Firearms, their parts and components and ammunition: implementation of Article 10 of the United Nations Firearms Protocol and establishing export authorisation, import and transit measures

2010/0147(COD) - 14/03/2012 - Final act

PURPOSE: to lay down stricter rules to combat and eradicate the illicit trafficking in firearms.

LEGISLATIVE ACT: Regulation (EU) No 258/2012 of the European Parliament and of the Council 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

CONTENT: following an agreement negotiated in first reading, the European Parliament and the Council adopted this Regulation laying down **rules on export authorisation for firearms** for the purpose of implementing article 10 of the United Nations protocol against the illicit manufacturing of and trafficking in firearms, thereby completing the process of transposition into Union legislation of the provisions of the Protocol which was signed on behalf of the Community in 2002.

The purpose of the UN firearms protocol is to promote, facilitate and strengthen cooperation in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in small arms such as handguns and pistols. Its Article 10 requires the implementation or improvement of administrative procedures or systems to exercise effective control over the manufacturing, marking, import and export of firearms.

The regulation focuses on measures in respect of tracing and import and export of firearms for civilian use in respect of export from the customs territory of the Union to or through third countries (firearms destined for military purposes are covered by other rules.)

Principle: the Regulation is based on the principle that firearms and related items should not be transferred between States without the awareness and consent of all States involved. It establishes rules governing export authorisation, and import and transit measures for **firearms, their parts and essential components and ammunition.**

Authorisation: export authorisation must be established **in accordance with the form set out in Annex II,** which contains information on the country of export, the country of import, the final recipient and a descriptions of the items and quantities concerned. Member States shall process applications for export authorisations within a period of time **not exceeding 60 working days,** from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended to 90 working days.

Third countries and transit: before issuing an export authorisation, the Member State concerned shall verify that the importing third country has authorised the relevant import, and that the third countries of transit, if any, have given notice in writing — and at the latest prior to shipment — that they have no objection to the transit.

Simplified procedures: in order to avoid unnecessary administrative burdens, the Regulation sets out simplified procedures for the temporary export or the re-export of firearms, for verifiable lawful purposes, which include hunting, sport shooting, evaluation, exhibitions without sale, and repair.

"Temporary export" means the movement of firearms leaving the customs territory of the Union and intended for re-importation within a period not exceeding 24 months.

No export authorisation shall be required for the temporary export **by hunters or sport shooters** as part of their accompanied personal effects, during a journey to a third country provided that they substantiate the reasons for the journey, in particular by producing an invitation or other proof of the hunting or sport shooting activities in the third country of destination.

When leaving the customs territory of the Union through Member State other than the Member State of their residence hunters and sport shooters shall produce to the competent authorities a **European Firearms Pass**.

Refusal to grant an authorisation: an export authorisation shall be refused if the person applying for it has a **criminal record concerning conduct constituting an offence** listed in Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member State, or concerning any other conduct provided that it constituted an offence punishable by a maximum deprivation of liberty of **at least four years or a more serious penalty.**

Report: by 19 April 2017, and thereafter upon request of the Coordination Group and in any event every 10 years, the Commission shall review the implementation of the Regulation and present a report, which may include proposals for its amendment.

ENTRY INTO FORCE: 19/04/2012.

APPLICATION: from 30/09/2013.

DELEGATED ACTS: the Commission is empowered to adopt delegated acts in order to maintain the list of firearms, their parts and essential components and ammunition for which an authorisation is required. The power to adopt delegated acts is conferred on the Commission for an indeterminate period of time. A delegated act 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 (which may be extended by two months). If the European Parliament or Council objects, the delegated act shall not enter into force.