

Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (codification)

CHAPTER VI

GENERAL AND FINAL PROVISIONS

Article 24

Amendment of Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 29, to amend Annexes I, II, III, IV, V, VI, VII, VIII and IX. 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, IV or V, imperative grounds of urgency so require, the procedure provided for in Article 30 shall apply to delegated acts adopted pursuant to this Article.

Article 25

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 IV. 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 20 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.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2019/125 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 26

Exchange of information between Member States' authorities and the Commission

1 Without prejudice to Article 23, 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.

4 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.

5 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.

6 The refusal to grant an authorisation, if it is based on a national prohibition adopted in accordance with Article 14(1), shall not constitute an authorisation refused within the meaning of paragraphs 1, 2 and 3 of this Article.

Article 27

Processing of personal data

Personal data shall be processed and exchanged in accordance with the rules laid down in Regulation (EU) 2016/679 and Regulation (EU) 2018/1725.

Article 28

Use of information

Without prejudice to Regulation (EC) No 1049/2001 of the European Parliament and of the Council⁽¹⁾ 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.

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Article 29

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 24 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 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 24 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.

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 24 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 30

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 29(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.

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Article 31

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 that group.

2 The Anti-Torture Coordination 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.

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 Anti-Torture Coordination Group shall be kept confidential.

Article 32

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 Union 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;
- b information on the measures taken by the Member States pursuant to Article 33(1) and notified to the Commission pursuant to Article 33(2).

Article 33

Penalties

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

2 Member States shall notify the Commission without delay of any amendment affecting rules on penalties notified in accordance with Article 17(2) of Regulation (EC) No 1236/2005.

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Article 34

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 5, 11, 13, 14, 16 and 18, Article 20(1) to (4) and Article 22, 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 Union.

Article 35

Repeal

Regulation (EC) No 1236/2005 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XI.

Article 36

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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- (1) 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 ([OJ L 145, 31.5.2001, p. 43](#)).

Changes to legislation:

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2020/1479 reg. 2\(36\)](#)
- Art. 2(d) words substituted by [S.I. 2020/1479 reg. 2\(3\)\(a\)\(i\)](#)
- Art. 2(d) words substituted by [S.I. 2020/1479 reg. 2\(3\)\(a\)\(ii\)](#)
- Art. 2(e) words omitted by [S.I. 2020/1479 reg. 2\(3\)\(b\)\(ii\)](#)
- Art. 2(e) words substituted by [S.I. 2020/1479 reg. 2\(3\)\(b\)\(i\)](#)
- Art. 2(h) substituted by [S.I. 2020/1479 reg. 2\(3\)\(c\)](#)
- Art. 2(j) substituted by [S.I. 2020/1479 reg. 2\(3\)\(e\)](#)
- Art. 2(l) substituted by [S.I. 2020/1479 reg. 2\(3\)\(f\)](#)
- Art. 2(m) substituted by [S.I. 2020/1479 reg. 2\(3\)\(g\)](#)
- Art. 2(n) substituted by [S.I. 2020/1479 reg. 2\(3\)\(h\)](#)
- Art. 2(o) substituted by [S.I. 2020/1479 reg. 2\(3\)\(i\)](#)
- Art. 2(p) word omitted by [S.I. 2020/1479 reg. 2\(3\)\(j\)\(i\)](#)
- Art. 2(p) words substituted by [S.I. 2020/1479 reg. 2\(3\)\(j\)\(ii\)](#)
- Art. 2(s) words substituted by [S.I. 2020/1479 reg. 2\(3\)\(k\)\(i\)](#)
- Art. 2(s) words substituted by [S.I. 2020/1479 reg. 2\(3\)\(k\)\(ii\)](#)
- Art. 2(t)-(y) inserted by [S.I. 2020/1479 reg. 2\(3\)\(l\)](#)
- Art. 2(2)(i) word omitted by [S.I. 2020/1479 reg. 2\(3\)\(d\)\(i\)](#)
- Art. 2(2)(i) words substituted by [S.I. 2020/1479 reg. 2\(3\)\(d\)\(ii\)](#)
- Art. 11(1)(c) substituted by [S.I. 2020/1479 reg. 2\(11\)\(a\)\(vi\)](#)
- Art. 12(2)(a) word substituted by [S.I. 2020/1479 reg. 2\(12\)\(b\)](#)
- Art. 12(2)(b) words substituted by [S.I. 2020/1479 reg. 2\(12\)\(c\)](#)
- Art. 15(3)(a) substituted by [S.I. 2020/1479 reg. 2\(15\)\(b\)\(i\)](#)
- Art. 15(3)(c) words substituted by [S.I. 2020/1479 reg. 2\(15\)\(b\)\(ii\)](#)
- Art. 16(1)(c) substituted by [S.I. 2020/1479 reg. 2\(16\)\(b\)](#)