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) - 30/10/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted the report by Bernd LANGE (S&D, DE) on the proposal for a regulation of the European Parliament and of the Council on import, export and transit measures for firearms, their essential components and ammunition, 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) (recast).

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Post-shipment checks

The Commission and competent authorities granting the export authorisation should carry out regular post-shipment checks, not only in case of suspicion but also **randomly** to ensure that the exported firearms, their essential components and ammunition are in line with the commitments made in the export certificate as set out in Annex IV.

Procedures at import and export

The amended text stressed that customs authorities should suspend the import of the goods for the customs procedure concerned, if they have certain reasonable doubts and in such a case, they should inform immediately, through electronic means the competent national authority, which should take the decision on the treatment of the goods. If the national competent authority does not reply to the customs authority within 20 working days (as opposed to 10 working days proposed by the Commission), then the customs authority should release the goods without delay.

Results of controls

Where customs authorities discover an illicit shipment of firearms, their components, ammunition or alarm and signal weapons, they should without delay and no later than two working days from that discovery inform the competent authority in the country of the customs authority thereof.

Statistics

To increase transparency, Member States should submit to the Commission via suitable confidential means, each year by 31 July, their national annual data for the preceding year on the number of authorisations and refusals and the reasons thereof, the quantities and values of actual imports and exports of firearms, their essential components and ammunition, by category and sub-category as listed in Annex I, by origin and by destination, the quantity and results of post-shipment checks at Member State level, the quantity and results of undertaken enforcement actions at Member State level.

Electronic licensing system

Members stressed that the Commission should without delay establish and maintain an electronic licensing system for import and export authorisations and decisions. Member States should take all necessary measures to speed up the implementation of the electronic licensing system.

Export certificate

The export certificate is to include at least the following information: (i) details of the importer including the signature, name and title of the importer; (ii) the date of issue of the export certificate; (iii) if applicable, a unique identifying number or contract number relating to the export certificate.

The Commission should be empowered to adopt delegated acts to establish a uniform export certificate.

Penalties

The report stressed that Member States should lay down the rules on penalties applicable to infringements of this Regulation. The penalties provided for should be effective, proportionate and dissuasive. Penalties for infringements of this Regulation may be linked to the global annual revenue of the undertaking concerned.

Annual implementation report

The Commission should, in consultation with the Firearms Imports and Exports Coordination Group, submit an annual report on the implementation and enforcement of this regulation. That annual report should be public. It should include information about the number of authorisations and refusals, the quantities and values of actual imports and exports of firearms, their essential components and ammunition, by category and sub-category as listed in Annex I, by origin and by destination at Union and at Member States level. It should also inform about penalties applied by the Member States and assess their effectiveness.