**Question 1: Regulation of production**

**1.1 Does your country have national legislation or alternative regulatory, administrative, judicial or other measures, which prohibit or regulate the production of certain law enforcement equipment or weapons, and/or a system of classifying different types of the production of law enforcement equipment and weapons?**

**When answering this question, please be specific regarding the prohibition or regulation of any of the following law enforcement equipment and consider the following or other goods that may be prohibited in your country:**

1. **Leg irons, gang chains, fetters, weighted leg restraints, thumb cuffs, restraints fixed to walls or other objects, blind-folds and hoods**
2. **Multi-point restraints such as shackle beds, restraint chairs and cage beds**
3. **Body worn electric shock devices such as electric shock belts**
4. **Direct contact electric shock devices such as stun batons, stun guns or stun shields**
5. **Spiked batons, spiked shields, weighted batons, whips**
6. **Multi-barrel kinetic impact launchers, single non-metallic projectiles that contain ammunition containing multiple projectiles**
7. **Laser weapons intended to blind or impair sight**
8. **Millimetre wave energy weapons**
9. **Other**

No.

**1.2 How are "prohibited goods" defined and categorised under national legislation (or alternative regulatory, administrative, judicial or other measures)? If there are lists of prohibited goods, please provide details, including what mechanisms there are for updating these categories/lists, how often they are updated, and when was this last done.**

N/A.

**Question 2: Regulation of trade**

**2.1 Does your country have national legislation or alternative regulatory, administrative, judicial or other measures, which prohibits the trade (import, export, transit) in any of the goods listed at 1.1. Please explain these legislation/measures and provide a copy or hyperlink to those documents.**

The trade of 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 is regulated by the Regulation (EU) 2019/125 (“Anti-Torture Regulation”). The Anti-Torture Regulation is directly applicable in DE and is enforced by the Federal Office for Economic Affairs and Export Controls. Under Article 3, 4 and 5 Anti-Torture Regulation the export, import and transit of goods listed in Annex II of the Anti-Torture Regulation is prohibited. By way of derogation an export, import or transit of goods listed in Annex II may be authorized 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. Annex II Anti-Torture Regulation comprises the following list of goods:

|  |  |
| --- | --- |
| **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  ex 9403 81 00  ex 9403 89 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 9402 90 00  ex 9403 20 20  ex 9403 50 00  ex 9403 70 00  ex 9403 81 00  ex 9403 89 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 9402 90 00  ex 9403 20 20  ex 9403 50 00  ex 9403 70 00  ex 9403 81 00  ex 9403 89 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 | |
|  | 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  ex 7326 90 98 | |  |  | | --- | --- | | 3.2. | Shields with metal spikes | |
|  | 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 | |

**2.2 Does your country's national legislation (or other measures) also regulate the trade (import, export, transit) in goods that have a "legitimate law enforcement purpose, but which may be easily abused for torture and ill-treatment or punishment"? Please explain these legislation/measures.**

**When answering this question, please be specific regarding the regulation of any of the following law enforcement equipment and consider the following:**

1. **Riot control agents, malodorants, and associated delivery mechanisms**
2. **Handcuffs, leg-cuffs and associated restraints, spit hoods and spit guards**
3. **Acoustic devices and weapons that do not cause long-term or permanent da mage to hearing**
4. **Dazzling weapons employing lasers or optical light**
5. **Batons, truncheons, and other similar hand-held striking weapons**
6. **Kinetic impact projectiles (including rubber bullets and plastic bullets) and associated launchers**
7. **Electric shock projectile devices**
8. **Other**

The export of goods that have a legitimate purpose but could be used for the purpose of torture or other cruel, inhuman or disregarding treatment or punishment is also regulated by the Anti-Torture Regulation. Under Article 11 an export of goods listed in Annex III Anti-Torture Regulation requires a license by the competent authority. In addition, the transit of goods listed in Annex III Anti-Torture Regulation is prohibited, if the person or entity who is conducting the transit 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 12 Anti-Torture Regulation sets out criteria for reviewing a license application for exports of goods listed in Annex III Anti-Torture Regulation. The competent authority has a broad discretion in reviewing such application. During this process the authority shall consider all relevant information, including in particular whether an application in respect of an essentially identical export has been denied by another EU Member State in the preceding three years and the intended end-use and the risk of diversion. Furthermore, the competent authority takes 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 and other relevant information, such as 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.

DE applies the Anti-Torture Regulation on a strict basis. No license will be issued if there are reasonable grounds to believe that goods listed in Annex III might be used for torture or other cruel, inhuman or degrading treatment or punishment, including judicial corporal punishment, by a law enforcement authority or any natural or legal person in a third country.

Annex III Anti-Torture comprises the following goods:

|  |  |
| --- | --- |
| **CN code** | **Description** |
|  | 1.  Goods designed for restraining human beings, as follows: |
|  |  |
| 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 | |  |  | | --- | --- | | 1.1. | Shackles and gang chains |   *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 hich 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 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; |  |  |  | | --- | --- | | — | 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 |  |  |  | | --- | --- | | — | the cuffs have not been modified to cause physical pain or suffering. | | |
| 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 | |  |  | | --- | --- | | 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 |   *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 |
| ex 6505 00 10  ex 6505 00 90  ex 6506 91 00  ex 6506 99 10  ex 6506 99 90 | |  |  | | --- | --- | | 1.3. | Spit hoods: hoods, including hoods made of netting, comprising a cover of the mouth which prevents spitting |   *Note:*  This item includes spit hoods which are linked to ordinary handcuffs by means of a chain |
|  | 2.  Weapons and devices designed for the purpose of riot control or self-protection, as follows: |
|  |  |
| ex 8543 70 90  ex 9304 00 00 | |  |  | | --- | --- | | 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 |   *Notes:*   |  |  | | --- | --- | | 1. | This item does not control 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 | |
| ex 8543 90 00  ex 9305 99 00 | |  |  | | --- | --- | | 2.2. | Kits containing all essential components for assembly of portable electric discharge weapons controlled by item 2.1 |   *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 | |
| ex 8543 70 90  ex 9304 00 00 | |  |  | | --- | --- | | 2.3. | Fixed or mountable electric discharge weapons that cover a wide area and can target multiple individuals with electrical shocks | |
|  | 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: |
|  |  |
| ex 8424 20 00  ex 8424 89 00  ex 9304 00 00 | |  |  | | --- | --- | | 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 |   *Notes:*   |  |  | | --- | --- | | 1. | This item does not control equipment controlled by item ML7(e) of the Common Military List of the European Union[(1)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019R0125#ntr1-L_2019030EN.01003201-E0001) |  |  |  | | --- | --- | | 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 substances | |
| 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 | |  |  | | --- | --- | | 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 |   *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[(2)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019R0125#ntr2-L_2019030EN.01003201-E0002) | |
| ex 8424 20 00  ex 8424 89 00 | |  |  | | --- | --- | | 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 |   *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 |
| ex 8424 20 00  ex 8424 89 00  ex 9304 00 00 | |  |  | | --- | --- | | 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 |   *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 | |

**2.4 Other activities: Does the relevant legal framework (or alternative measures) regulate any of the following activities: promotion, brokering, transportation, technical assistance, and training in the use of prohibited or controlled goods?**

Under Article 6 Anti-Torture Regulation it is prohibited to supply to any person, entity or body in a third country, brokering services in relation to goods listed in Annex II Anti-Torture Regulation, irrespective of the origin of such goods. Pursuant to Article 7 Anti-Torture Regulation it is also prohibited to supply 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 9 Anti-Torture Regulation prohibits 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.

A license is required by Article 15 Anti-Torture Regulation for any supply of technical assistance and brokering services related to goods listed in Annex III Anti-Torture Regulation. When deciding on license applications the competent authorities apply the same criteria described under the reply to question 2.2 mutatis mutandis.

**2.5 Definitions and categorizations: How are prohibited and/or controlled goods defined and categorised under national legislation (or alternative measures)? If there are lists of prohibited and/or controlled goods, please provide details, including what mechanisms there are for updating these categories/lists, how often they are updated, and when was this last done.**

Items that are controlled under the Anti-Torture Regulation are defined by the Annexes II, III, IV of the Anti-Torture Regulation. See 2.1 and 2.2 for more details.

**2.6 Actors: Please indicate whether the relevant legal framework (or alternative measures) covers trade of goods undertaken by any of the following actors: commercial companies, State-owned companies, police forces, military forces, other State or private entities.**

The Anti-torture Regulation is applicable to all the aforementioned actors: commercial companies, State-owned companies, police forces, military forces, other State or private entities.

**2.7 Human rights risk assessment: When determining whether to allow specific exports of controlled law enforcement equipment and weapons to a potential end user in a recipient State, are the goods subject to a human rights-based risk assessment procedure? As part of that procedure, is there an assessment of the risk that the goods to be exported may be used for potential acts of torture or other cruel, inhuman, or degrading treatment or punishment? If so, please describe what this assessment entails.**

Yes, see our reply to question 2.2.

**2.8 Denial of export: In the last five years has your Government denied any requests (or licenses) to export law enforcement equipment and if so, how many times and on what grounds?**

See our reply to question 2.9.

**2.9 Reporting: Are exporters (including the State) required to report to the Government, Parliament or another entity, on the exports of controlled goods and related training? Are these reports publicly available? If so, please provide copies from 2018-2022.**

There is no additional reporting requirement for exporters, that goes beyond the licensing requirement. However, the EU Commission publishes public available annual activity reports, providing information on the number of applications received in the EU Member States, on the goods and countries concerned by these applications, and on the decisions, they have taken on these applications.

**2.10 Regional or international standards: Is the domestic legal framework (or alternative measures) based on existing regional or international standards, whether binding or non-binding? If so, please provide details.**

The Anti-Torture regulation is the relevant legal framework and qualifies as binding and directly applicable law.

**2.11 Future intentions: If your State has no legislation or measures currently in place, is your Government intending to introduce such legislation/measures? If so, please provide details of any commitments made to this end or processes that are ongoing (e.g. draft bills) and any timescale given for the introduction of such legislation/measures.**

N/A.

**Question 3: Main producers , suppliers and exporters of law enforcement equipment**

**Please provide details of the main producers, suppliers and exporters of law enforcement equipment and weapons covered by the categories listed in Question 1.1 or 2.2, for the period 2018-2022.**

See our reply to question 2.9.

**Question 4: Training Services and Review of Procedures**

**What training is provided by relevant State entities (including military forces, police forces, immigration, or associated training colleges), commercial companies or academic institutions in the use of law enforcement equipment and weapons to domestic and/or foreign military, security or police personnel?**

**If such training is regulated, please provide details, including whether this regulation incorporates a human rights-based risk assessment procedure and whether certain types of training are prohibited.**

Police officers are trained during the preparatory services lasting several years with respect to fundamental and human rights. This applies in particular to the use of law enforcement equipment and weapons. The fundamental and human rights specific education is an integral part of the preparatory service. Equipment and weapons may only be used if they have been tested and approved in a special procedure. The use must never be out of proportion to the intended purpose.

**Question 5: Investigations and prosecutions**

**Have there been any investigations, prosecutions and/or convictions for breaches of national law and the trade in such goods? If so, please provide details.**

N/A