

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) - 23/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 571 votes to 18, with 17 abstentions, a legislative resolution 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 European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject

This Regulation lays down rules governing **import and export authorisation**, and import, export and transit measures for firearms, their essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and silencers (goods listed in Annex I), 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 Regulation should not apply to transactions of firearms, essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and silencers that in the direct or indirect framework of contractual relationships or substantiated by end-user certificates, are destined for the armed forces, the police, or the public authorities.

Entry and import requirements

Firearms without marking, entering the customs territory of the Union, should not be imported or re-exported. **Deactivated firearms** should only be declared for release for free circulation or temporary admission in cases of non-established persons so authorised by this Regulation, if they are accompanied by the deactivation certificate and are marked. An import authorisation for an **alarm and signal weapon** should only be granted by the competent authority provided that the device complies with the technical specifications of Directive (EU) 2021/555 or a model listed as a non-convertible alarm and signal weapon in the implementing act drawn up by the Commission.

An import authorisation should be necessary for the entry of non-Union goods listed in Annex I (List of firearms and ammunitions, according to Directive (EU) 2021/555) into the customs territory of the Union. The authorisation should be granted by the competent authority of the Member State of final destination. Only dealers and brokers are entitled to apply for an import authorisation for semi-finished firearms and semi-finished essential components. In case a person is not entitled to apply for an import authorisation, the competent authority should not accept the application.

The competent authority should process applications for import authorisations within a period of time, which should not exceed **90 working days**, from the date on which all required information has been provided to the competent authority. For duly justified reasons, and in any case for goods listed in Category A of Annex I, that period may be extended to 110 working days. The competent authority may refuse to grant an import authorisation if the applicant is a natural person and has a **criminal record** concerning conduct constituting an offence listed in Framework Decision 2002/584/JHA, or concerning any other conduct provided that it constituted an offence punishable by a maximum penalty of at least four years of imprisonment.

In order to facilitate **administrative simplification**, persons authorised in the EU to possess firearms should, in certain cases, be exempt from the obligation to obtain import and export authorisations.

Any person holding a **European firearms pass** may import goods listed in Annex I into the customs territory of the Union without an import authorisation. In case of movements in the customs territory of the Union of non-Union goods listed in Annex I, the import authorisation should contain information about the planned movements, including where appropriate, the different Member States where an evaluation, exhibition, repair or sport-shooting, hunting or historical re-enacting event are to take place.

Export authorisation procedure

The amended text clarifies that a person that wishes to export firearms, essential components, ammunition, deactivated firearms, semi-finished firearms, semi-finished essential components and silencers, should hold an export authorisation. Eligibility to apply for such an authorisation should be limited to exporters allowed to possess, deal or broker those goods in the Member State of establishment.

Persons not established in the customs territory of the Union may obtain an authorisation to temporarily import and export firearms, their essential components, ammunition, alarm and signal weapons, deactivated firearms, and silencers for the purposes of exhibitions, repairs, hunting, sport shooting or historical re-enacting events. The information related to firearms declared for temporary admission should be clearly spelled out, to enable customs and competent authorities to proceed efficiently with the discharge and limit the risk of firearms remaining illegally on the customs territory of the Union.

Persons exporting in the course of their business activities should be able to benefit from an export authorisation valid for a maximum of three years.

The export authorisation should contain the information referred to in Annex III and it should be issued through the electronic licensing systems.

Traceability of firearms

The amended text specifies the information that must be contained in the export authorisation or import authorisation issued by the third country concerned. No export authorisation should be required for the temporary export or re-export of goods where hunters, re-enactors or sport shooters present to the competent authority of exit, by means of the electronic system for issuing authorisations, at least ten working days before taking the goods out of the customs territory of the Union (i) the reasons for the journey, in particular by presenting an invitation or other proof of hunting, re-enactment or sport shooting activities in the third country of destination; (ii) the European firearms pass. A simplified export authorisation may be requested in certain situations.

Annual report

The Commission recommended that Member States should collect detailed statistics of the preceding year about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by

origin or destination, and submit these statistics to the Commission. This Regulation should enable the Commission to collect those data directly from the electronic systems set up for the purpose of implementing this Regulation. The statistics should be anonymised.

The Commission should compile the data received by Member States and publish those data as part of an annual report by 31st of October each year. The report should be made public and submitted to the Parliament.

Electronic licensing system

An electronic licencing system should be established to digitalise the procedures set out in this Regulation. It is important that a person entitled to request an authorisation is registered in that system before starting the application procedure. This electronic licensing system should be in place at least 24 months after the date of entry into force of this Regulation. Member States may maintain their existing national authorisation systems. In this case, the electronic licensing system established by this Regulation should be able to interconnect with those. This interconnection should ensure the transferring of the information on the authorisations granted through the national systems to the electronic licensing system.