UN Convention against Transnational Organized Crime (UNTOC): protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

2013/0083(NLE) - 11/02/2014 - Final act

PURPOSE: to conclude an additional protocol to the United Nations Convention against Transnational Organized Crime on the manufacturing of and trafficking in firearms, their parts and components and ammunition.

LEGISLATIVE ACT: Council Decision 2014/164/EU on the conclusion, on behalf of the European Union, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

CONTEXT: the elements of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime which are covered by the competences of the Union were negotiated by the Commission, with the approval of the Council, on behalf of the Union.

In accordance with Council Decision 2001/748/EC the Protocol was signed on 16 January 2002, subject to its conclusion at a later date.

The conclusion of the United Nations Convention against Transnational Organized Crime was approved on behalf of the Union by Council Decision 2004/579/EC, which is a condition for the Union to become a Party to the Protocol of that Convention.

The Protocol provides for measures falling within the scope of the Union's common commercial policy. Several Union legal acts have been adopted which aim to facilitate and **eliminate barriers for the transfer of conventional arms within the internal market** or which aim to regulate the export of arms to third countries. A legally binding instrument on the highest possible common international standards for the transfer and control of arms concerns matters that fall within the Union's exclusive competence because either those matters fall within the scope of the Union's common commercial policy, or **the Union has adopted common rules the scope of which is likely to be affected or altered by the conclusion of the Protocol.**

The Protocol should now be approved on behalf of the Union.

CONTENT: with the present Decision, the Council concluded on behalf of the European Union, with the approval of the European Parliament, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

Scope: the protocol against firearms is the **first global instrument in the fight against transnational organised crime and trafficking in firearms**. It sets out a multilateral framework and minimum standards for all participating States.

It promotes cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Main provisions: the text comprises provisions to:

- maintain detailed records on the import, export and in-transit movements of firearms;
- adopt an international system for marking firearms at the time of manufacture and each time they are imported;
- establish a harmonised licensing system governing the import, export, in-transit movement and re-export of firearms;
- prevent the theft, loss or diversion of firearms through the strengthening of export controls, export points and border controls;
- exchange information regarding authorised producers, dealers, importers and
- exporters, the routes used by illicit traffickers, best practice in combating trafficking in order to enhance states' ability to prevent, detect and investigate illicit trafficking in firearms.

Control of the acquisition and intra-Community transfer of firearms: the control of the acquisition and possession of firearms in the Union, as well as the formalities for the movement of firearms within the Member States, are governed by the Council Directive 91/477/EEC. The rules and procedures applicable to the transfer within the Union of defence-related products are governed by Directive 2009/43/EC of the European Parliament and Council.

Annex: the Annex comprises the declaration of the extent of the European Union's competence with respect to matters governed by the Protocol, which has to be deposited together with the instrument of approval (Art. 17 (3) Firearms Protocol).

ENTRY INTO FORCE: the Decision enters into force on 11.02.2014.