Basic information

2013/0083(NLE) NLE - Non-legislative enactments	Procedure completed
UN Convention against Transnational Organized Crime (UNTOC): protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition See also Decision 2004/579/EC 2003/0195(CNS) **Subject** 2.10.01 Customs union, tax and duty-free, Community transit 3.40.09 Defence and arms industry 6.20.02 Export/import control, trade defence, trade barriers 7.30.12 Control of personal weapons and ammunitions 7.30.30 Action to combat crime	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	MATHIEU HOUILLON Véronique (PPE)	29/05/2013
	Shadow rapporteur MORAES Claude (S&D) ALFANO Sonia (ALDE) MCINTYRE Anthea (ECR) TRIANTAPHYLLIDES Kyriacos (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	The committee decided not to give an opinion.	
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3292	2014-02-11

	Foreign Affairs	3236	2013-04-22

European Commission	Commission DG	Commissioner
	Migration and Home Affairs	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
22/03/2013	Preparatory document	COM(2013)0154	Summary
22/04/2013	Debate in Council		
15/10/2013	Legislative proposal published	12324/2013	Summary
17/10/2013	Vote in committee		
24/10/2013	Committee referral announced in Parliament		
30/10/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0359/2013	Summary
10/12/2013	Decision by Parliament	T7-0524/2013	Summary
10/12/2013	Results of vote in Parliament		
11/02/2014	Act adopted by Council after consultation of Parliament		
11/02/2014	End of procedure in Parliament		
25/03/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0083(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Amendments and repeals	See also Decision 2004/579/EC 2003/0195(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 114-p1 Treaty on the Functioning of the European Union TFEU 207
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/12321

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee draft report		PE519.513	19/09/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0359/2013	30/10/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0524/2013	10/12/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	12324/2013	15/10/2013	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2013)0154	22/03/2013	Summary
Commission response to text adopted in plenary	SP(2014)148	13/02/2014	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2013)0154	10/07/2013	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2014/0164
OJ L 089 25.03.2014, p. 0007 Summary

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) - 22/03/2013

PURPOSE: the conclusion, on behalf of the European Union, of an additional 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.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council may adopt the act only if the European Parliament has given its consent.

BACKGROUND: the Council and Commission Action Plan implementing The Hague Programme on strengthening freedom, security and justice in the European Union6 listed among its relevant actions a proposal on the conclusion - on behalf of the European Community - of the United Nations Firearms Protocol (UNFP).

Its successor, the Stockholm Programme, reaffirmed that the Union should continue to promote ratification of international conventions (and their Protocols) in particular those developed under the auspices of the United Nations. Firearms' trafficking was also cited in the Internal Security Strategy as one of the forms of organised crime which the European Union needed to tackle.

In December 1998, the United Nations' General Assembly (UNGA) decided to establish an open-ended intergovernmental ad-hoc committee charged with drawing up a Convention against transnational organised crime (UNTOC), supplemented by three Protocols, one of which relates to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (Firearms Protocol).

In 2000, the Council authorised the Commission to negotiate the UNTOC and 'United Nations Firearms Protocol' (UNFP) on behalf of the European Community.

Negotiations on the UNFP lasted until May 2001 and this instrument was adopted by the UNGA on 31 May 2001. Authorisation to sign the UNFP was given by the Council in October 2001 and this instrument was formally signed by the European Community at the United Nations Headquarters in New York on 16 January 2002.

The conclusion of the UNFP was left for a later stage because it was considered that the Protocol comprised provisions requiring the adoption of **new legislation** and amendments to existing one.

More specifically, Directive 2008/51/EC amending Council Directive 91/477 ECC on control of the acquisition and possession of weapons and Regulation (EU) No 258/2012 implementing Art 10 of the UN Firearms Protocol and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition are among the concrete examples of this new legislation.

The UNFP entered into force on 3 July 2005. To date, 18 EU Member States have signed it and 16 Member States are contracting parties.

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

LEGAL BASIS: Articles 114 and 207 of the Treaty on the Functioning of the European Union (TFEU), in conjunction with Art. 218(6) (a) thereof.

IMPACT ASSESSMENT: extensive consultations of different stakeholders have been carried out in parallel to the adoption of the European Union laws aiming at adapting Union law to the relevant provisions of the Protocol. An additional Impact Assessment **is not considered to be required** because this proposal represents the final step in fulfilling an international obligation, and Union law already complies with the standards set out in the Protocol.

CONTENT: under this proposal for a Decision, it is envisaged to approve the above-mentioned protocol on behalf of the European Union.

Scope: the UNFP is the **first global instrument in the fight against transnational organised crime and trafficking in firearms**. It sets out a very useful multilateral framework and a variety of important 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.

Annex I: Annex I 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).

FINANCIAL IMPLICATIONS: the proposal has no implications for the EU’s budget.

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) - 22/03/2013 - Preparatory document

PURPOSE: the conclusion, on behalf of the European Union, of an additional 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.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council may adopt the act only if the European Parliament has given its consent.

BACKGROUND: the Council and Commission Action Plan implementing The Hague Programme on strengthening freedom, security and justice in the European Union6 listed among its relevant actions a proposal on the conclusion - on behalf of the European Community - of the United Nations Firearms Protocol (UNFP).

Its successor, the Stockholm Programme, reaffirmed that the Union should continue to promote ratification of international conventions (and their Protocols) in particular those developed under the auspices of the United Nations. Firearms' trafficking was also cited in the Internal Security Strategy as one of the forms of organised crime which the European Union needed to tackle.

In December 1998, the United Nations' General Assembly (UNGA) decided to establish an open-ended intergovernmental ad-hoc committee charged with drawing up a Convention against transnational organised crime (UNTOC), supplemented by three Protocols, one of which relates to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (Firearms Protocol).

In 2000, the Council authorised the Commission to negotiate the UNTOC and 'United Nations Firearms Protocol' (UNFP) on behalf of the European Community.

Negotiations on the UNFP lasted until May 2001 and this instrument was adopted by the UNGA on 31 May 2001. Authorisation to sign the UNFP was given by the Council in October 2001 and this instrument was formally signed by the European Community at the United Nations Headquarters in New York on 16 January 2002.

The conclusion of the UNFP was left for a later stage because it was considered that the Protocol comprised provisions requiring the adoption of **new legislation** and amendments to existing one.

More specifically, Directive 2008/51/EC amending Council Directive 91/477 ECC on control of the acquisition and possession of weapons and Regulation (EU) No 258/2012 implementing Art 10 of the UN Firearms Protocol and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition are among the concrete examples of this new legislation.

The UNFP entered into force on 3 July 2005. To date, 18 EU Member States have signed it and 16 Member States are contracting parties.

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

LEGAL BASIS: Articles 114 and 207 of the Treaty on the Functioning of the European Union (TFEU), in conjunction with Art. 218(6) (a) thereof.

IMPACT ASSESSMENT: extensive consultations of different stakeholders have been carried out in parallel to the adoption of the European Union laws aiming at adapting Union law to the relevant provisions of the Protocol. An additional Impact Assessment **is not considered to be required** because this proposal represents the final step in fulfilling an international obligation, and Union law already complies with the standards set out in the Protocol.

CONTENT: under this proposal for a Decision, it is envisaged to approve the above-mentioned protocol on behalf of the European Union.

Scope: the UNFP is the **first global instrument in the fight against transnational organised crime and trafficking in firearms**. It sets out a very useful multilateral framework and a variety of important 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.

Annex I: Annex I 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).

FINANCIAL IMPLICATIONS: the proposal has no implications for the EU's budget.

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) - 15/10/2013 - Legislative proposal

PURPOSE: to conclude a 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.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: in 1998, the United Nations' General Assembly (UNGA) decided to establish an open-ended intergovernmental ad-hoc committee charged with drawing up a Convention against transnational organised crime (UNTOC), supplemented by three Protocols. One of these Protocols concerns the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (Firearms Protocol).

In 2000, the Council authorised the Commission to negotiate the Convention and the Protocol on behalf of the European Community.

Negotiations on the United Nations Firearms Protocol (UNFP) lasted until May 2001 and this instrument was adopted by the UNGA on 31 May 2001.

Authorisation to sign the UNFP was given by the Council in October 2001 and this instrument was formally signed by the European Community at the United Nations Headquarters in New York on 16 January 2002 with Council Decision 2001/748/EC.

The conclusion of the UNFP on behalf of the Community was left for a later stage because it was considered that the Protocol comprised provisions requiring the adoption of **new legislation** and amendments to existing one.

Union competence: the European Union has exclusive competence over commercial policy. It also has shared competence over rules for the achievement of the internal market, and exclusive competence as regards provisions of the Protocol which may affect or alter the scope of common rules adopted by the Union. The Union has adopted rules as regards in particular the fight against illicit manufacturing of and trafficking in firearms, regulating standards and procedures on commercial policy of the Member States concerning in particular record keeping, marking of firearms, deactivation of firearms, requirements for exports, import and transit licensing authorisation systems, strengthening of controls at export points and brokering activities.

Directive 2008/51/EC amending Council Directive 91/477 ECC on control of the acquisition and possession of weapons and Regulation (EU) No. 258 /2012 implementing Article 10 of the UN Firearms Protocol and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition represent the concrete follow-up to these legislative amendments.

The rules and procedures applicable to the intra-union transfer of defence-related products are regulated by Directive 2009/43/EC of the European Parliament and the Council.

The UNFP entered into force on 3 July 2005. To date, 18 EU Member States have signed it and 16 Member States are contracting parties.

It is now necessary to approve the Protocol on behalf of the European Union.

LEGAL BASIS: Article 114 and the first subparagraph of Article 207(4), in conjunction with Article 218(6) (a) of the Treaty on the Functioning of the European Union.

IMPACT ASSESSMENT: extensive consultations of different stakeholders have been carried out in parallel to the adoption of the European Union laws aiming at adapting Union law to the relevant provisions of the Protocol. An **additional Impact Assessment is not required** because this proposal represents the final step in fulfilling an international obligation, and Union law already complies with the standards set out in the Protocol.

CONTENT: with the proposed Decision, it is sought to invite the Council to approve the abovementioned Protocol on behalf of the European Union.

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

The Protocol 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 contains 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.

Annex I 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).

BUDGETARY IMPLICATION: the proposal has no implication for the Union budget.

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) - 30/10/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Véronique MATHIEU HOUILLON (EPP, FR) on the draft Council Decision 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.

Members recommended the European Parliament to give its consent to the conclusion of the Protocol for the purpose of making it easier to **prevent illicit trafficking in firearms** by better monitoring them through marking and import and export licensing or authorisation, and by strengthening cooperation and the exchange of information between States Parties.

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) - 10/12/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 578 votes to 5, with 18 abstentions, a legislative resolution of 10 December 2013 on the draft Council decision 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.

Parliament gave its consent to the conclusion of the Protocol.

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.