in Annex II shall be granted by the competent authority of the Member State where the natural or legal person, entity or body transporting the goods within the customs territory of the Union is resident or established, as listed in Annex I. If that person, entity or body is not resident or established in a Member State, an authorisation shall be granted by the competent authority of the Member State in which the entry of goods into the customs territory of the Union takes place. Such an authorisation shall be an individual authorisation.

4. An authorisation for imports for which an authorisation is required under this Regulation shall be granted by the competent authority of the Member State where the museum is established, as listed in Annex I.

An authorisation concerning goods listed in Annex II shall be an individual authorisation.

5. An authorisation for the supply of technical assistance related to goods listed in Annex II shall be granted by:

(a) the competent authority of the Member State where the supplier of technical assistance is resident or established, as listed in Annex I, or, if there is no such Member State, the competent authority of the Member State of which the supplier of technical assistance is a national or under whose law it has been incorporated or constituted, if the assistance is to be supplied to a museum in a third country; or

(b) the competent authority of the Member State where the museum is established, as listed in Annex I, if the assistance is to be supplied to a museum in the Union.

6. An authorisation for the supply of technical assistance related to goods listed in Annex III or in Annex IIIa shall be granted by the competent authority of the Member State where the supplier of technical assistance is resident or established, as listed in Annex I, or, if there is no such Member State, the competent authority of the Member State of which the supplier of technical assistance is a national or under whose law it has been incorporated or constituted.

7. An authorisation for the supply of brokering services related to goods listed in Annex III or in Annex IIIa shall be granted by the competent authority of the Member State where the broker is resident or established, as listed in Annex I, or, if there is no such Member State, the competent authority of the Member State of which the broker is a national or under whose law it has been incorporated or constituted. Such an authorisation shall be granted for a set quantity of specific goods moving between two or more third countries. The location of the goods in the originating third country, the end-user and its exact location shall be clearly identified.

8. Applicants shall supply the competent authority with all relevant information required for their applications for an individual or global authorisation for exports or for brokering services, for an authorisation for technical assistance, for an individual import authorisation or for an individual authorisation for transit.

As regards exports the competent authorities shall receive complete information in particular on the end-user, the country of destination and the end-use of the goods.

As regards brokering services the competent authorities shall in particular receive details of the location of the goods in the originating third country, a clear description of the goods and the quantity involved, third parties involved in the transaction, the third country of destination, the end-user in that country and its exact location.

The granting of an authorisation may be subject to an end-use statement, if appropriate.

9. By way of derogation from paragraph 8, where a manufacturer or a manufacturer's representative is to export or to sell and transfer goods included in point 3.2 or 3.3 of Annex III or in section 1 of Annex IIIa to a distributor in a third country, the manufacturer shall provide information on the arrangements made and the measures taken to prevent the goods included in point 3.2 or 3.3 of Annex III from being used for torture or other cruel, inhuman or degrading treatment or punishment or to prevent the goods included in section 1 of Annex IIIa from being used for capital punishment, on the country of destination and, if it is available, information on the end-use and the end-users of the goods.

10. Upon request of a national preventive mechanism established under the Optional Protocol to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the competent authorities may decide to make the information they have received from an applicant on the country of destination, the consignee, the end-use and the end-users or, where relevant, the distributor and the arrangements and measures referred to in paragraph 9, available to the requesting national preventive mechanism. The competent authorities shall hear the applicant before the information is made available and may impose restrictions on the use that can be made of the information. The competent authorities shall make their decisions in accordance with national laws and practice.

11. Member States shall process requests for individual or global authorisations within a period of time to be determined by national law or practice.

Article 9 Authorisations

1. Authorisations for export, import or transit shall be issued on a form consistent with the model set out in Annex V. Authorisations concerning brokering services shall be issued on a form consistent with the model set out in Annex VI. Authorisations concerning technical assistance shall be issued on a form consistent with the model set out in Annex VII. Such authorisations shall be valid throughout the Union. The period of validity of an authorisation shall be from three to twelve months with a possible extension of up to 12 months. The period of validity of a global authorisation shall be from one year to three years with a possible extension of up to two years.

2. An authorisation for export granted in accordance with Article 6 or with Article 7c implies an authorisation for the exporter to supply technical assistance to the end-user to the extent that such assistance is necessary for the installation, operation, maintenance or repair of those goods whose export is authorised.

3. The authorisations may be issued by electronic means. The specific procedures shall be established on a national basis. Member States availing themselves of this option shall inform the Commission.

4. Authorisations for export, import, transit, the supply of technical assistance or the supply of brokering services shall be subject to any requirements and conditions the competent authority deems appropriate.

5. The competent authorities, acting in accordance with this Regulation, may refuse to grant an authorisation and may annul, suspend, modify or revoke an authorisation which they have already granted.

Article 10 Customs formalities

1. When completing customs formalities, the exporter or importer shall submit the duly completed form set out in Annex V as proof that the necessary authorisation for the export or import concerned has been obtained. If the document is not filled out in an official language of the Member State where the customs formalities are being completed, the exporter or importer may be required to provide a translation into such official language.

2. If a customs declaration is made concerning goods listed in Annex II, III or IIIa and it is confirmed that no authorisation has been granted pursuant to this Regulation for the intended export or import, the customs authorities shall detain the goods declared and shall make the exporter or importer aware of the possibility to apply for an authorisation pursuant to this Regulation. If no application for an authorisation is made within six months of the detention, or if the competent authority dismisses such an application, the customs authorities shall dispose of the detained goods in accordance with applicable national law.

Article 11 Notification and consultation requirement

1. A Member State shall notify the other Member States and the Commission if its competent authorities, as listed in Annex I, take a decision dismissing an application for an authorisation under this Regulation or if they annul an authorisation they have granted. Such notification shall be made not later than 30 days following the date of the decision or annulment.

2. The competent authority shall, through diplomatic channels where required or appropriate, consult the authority or authorities which, in the preceding three years, dismissed an application for authorisation of an export, a transit, the supply of technical assistance to a person, entity or body in a third country or the supply of brokering services under this Regulation, if it receives an application concerning an export, a transit, the supply of technical assistance to a person, entity or body in a third country or the supply of brokering services involving an essentially identical transaction referred to in such earlier application and considers that an authorisation should, nevertheless, be granted.

3. If, after the consultations referred to in paragraph 2, the competent authority decides to grant an authorisation, the relevant Member State shall immediately inform the other Member States and the Commission of its decision and explain the reasons for its decision, submitting supporting information as appropriate.

4. Where a refusal to grant an authorisation is based on a national prohibition in accordance with Article 7(1) or Article 7a(4), it shall not constitute a decision dismissing an application within the meaning of paragraph 1 of this Article.

5. All notifications required under this Article shall be made via a secure and encrypted system for exchange of information.

CHAPTER V

General and final provisions

Article 12

Amendment of Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 15a, to amend Annexes I, II, III, IIIa, IIIb, IV, V, VI and VII. The data in Annex I regarding competent authorities of the Member States shall be amended on the basis of information supplied by the Member States.

Where, in the case of amendment of Annex II, III, IIIa or IIIb, imperative grounds of urgency so require, the procedure provided for in Article 15b shall apply to delegated acts adopted pursuant to this Article.

Article 12a

Requests for adding goods to one of the lists of goods

1. Each Member State may address a duly substantiated request to the Commission to add goods designed or marketed for law enforcement to Annex II, Annex III or Annex IIIa. Such a request shall include information on:

- (a) the design and characteristics of the goods;
- (b) all the purposes for which they can be used; and
- (c) the international or domestic rules that would be broken if the goods were to be used for law enforcement.

When addressing its request to the Commission, the requesting Member State shall also forward that request to the other Member States.

2. The Commission may, within three months of the receipt of the request ask the requesting Member State to provide supplementary information, if it considers that the request fails to address one or more relevant points or that additional information on one or more relevant points is necessary. It shall communicate the points on which supplementary information needs to be provided. The Commission shall forward its questions to the other Member States. The other Member States may also provide the Commission with further information for the assessment of the request.

3. If it considers that there is no need to ask for supplementary information or, where applicable, upon receipt of the supplementary information it has requested, the Commission shall within twenty weeks of the receipt of the request or the receipt of supplementary information, respectively, commence the procedure for the adoption of the requested amendment or inform the requesting Member State of the reasons for not doing so.

Article 13

Exchange of information between Member States' authorities and the Commission

1. Without prejudice to Article 11, the Commission and the Member States shall, upon request, inform each other of the measures taken under this Regulation and supply each other with any relevant information at their disposal in connection with this Regulation, in particular information on authorisations granted and refused.

2. Relevant information on authorisations granted and refused shall comprise at least the type of decision, the grounds for the decision or a summary thereof, the names of the consignees and, if they are not the same, of the end-users as well as the goods concerned.

3. Member States, if possible in cooperation with the Commission, shall make a public, annual activity report, providing information on the number of applications received, on the goods and countries concerned by these applications, and on the decisions they have taken on these applications. This report shall not include information the disclosure of which a Member State considers to be contrary to the essential interests of its security.

3a. The Commission shall prepare an annual report comprised of the annual activity reports referred to in paragraph 3. That annual report shall be made publicly available.

4. Except for the supply of information mentioned in paragraph 2 to the authorities of the other Member State and to the Commission, this Article shall be without prejudice to applicable national rules concerning confidentiality and professional secrecy.

5. The refusal to grant an authorisation, if it is based on a national prohibition adopted in accordance with Article 7(1), shall not constitute an authorisation refused within the meaning of paragraphs 1, 2 and 3 of this Article.

Article 13a Processing of personal data

Personal data shall be processed and exchanged in accordance with the rules laid down in Directive 95/46/EC of the European Parliament and of the Council ⁹¹ and Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁹².

Article 14 Use of information

Without prejudice to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁹³ and national legislation on public access to documents, information received pursuant to this Regulation shall be used only for the purpose for which it was requested.

Article 15a Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for a period of five years from 16 December 2016. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation

⁹¹ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁹² Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁹³ OJ L 145, 31.5.2001, p. 43.

of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁹⁴.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 15b Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 15a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

Article 15c Anti-Torture Coordination Group

1. An Anti-Torture Coordination Group chaired by a representative of the Commission shall be established. Each Member State shall appoint a representative to this group.

2. The group shall examine any questions concerning the application of this Regulation, including, without limitation, the exchange of information on administrative practices and any questions which may be raised either by the chair or by a representative of a Member State.

3. The Anti-Torture Coordination Group may, whenever it considers it to be necessary, consult exporters, brokers, suppliers of technical assistance and other relevant stakeholders concerned by this Regulation.

4. The Commission shall submit an annual report in writing to the European Parliament on the activities, examinations and consultations of the Anti-Torture Coordination Group.

⁹⁴ OJ L 123, 12.5.2016, p. 1.

The annual report shall be drawn up paying due regard to the need not to undermine the commercial interests of natural or legal persons. The discussions in the group shall be kept confidential.

Article 15d Review

1. By 31 July 2020, and every five years thereafter, the Commission shall review the implementation of this Regulation and present a comprehensive implementation and impact assessment report to the European Parliament and to the Council, which may include proposals for its amendment. The review will assess the need to include the activities of EU nationals abroad. Member States shall provide to the Commission all appropriate information for the preparation of the report.

2. Special sections of the report shall deal with:

(a) the Anti-Torture Coordination Group and its activities. The report shall be drawn up paying due regard to the need not to undermine the commercial interests of natural or legal persons. The discussions in the group shall be kept confidential; and

(b) information on the measures taken by the Member States pursuant to Article 17(1) and notified to the Commission pursuant to Article 17(2).

Article 17 Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2. Member States shall notify the Commission of those rules by 29 August 2006 and shall notify it without delay of any subsequent amendment affecting them.

Article 18 Territorial scope

1. This Regulation shall have the same territorial scope of application as the Treaties, except for the first subparagraph of Article 3(1), the first subparagraph of Article 4(1), Articles 4a, 5, 6a, 7, 7b and 7d,

Article 8(1) to (4) and Article 10, which shall apply to:

- the customs territory of the Union,
- the Spanish territories of Ceuta and Melilla,
- the German territory of Helgoland.

2. For the purpose of this Regulation Ceuta, Helgoland and Melilla shall be treated as part of the customs territory of the Community.

Article 19 Entry into force

This Regulation shall enter into force on 30 July 2006.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX II

List of goods referred to in Articles 3 and 4

Introductory Note:

The 'CN codes' in this Annex refer to codes specified in Part Two of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (1).

Where 'ex' precedes the CN code, the goods covered by Regulation (EC) No 1236/2005 constitute only a part of the scope of the CN code and are determined by both the description given in this Annex and the scope of the CN code.

Notes:

1. Items 1.3 and 1.4 in Section 1 concerning goods designed for the execution of human beings do not cover medical-technical goods.

2. The object of the controls contained in this Annex should not be defeated by the export of any non-controlled goods (including plant) containing one or more controlled components when the controlled component or components are the principal element of the goods and can feasibly be removed or used for other purposes.

NB: In judging whether the controlled component or components are to be considered the principal element, it is necessary to weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the goods being procured.

CN Code	Description
	1. Goods designed for the execution of human beings, as follows:
ex 4421 90 97 ex 8208 90 00	1.1. Gallows, guillotines and blades for guillotines
ex 8543 70 90 ex 9401 79 00 ex 9401 80 00 ex 9402 10 00	1.2. Electric chairs for the purpose of execution of human beings
ex 9406 00 38 ex 9406 00 80	1.3. Airtight vaults, made of e.g. steel and glass, designed for the purpose of execution of human beings by the administration of a lethal gas or substance
ex 8413 81 00 ex 9018 90 50 ex 9018 90 60 ex 9018 90 84	1.4. Automatic drug injection systems designed for the purpose of execution of human beings by the administration of a lethal chemical substance
	2. Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:

ex 8543 70 90	2.1. Electric shock devices which are intended to be worn on the body by a restrained individual, such as belts, sleeves and cuffs, designed for restraining human beings by the administration of electric shocks
ex 7326 90 98 ex 7616 99 90 ex 8301 50 00 ex 3926 90 97 ex 4203 30 00 ex 4203 40 00 ex 4205 00 90	2.2. Thumb-cuffs, finger-cuffs, thumbscrews and finger-screws Note: This item includes both serrated and non-serrated cuffs and screws
ex 7326 90 98 ex 7616 99 90 ex 8301 50 00 ex 3926 90 97 ex 4203 30 00 ex 4203 40 00 ex 4205 00 90 ex 6217 10 00 ex 6307 90 98	2.3. Bar fetters, weighted leg restraints and gang chains comprising bar fetters or weighted leg restraints Notes: 1. Bar fetters are shackles or ankle rings fitted with a locking mechanism, linked by a rigid bar which is typically made of metal 2. This item includes bar fetters and weighted leg restraints which are linked to ordinary handcuffs by means of a chain
ex 7326 90 98 ex 7616 99 90 ex 8301 50 00 ex 3926 90 97 ex 4203 30 00 ex 4203 40 00 ex 4205 00 90 ex 6217 10 00 ex 6307 90 98	2.4. Cuffs for restraining human beings, designed to be anchored to a wall, floor or ceiling
ex 9401 61 00 ex 9401 69 00 ex 9401 71 00 ex 9401 79 00 ex 9401 80 00 ex 9402 10 00	2.5. Restraint chairs: chairs fitted with shackles or other devices to restrain a human being Note: This item does not prohibit chairs only fitted with straps or belts
ex 9402 90 00 ex 9403 20 20 ex 9403 20 80 ex 9403 50 00 ex 9403 70 00	2.6. Shackle boards and shackle beds: boards and beds fitted with shackles or other devices to restrain a human being Note: This item does not prohibit boards and beds only fitted with straps or belts

ex 9403 81 00	
ex 9403 89 00	
ex 9402 90 00	2.7. Cage beds: beds comprising a cage (four sides and a ceiling) or similar structure enclosing a human being within the confines of the bed, the ceiling or one or more of the sides of which are fitted with metal or other bars, and which can only be opened from outside
ex 9403 20 20	
ex 9403 50 00	
ex 9403 70 00	
ex 9403 81 00	
ex 9403 89 00	
ex 9402 90 00	2.8. Net beds: beds comprising a cage (four sides and a ceiling) or similar structure enclosing a human being within the confines of the bed, the ceiling or one or more sides of which are fitted with nets, and which can only be opened from outside
ex 9403 20 20	
ex 9403 50 00	
ex 9403 70 00	
ex 9403 81 00	
ex 9403 89 00	
	3. Portable devices which are not suitable for use by law enforcement authorities for the purpose of riot control or self-protection, as follows:
ex 9304 00 00	3.1. Batons or truncheons made of metal or other material having a shaft with metal spikes
ex 3926 90 97	3.2. Shields with metal spikes
ex 7326 90 98	
	4. Whips as follows:
ex 6602 00 00	4.1. Whips comprising multiple lashes or thongs, such as knouts or cats o'nine tails
ex 6602 00 00	4.2. Whips having one or more lashes or thongs fitted with barbs, hooks, spikes, metal wire or similar objects enhancing the impact of the lash or thong

ANNEX III**List of goods referred to in Article 5**

Introductory Note:

The CN codes in this Annex refer to codes specified in Part Two of Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.

Where 'ex' precedes the CN code, the goods covered by Regulation (EC) No 1236/2005 constitute only a part of the scope of the CN code and are determined by both the description given in this Annex and the scope of the CN code.

Notes:

1. The object of the controls contained in this Annex should not be defeated by the export of any non-controlled goods (including plant) containing one or more controlled components when the controlled component or components are the principal element of the goods and can feasibly be removed or used for other purposes.

NB: In judging whether the controlled component or components are to be considered the principal element, it is necessary to weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the goods being procured.

2. In some instances chemicals are listed by name and CAS number. The list applies to chemicals of the same structural formula (including hydrates) regardless of name or CAS number. CAS numbers are shown to assist in identifying a particular chemical or mixture, irrespective of nomenclature. CAS numbers cannot be used as unique identifiers because some forms of the listed chemical have different CAS numbers, and mixtures containing a listed chemical may also have different CAS numbers.

CN Code	Description
	1. Goods designed for restraining human beings, as follows:
ex 7326 90 98	1.1. Shackles and gang chains
ex 7616 99 90	
ex 8301 50 00	Notes:
ex 3926 90 97	1. Shackles are restraints consisting of two cuffs or rings fitted with a locking mechanism, with a connecting chain or bar
ex 4203 30 00	
ex 4203 40 00	2. This item does not control the leg restraints and gang chains prohibited by item 2.3 of Annex II
ex 4205 00 90	
ex 6217 10 00	3. This item does not control 'ordinary handcuffs'. Ordinary handcuffs are handcuffs which meet all the following conditions:
ex 6307 90 98	— their overall dimension including chain, measured from the outer edge of one cuff to the outer edge of the other cuff, is between 150 and 280 mm when both cuffs are locked;
	— the inside circumference of each cuff is a maximum of 165 mm when the ratchet is engaged at the last notch entering the locking mechanism;

	<p>— the inside circumference of each cuff is a minimum of 200 mm when the ratchet is engaged at the first notch entering the locking mechanism; and</p> <p>— the cuffs have not been modified to cause physical pain or suffering.</p>
<p>ex 7326 90 98</p> <p>ex 7616 99 90</p> <p>ex 8301 50 00</p> <p>ex 3926 90 97</p> <p>ex 4203 30 00</p> <p>ex 4203 40 00</p> <p>ex 4205 00 90</p> <p>ex 6217 10 00</p> <p>ex 6307 90 98</p>	<p>1.2. Individual cuffs or rings fitted with a locking mechanism, having an inside circumference exceeding 165 mm when the ratchet is engaged at the last notch entering the locking mechanism</p> <p>Note:</p> <p>This item includes neck restraints and other individual cuffs or rings fitted with a locking mechanism, which are linked to ordinary handcuffs by means of a chain</p>
<p>ex 6505 00 10</p> <p>ex 6505 00 90</p> <p>ex 6506 91 00</p> <p>ex 6506 99 10</p> <p>ex 6506 99 90</p>	<p>1.3. Spit hoods: hoods, including hoods made of netting, comprising a cover of the mouth which prevents spitting</p> <p>Note:</p> <p>This item includes spit hoods which are linked to ordinary handcuffs by means of a chain</p>
	<p>2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:</p>
<p>ex 8543 70 90</p> <p>ex 9304 00 00</p>	<p>2.1. Portable electric discharge weapons that can target only one individual each time an electric shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns</p> <p>Notes:</p> <p>1. This item does not control electric shock belts and other devices falling within item 2.1 of Annex II</p> <p>2. This item does not control individual electronic shock devices when accompanying their user for the user's own personal protection</p>
<p>ex 8543 90 00</p> <p>ex 9305 99 00</p>	<p>2.2. Kits containing all essential components for assembly of portable electric discharge weapons controlled by item 2.1</p> <p>Note:</p> <p>The following goods are considered to be essential components:</p> <ul style="list-style-type: none"> — the unit producing an electric shock, — the switch, whether or not on a remote control, and — the electrodes or, where applicable, the wires through which the electrical shock is to be administered

ex 8543 70 90 ex 9304 00 00	<p>2.3. Fixed or mountable electric discharge weapons that cover a wide area and can target multiple individuals with electrical shocks</p> <p>3. Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:</p>
ex 8424 20 00 ex 8424 89 00 ex 9304 00 00	<p>3.1. Portable weapons and equipment which either administer a dose of an incapacitating or irritating chemical substance that targets one individual or disseminate a dose of such substance affecting a small area, e.g. in the form of a spray fog or cloud, when the chemical substance is administered or disseminated</p> <p>Notes:</p> <p>1. This item does not control equipment controlled by item ML7(e) of the Common Military List of the European Union ⁹⁵</p> <p>2. This item does not control individual portable equipment, even if containing a chemical substance, when accompanying their user for the user's own personal protection</p> <p>3. In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substances</p>
ex 2924 29 98	3.2. Pelargonic acid vanillylamide (PAVA) (CAS RN 2444-46-4)
ex 3301 90 30	3.3. Oleoresin capsicum (OC) (CAS RN 8023-77-6)
ex 2924 29 98 ex 2939 99 00 ex 3301 90 30 ex 3302 10 90 ex 3302 90 10 ex 3302 90 90 ex 3824 90 97	<p>3.4. Mixtures containing at least 0,3 % by weight of PAVA or OC and a solvent (such as ethanol, 1-propanol or hexane), which could be administered as such as incapacitating or irritating agents, in particular in aerosols and in liquid form, or used for manufacturing of incapacitating or irritating agents</p> <p>Notes:</p> <p>1. This item does not control sauces and preparations therefor, soups or preparations therefor and mixed condiments or seasonings, provided that PAVA or OC is not the only constituent flavour in them</p> <p>2. This item does not control medicinal products for which a marketing authorisation has been granted in accordance with Union law ⁹⁶</p>

⁹⁵ Latest version adopted by the Council on 11 March 2013 (OJ C 90, 27.3.2013, p. 1).

⁹⁶ See in particular Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1) and Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

<p>ex 8424 20 00 ex 8424 89 00</p>	<p>3.5. Fixed equipment for the dissemination of incapacitating or irritating chemical substances, which can be attached to a wall or to a ceiling inside a building, comprises a canister of irritating or incapacitating chemical agents and is activated using a remote control system</p> <p>Note:</p> <p>In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substances</p>
<p>ex 8424 20 00 ex 8424 89 00 ex 9304 00 00</p>	<p>3.6. Fixed or mountable equipment for the dissemination of incapacitating or irritating chemical agents that covers a wide area and is not designed to be attached to a wall or to a ceiling inside a building</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. This item does not control equipment controlled by item ML7(e) of the Common Military List of the European Union 2. This item also controls water cannons 3. In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substances

ANNEX IIIa

GOODS THAT COULD BE USED FOR THE PURPOSE OF CAPITAL PUNISHMENT REFERRED TO IN ARTICLE 7b

CN Code	Description
ex 2933 53 90 [(a) to (f)] ex 2933 59 95 [(g) and (h)]	<p>1. Products which could be used for the execution of human beings by means of lethal injection, as follows:</p> <p>1.1. Short and intermediate acting barbiturate anaesthetic agents including, but not limited to:</p> <p>(a) amobarbital (CAS RN 57-43-2) (b) amobarbital sodium salt (CAS RN 64-43-7) (c) pentobarbital (CAS RN 76-74-4) (d) pentobarbital sodium salt (CAS 57-33-0) (e) secobarbital (CAS RN 76-73-3) (f) secobarbital sodium salt (CAS RN 309-43-3) (g) thiopental (CAS RN 76-75-5) (h) thiopental sodium salt (CAS RN 71-73-8), also known as thiopentone sodium</p>
ex 3003 90 00 ex 3004 90 00 ex 3824 90 96	<p>Note:</p> <p>This item also controls products containing one of the anaesthetic agents listed under short or intermediate acting barbiturate anaesthetic agents.</p>



*Image shows spiked electric shock shield on display at Milipol 2015, Paris, France, November 2015.
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