

Import, export and transit measures for firearms, their essential components and ammunition: implementation of Article 10 of the UN Firearms Protocol. Recast

2022/0288(COD) - 27/10/2022 - Legislative proposal

PURPOSE: to update EU rules on the import, export and transit of firearms for civilian use.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: it is estimated that **35 million illicit firearms** were owned by civilians in the EU in 2017 (56% of the estimated total of firearms). According to those estimates, illicit firearms outnumber legally-held firearms in 12 EU Member States.

The 2021 Serious and Organised Crime Threat Assessment, published by the European Union Agency for Law Enforcement Cooperation (Europol), pointed out that illegal firearms originate from within the EU but also from weapon stocks outside the EU. Trafficking of firearms into the EU from post-conflict countries is one of the main supply chains. Legacy weapons from the armed conflicts in the Western Balkans are the largest source for cross-border trafficking of firearms into the EU.

The proposal aims at combating and preventing firearms trafficking into and from the EU, including by addressing the risks at import and at export. At import, the two main risks are linked to the circumvention of unclear rules that enable the import of “semi-finished” firearms and components. These semi-finished firearms and components can be used to manufacture firearms at home, which are not correctly marked and registered. Furthermore, alarm and signal weapons that are convertible into lethal firearms are used all over the EU in criminal contexts.

At export, the main risk lies in the diversion of civilian firearms shipped to a non-EU country and being re-exported to countries subject to arms embargoes or sold to criminals and armed forces due to lack of controls and supervision before and after the export process.

This proposal also reflects the priorities of the Commission’s EU Strategy to tackle Organised Crime, which identifies firearms as a key enabler of the increasing violence by criminal groups. In addition, this proposal follows-up on the implementation of the 2020-2025 EU Action Plan on firearms trafficking.

CONTENT: the proposed Regulation lays down rules governing import and export authorisation, and import, export and transit measures for firearms, their essential components, ammunition and alarm and signal weapons for the purpose of 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.

This proposal aims to:

- enable coordinated controls between Member States and to ensure the traceability of firearms. Notably, the proposal provides for the proper recording of firearms-related information, responds to the need of improving the work of customs authorities in detection of illicit firearms, their components and ammunition, and limits the import of semi-finished firearms and essential components to arms dealers and brokers only, which is a key novelty;

- clarify the role of the licencing authorities. The proposal also aims to improve cooperation between law enforcement authorities (including customs) and licensing authorities, in both import and export, in order to improve the traceability of firearms, their components and ammunition;

- improve the systematic data collection on international movements of firearms for civilian use, as well as data on seized firearms. The proposal focuses on receiving annual data by Member States on the number of authorisations and refusals for authorisation as well as the quantities and values of civilian firearms imports and exports, by origin and destination;

- ensure a level playing field and to reduce the administrative burden placed on economic operators and firearms owners by creating a clear legal framework, focusing on digitalisation of procedures, and increasing the cooperation between customs and licensing authorities to facilitate the import, export and transit procedures.

State-to-State (i.e. government-to-government) transactions as well as direct sales to the armed forces, the police or public authorities will remain excluded from the scope of this initiative.

The updated rules will include:

- clear and common procedures for the import, export and transit of firearms for civilian use, their essential components, ammunitions and alarm and signal weapons;
- simplified import and export procedures for hunters, sport shooters and exhibitors;
- a new EU electronic licensing system for firearms manufacturers and dealers to apply for import and export authorisation, replacing the diverse, mostly paper-based national systems;
- strict technical standards for alarm and signal weapons, which are devices manufactured to only be able to fire blank, tear gas or irritant ammunition;
- stricter rules on semi-finished firearms components;
- an end-user certificate for the more dangerous firearms;
- strict checks on refusals to grant import or export authorisations.