EUROPEAN
COMMISSION

Brussels, 27.10.2022
SWD(2022) 298 final

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT REPORT

Accompanying the document

Proposal for a Regulation of the European Parliament and 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)

{COM(2022) 480 final} - {SEC(2022) 330 final} - {SWD(2022) 299 final}

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Glossary

Term or acronym	Meaning or definition
AEO	Authorised Economic Operator
CN	Combined Nomenclature: EU customs classification of goods
COARM	Council Working Group on Conventional Arms Exports / Conventional arms export control information system
CRMS	EU Common Risk Management System
DUeS	Dual-Use electronic System: the EU electronic system to exchange information on refusals to grant export authorisations for dual-use goods
ECRIS	European Criminal Record Information exchange System
EU CSW-CERTEX	EU Customs Single Window Certificates Exchange System
HS	Harmonised System: customs classification of goods of the World Customs Organisation
ICS	Import Control System
SIENA	Secure Information Exchange Network Application
SIS	Schengen Information System
Surveillance	
TARIC	*TARif Intégré Communautaire*: the EU Customs Tariff

UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organisation

1. INTRODUCTION: POLITICAL AND LEGAL CONTEXT

Regulation (EU) No 258/2012 establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition was adopted to enable the ratification by the EU of the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition.[1] It is part of the EU international responsibility to properly regulate the trade of firearms in order to prevent trafficking of firearms.

Regulation (EU) No 258/2012 implements article 10 of the United Nations Protocol which provides for general requirements for export, import and transit licensing or authorisation systems. The Regulation makes it compulsory to grant export authorisations only if the countries of transit or destination authorized the import. It lists out the information required for the tracing of firearms, establishing simplified export procedures (notably with no prior authorisation for hunters or sport shooters with a European Firearms Pass and the possibility for Member States to establish additional simplifications). The Regulation also provides that authorisations should not be granted to those who have a criminal record and provides for compulsory mutual exchanges of information between national authorities about exporters whose application for an authorisation is refused.

The Regulation does not apply to military firearms (such as assault rifles), to weapons which were prohibited inside the EU when the Regulation was adopted, or to deactivated firearms. With respect to firearms which are "specially designed for military use", export controls are subject to the 2008 Council Common Position on exports of military technology and equipment.[2] This Decision applies to items mentioned in the EU Common Military List.[3]

The Regulation complements for imports and exports the intra-EU rules of the Firearms Directive.[4] While the Directive was revised in 2017 (and consolidated in a new legal instrument in 2021),[5] the revision of the Regulation was announced in the EU Action

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1 by Council Decision 2014/164/EU of 11 February 2014 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 (OJ L 89, 25.3.2014, p. 7). The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition was adopted by resolution 55/255 of 31 May 2001 at the fifty-fifth session of the General Assembly of the United Nations and it entered into force on 3 July 2005.

2 Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment

3 Common Military List of the European Union; ST/5802/2019/INIT; OJ C 95, 12.3.2019

4 Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons, OJ L 179, 8.7.2008.

5 Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons, *OJ L 115, 6.4.2021*.

Plan against firearms trafficking 2020-2025.[6] This revision was included in the Commission Work Programme 2021 annex II.

The evaluation report of the application of Regulation (EU) No 258/2012[7] identified loopholes due to a lack of homogeneous implementation. In particular, the evaluation stressed that the Regulation's added value was limited by the absence of a genuine harmonisation of national rules and processes. The Regulation was ineffective in distinguishing between military and civilian firearms, in ensuring the full traceability of weapons, and in ensuring proper exchanges of information (notably of refusals to grant export authorisations). The Regulation was also inefficient in terms of reduction of administrative costs for companies. The Regulation was considered to lack consistency with other legislation, notably the revised Firearms Directive and the EU Common Position on the export of military technologies.

The evaluation was followed in April 2018 by a Recommendation calling for strengthening the implementation of EU rules to improve traceability and the security of export and import control procedures of firearms and the cooperation between authorities in the fight against firearms trafficking.[8]

2. PROBLEM DEFINITION

As a general principle, the Regulation seeks to balance the security risk associated with the circumvention of export and import rules of firearms, their components and ammunition with the need to protect both the commercial interests of legitimate producers and traders and the rights of users who legally acquire firearms for legitimate purposes such as hunting or sport shooting.

This initiative focuses on the risks of diversion or smuggling and difficulties linked to non-commercial movements and transactions between civilians. Risks and difficulties linked to sales to the armed forces or public authorities, or government-to-government transactions, are not addressed by this initiative due to their geopolitical specificities and relations to the common foreign and security policy.

Problems	Specific drivers	Specific objectives
Problem I: Lack of data	- **Sensitivity of data** - **Absence centralised data collection at national level**	*Objective I* Systematise data collection about international movements of firearms for civilian use, as well as seizure

[6] COM(2020)608 final, 24.7.2020.
[7] COM(2017) 737 final, 12.12.2017.
[8] C(2018) 2197 final, 17.4.2018.

		data
Problem II (security): Existing rules on firearms are circumvented which leads to firearms being **smuggled and diverted into the EU**. These illicit firearms are a means to conduct criminal offences including terrorism. **At export, there is a risk of diversion** of firearms, which fuels global illicit firearms trafficking and contributes to instability and organised crime worldwide.	- **lack of exchange of information** on intelligence, seizures, transit of firearms, refusals to grant export authorisations - **lack of control and risk assessment** to discover security problems and trends, and to ascertain the proper end-use of exported firearms - **insufficient cooperation between customs and licensing authorities** to check convertible or deactivated weapons, to prevent diversion and check the validity of authorisations - **unclear legal framework** creating inconsistencies, differences of interpretation by competent authorities	*Objective II* Improve controls, risk assessments and traceability measures to prevent smuggling and diversion of firearms into and from the EU
Problem III (market concern): Economic operators continue to face administrative burden in the imports and exports of civilian firearms	- **unclear legal framework**, which leaves room for divergent national interpretations and rules. - **lack of harmonization** between Regulation (EU) No 258/2012 and other EU and national firearms legislation - **insufficient cooperation between customs and licensing authorities** creating administrative burden for legitimate producers and traders	*Objective III* Simplify procedures to limit the administrative burden, by creating unified processes and control mechanisms

2.1 Problem I: Lack of data

2.1.1 What is the problem?

In order to create a consistent policy on firearms trafficking, it is important to have precise data. Quantifying the problem constitutes major limitation, as the absence of accurate, reliable data is itself part of the problem. All studies and research papers in the field of firearms point to the impossibility to collect accurate, comprehensive and comparable data on trafficking of firearms.[9] In addition, traffickers of firearms make no distinction between firearms initially sold to the armed forces or firearms sold to civilians, so that trafficking of firearms extends well beyond civilian firearms only. The best estimate available accounts for 35 million illicit firearms owned by civilians in the EU in 2017. This would correspond to 56% of the **estimated** total of firearms[10].

In order to prevent the trafficking of firearms, it is important to keep track of all firearms. Therefore, qualitative data is needed on imported firearms. The recommendations issued by the Commission on 17 April 2018 requests, among other things, that "by 1st July each year, Member States should collect detailed statistics of the preceding year". When the Commission asked for the data on the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination, only 10 Member States sent data, and only one Member State sent all data asked. Annex 4 contains a comparison between the data received from the Member States and the available data in the Eurostat international trade database. The discrepancies between the two datasets demonstrate the bad quality and unreliability of available statistics.

Furthermore, as there are no technical specificities that enable to distinguish military firearms from civilian firearms, there is an overlap between both, since some Member States account firearms as military, while others will categorise the same weapons as civilian ones. Establishing statistics of the respective shares of military and civilian firearms markets is therefore impossible.

2.1.2 What are the problem drivers?

One of the main problem drivers is the **absence of centralised data at national level**. Member States have been requested to send data on import and export of civilian firearms multiple times and the 2018 recommendations included a provision on this statistical data, with only one Member State which sent all requested data for the year 2020. It is possible that the lack of uptake of these requests and the 2018

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[9] See for instance SAFTE study (Studying the acquisition of illicit firearms by terrorists in Europe performed by the Flemish Peace institute (https://flemishpeaceinstitute.eu/safte/publications.html) and UNODC Global study on firearms trafficking 2020 (https://www.unodc.org/unodc/en/firearms-protocol/firearms-study.html)]

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recommendations is linked to its non-mandatory nature. However, it would have also involved additional work and a change of administrative habits. Authorisations for import and export are not always managed centrally or the data is not stored in a central database. Therefore, the lack of data can result from a weak administrative capacity to collect the data.

Another of the main drivers is the lack of transparency due to the **sensitivity of the data**. Member States are especially reluctant to share data on the export and import of military firearms, as this data is defence-related. Without this data, it is impossible to know the total amount of firearms in the EU. Furthermore, as there are no technical differences between some of the military and civilian firearms, it is difficult to distinguish between then to collect the correct data. The Council does gather yearly data on military weapons and publishes this in the Annual report on Council Common Position 2008/944/CFSP. However, this data is fragmented, incomplete and differs from one Member State to another. Annex 4 provides an estimate of the data. The data in the report does not correspond to the data on exports that can be found in the Eurostat international trade database.

Furthermore, it has also proven difficult to obtain reliable and concrete data from the firearms industry. Although several stakeholders complained on the high administrative burden of the current procedures, the industry never provided concrete data. Furthermore, data on transactions, size of shipments etc. was considered as sensitive and confidential business information.

Additionally, data on firearms seizures are an important indicator to estimate the scale of firearms trafficking. Information on seizures is also important to create targeted policies for specific regions and treats. However, the data on seizures is currently fragmented and often not accessible for policy makers. Despite an obligation of Member States subject to the Schengen acquis to provide statistics of firearms seizures pursuant to the 1999 Decision of the Executive Committee on the illegal trade in firearms,[11] the Commission was never a recipient of such information.

2.1.3 How will the problem evolve without intervention?

Even though Member States have been repeatedly asked to provide statistical data on import and export of civilian firearms, this data is still not available. Furthermore, the argument that some of this data is too sensitive to share will not change either. Therefore, without intervention the lack of data will continue to hinder the development of targeted policies and research in the field of firearms trafficking, without a complete intelligence picture of the risks.

2.2 Problem II: firearms trafficking into and from the EU

The import, export and transit of firearms, their parts and components and ammunition bring risks of diversion to the illicit market.

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[11] SCH/Com-ex (99) 10

At import, the main risks are linked to the circumvention of unclear rules that enable the import of "semi-finished" firearms and components, as well of alarm and signal weapons convertible into lethal firearms.

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 embargoes or sold to criminals and armed forces due to lack of controls and supervision before and after the export process. Once diverted, those firearms may contribute to destabilisation near the EU borders, or be eventually smuggled back into the EU.

The circumvention of rules and diversion of firearms contribute to the trafficking of firearms, their parts and components and ammunition, which is a global problem and a serious threat to the security of European citizens. Firearms trafficking facilitates violent crimes and the criminal activities of Organised Crime Groups (OCGs) as the demand for firearms "is largely driven by criminals".[12] According to a study published in 2018,[13] firearms were the lethal means in more than 50% of all homicides in 49 of 195 countries in 2016; 251,000 people died globally from firearm injuries in 2016 (excluding deaths from armed conflicts, terrorism and at hands of police), and the majority of firearm injury deaths were homicides (an estimated 64%, corresponding to some 161,000 deaths).[14] The negative effect of firearms trafficking on stability and development has been internationally acknowledged in the new United Nations Agenda for Sustainable Development,[15] whose Target 16.4 commits states to significantly reduce illicit arms flows by 2030. Moreover, over recent years, firearms trafficking contributed to providing terrorists with the means to perpetrate their acts of terror, with 23 mass-shooting incidents in the (semi-) public space in Europe in the period 2009-2018, killing 341 people.[16]

Although the lack of data does not support a precise quantification of the phenomenon, recent studies on firearms trafficking in Europe highlighted the preponderance of firearms supposedly made for civilian use vis-à-vis military-grade weapons,[17] whose availability remains more limited. However, it is impossible to make a clear distinction

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12 UNODC Illicit Trafficking in Firearms their Parts, Components and Ammunition to, from and across the European Union; regional analysis report (2020), https://www.unodc.org/documents/firearms-protocol/2020/UNODC-EU-Report-A8_FINAL.pdf

13 The Global Burden of Disease 2016 Injury Collaborators (2018), Global Mortality from Firearms, 1990-2016. JAMA. 2018;320(8):792–814 (link).

14 The Global Burden of Disease 2016 Injury Collaborators (2018), Section 'Results' (link).

15 UNSDG (2015), Transforming our World: The 2030 Agenda for Sustainable Development. Resolution 70/1 of 25 September. A/RES/70/1 of 21 October.

16 See for instance Flemish Peace Institute, Armed to kill, Brussels, 3 October 2019 (https://vlaamsvredesinstituut.eu/wp-content/uploads/2019/10/Report_Armed_to_kill_web.pdf); Europol, TE-SAT 2017: EU Terrorism and Trend Report (https://www.europol.europa.eu/publications-events/main-reports/tesat-report)

17 See notably UNODC (2020), *Global Study on Firearms Trafficking*, Vienna: UNODC, available at https://www.unodc.org/unodc/en/firearms-protocol/firearms-study.html. In the EU in 2016-2017, shotguns accounted on average for 30% of seizures, followed by pistols (22%), rifles (15%) and revolvers (8%), with submachine guns and machine guns accounting for most of the remainder (2%)

based on technical characteristics between civilian and military firearms, since many of them can indistinctly be used by civilian and the military (inside the EU, civilians may in exceptional circumstances acquire, possess and trade military-grade firearms, such as automatic rifles or pistols). This is reflected in the latest version of Directive (EU) 2021/555 (the Firearms Directive), which in exceptional cases allows civilians to acquire prohibited firearms (e.g. for sport shooting competitions or for the protection of critical infrastructure). Besides, some manufacturers produce firearms for the civilian market, which on purpose look like military assault rifles. Handguns (pistols and revolvers) are the type of firearm most commonly available on the criminal markets, as they are portable and easier to use and to conceal relative to long guns. It is estimated that more than half of the firearms in civilian hands in Europe are illegally held.[18]

2.2.1 What is the problem?

Europol's Serious and Organised Crime Threat Assessment 2021 pointed out that illegal firearms originate from within the EU but also from weapon stocks outside the EU.[19] The project "Studying the Acquisition of illicit Firearms by Terrorists in Europe" (SAFTE) stated that in the EU, external supply channels are more important than internal supply channels in fuelling illicit firearms markets. In particular, cross-border smuggling of firearms from non-EU countries was considered the most important supply mechanism.[20] The durability of firearms means that, once smuggled into a Member State, weapons can remain inside the EU for many years and easily circulate across borders.[21] A recent study from UNODC showed that the traditional closed character of the illicit firearms market in the EU is eroding due to continuing cross-border smuggling of firearms into the EU from post-conflict countries, the increased availability of easily reactivated or converted weapons and increased access to firearms through online markets. As a result, various types of firearms have become more easily available for criminals, including terrorists with the right criminal connections.[22]

With respect to **imports**, the Operational Action Plan for Firearms 2022 states that "the import from some non-EU countries of semi-finished essential components (usually 80% finished polymer frames of handguns or 80% finished metal barrel of long firearms)" is an identified threat. "They are not declared as essential components of firearms and usually enter the European Union via fast parcel and carrier services. They are accompanied with instructions on how to complete their transformation into firearms

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18 Small Arms Survey, "Estimating Global Civilian-held Firearms Numbers", Briefing Paper, June 2018. Dataset available under http://www.smallarmssurvey.org/fileadmin/docs/Weapons_and_Markets/Tools/Firearms_holdings/SAS-BP-Civilian-held-firearms-annexe.pdf

19 SOCTA 2021 : p. 57

20 Duquet, N. and Goris, K. (2018), SAFTE project cit., p. 104 (link).

21 See final report of UE funded project FIRE, p. 21 (link).

22 UNODC Illicit Trafficking in Firearms their Parts, Components and Ammunition to, from and across the European Union; regional analysis report (2020) p.17 https://www.unodc.org/documents/firearms-protocol/2020/UNODC-EU-Report-A8_FINAL.pdf

with ordinary tools."[23] The action plan also stresses that "homemade conversion of alarm and signal weapons into firearms […] into more lethal, live-firing firearms is increasingly sophisticated," which is major concern as those weapons were traditionally manufactured outside of the EU and are imported into the EU.

As regards **exports**, according to UNODC, Europe (in particular the EU) is reported as the main region of manufacturing of firearms seized across the world.[24] This means that legally EU-manufactured firearms were at some point diverted into the illegal market, which could be exploited for criminal purposes (e.g. gang violence, terrorist attacks, and other serious crimes). The 2017 evaluation study had noted that "international trafficking of firearms remains a major concern." The EU therefore has a particular responsibility to fight this threat through its own legislation, and notably to control exported firearms. Furthermore, research has shown that exported firearms from the EU have ended up in the arsenals of various non-State armed groups across the globe.[25] The EU has issued a number of arms embargos; the diversion of firearms supports the circumvention of these embargos. Back in 2016, several reports documented transfers of large quantities of firearms to the Middle East, which were re-exported to armed groups in Syria.[26] The fact that many firearms can indistinctly be classified as civilian or military means that there is also a high risk of diversion of civilian weapons, as demonstrated by the recent case of German-manufactured (non-specifically military) handguns used by armed forces in Belarus.[27] More recently, during the third EU-Mexico High Level Dialogue on Justice and Security,[28] Mexican authorities estimated that more than 230,000 weapons entered illegally through Mexico's northern border each year. Overall, 30% of illicit firearms seized in Mexico were traced to European manufacturers.

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23 Operational Action Plan 2022: Firearms trafficking, Council Document 13596/21, 14.11.2021 - LIMITED

24 UNODC Global study on Firearms Trafficking 2020 p.32; https://www.unodc.org/documents/data-and-analysis/Firearms/2020_REPORT_Global_Study_on_Firearms_Trafficking_2020_web.pdf

25 UNODC Global study on Firearms Trafficking 2020 p.18; https://www.unodc.org/documents/data-and-analysis/Firearms/2020_REPORT_Global_Study_on_Firearms_Trafficking_2020_web.pdf; UNODC, "Illicit Trafficking in Firearms, their Parts, Components and Ammunition to, from and across the European Union", Vienna, 2020 p. 103 https://www.unodc.org/documents/firearms-protocol/2020/UNODC-EU-Report-A8_FINAL.pdf

26 https://www.theguardian.com/world/2016/jul/27/weapons-flowing-eastern-europe-middle-east-revealed-arms-trade-syria; https://balkaninsight.com/2016/07/27/making-a-killing-the-1-2-billion-euros-arms-pipeline-to-middle-east-07-26-2016/.

27 "Deutsche Waffen für Lukaschenko", 8.09.2020, https://www.zdf.de/politik/frontal/belarus-deutsche-waffen-fuer-diktator-lukaschenko-100.html, use of Sig-Sauer P 226

28 held by videoconference on 11 May 2021.

Case-study: EU firearms in Mexico

Between 2015 and 2020, 96,948 firearms (worth $38 Mio) [source: https://comtrade.un.org/data/] were exported from the EU to Mexico. In addition, many EU firearms exported to the USA are re-exported or trafficked to Mexico, which estimates that half of EU firearms brands seized in Mexico were either imported or trafficked from the U.S.
During the period 2010-2020, 61,242 firearms were seized of which 2,744 were Italian, mostly Beretta pistols [source: http://stopusarmstomexico.org/deadly-trade/]. During the period 2015-2020, 2,749 German-made firearms were seized in Mexico, more than twice as much as the official exports to this country.
Data provided by the Mexican authorities do not enable the establishment of statistics based on tracing results. There is no data about the year of manufacture of the EU firearms seized, or about their point of diversion. It shows however that EU-made firearms (including civilian firearms) do end up in the wrong hands in high quantities, and that the current EU export control system does not prevent it.

The diversion of civilian firearms during authorised international transfers can take place at different stages of the firearms transfer chain. Diversion techniques include the use of forged or falsified documentation (e.g. shipping documents, commodity descriptions, personal information about the shipper and the recipient) or the creation of shell companies and straw purchaser to hide the real identities of the parties involved in a transaction. Specific diversion risks arise in relation to each stage of the transfer chain.[29]

2.2.2 What are the problem drivers?

Most of the drivers are common to both imports and exports, in particular when it comes to the lack of coordination between licensing authorities, and between licencing and law enforcement authorities (including customs).

The circulation of firearms is facilitated by the fact that law enforcement authorities across the EU still do not operate as one, and that exchanges of information and intelligence amongst them is not sufficient. However and despite its name, the Regulation does not create common rules and procedures for import authorisations. The 2017 evaluation report stressed that "the Regulation does not establish a harmonised licensing system for imports and therefore has little relevance in this respect."

At import

Save for a few generic provisions (recital 11 and the definition of illicit trafficking in article 2, both referring to the rules of the Firearms Directive), the Regulation does not regulate import authorisations.

Insufficient exchange of information and uncoordinated controls and risk assessments of firearms imports lead to ineffective risk profiling between customs and between import licensing authorities, as the Regulation does not establish the conditions for such cooperation and does not include any provision in relation to imports. Risk

[29] https://www.smallarmssurvey.org/sites/default/files/2021-09/Diversion%20infographic.pdf

profiling is critical to prevent firearms from being smuggled into the EU. However, there is currently no systematic sharing of intelligence at EU level and there is a lack of available data on past firearms seizures and their follow-up investigations, which would enable evidence-based detection of trends, both at import and export. The Regulation does not include any provision to that effect. Existing systems (such as the EU's Customs Risk Management System –CRMS- or Europol's Secure Information Exchange Network Application –SIENA-) are not interconnected (and cannot be under the current framework), and law enforcement authorities are under no obligation, or do not have the possibility, to systematically use them (customs typically do not rely on SIENA-based information and police does not feed into, or rely on the CRMS). When they are, national authorities do not always include sufficient information to compare data. Finally, information gathered during the follow-up investigation under the authority of the judiciary is typically not shared through those channels for future risk assessments.

Moreover, firearms can be smuggled into the EU through the **misdeclaration of goods**. Such misdeclaration result from different ways to interpret current EU law, due to its lack of precision. Even though firearms parts and components are subject to administrative control, the EU faces the **unchecked import of semi-finished "80%" components**. These can be used to replace elements of firearms, but also to (illegally) modify weapons and even to assemble firearms in their entirety.[30] The fact that they are still imported into the EU shows that there is an unclear legal framework. In the confidential consultation of national competent authorities, 13% of respondents concerned by import declared that such elements need to be declared as firearms parts (CN code 9305) but not marked, and 13% that they are not even considered as firearms parts and are not subject to declaration. This means that in 26% of cases, traceability of those semi-finished products is not ensured. At the moment, even when such semi-finished components are declared as firearms for customs purposes, they are not automatically considered as such by licencing authorities, which can enable the import of such elements by non-authorised individuals.

Recital 11 of the Regulation states that firearms, their parts and essential components and ammunition, when imported from third countries, are subject to Union law and, in particular, to the requirements of Directive 91/477/EEC (codified by Directive (EU) 2021/555). As a result, **convertible alarm and signal weapons** need to be declared and classified as firearms. Nevertheless, since 2010, those converted foreign-made blank-firing weapons have been seized in the European Union, which shows that they had not been imported and declared as firearms as they should have been.[31] Despite recent changes in the legislation of the main producing country of those weapons, they are still

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30 Operational Action Plan 2022: Firearms trafficking, Council Document 13596/21, 14.11.2021 - LIMITED

31 From 2016 to 2020, 15 949 alarm and signal weapons of the brands Ekol, Zoraki and Bruni were seized by the Member States, most of them within operation CONVERSUS from EMPACT firearms, with contribution of Europol. (Report from the Commission to the European Parliament and the Council on the application of Firearms Directive C(2021)647 final).

considered as being easily convertible into firearms.[32] These weapons are commonly used in gun crime across Europe.[33] The current legal framework[34] does not provide a legal basis to ensure a uniform approach to certifying the compliance of these weapons with EU standards on non-convertibility. Consequently, customs or licensing authorities of different Member States may treat differently imported alarm and signal weapons, with some considering that they are convertible into firearms, and others that they comply with EU-level standards.

Finally, it appears that existing customs simplifications can easily be used to avoid customs checks. The reduced dataset used for e-commerce and the low quality of data provided by postal operators severely affects the traceability of imported firearms and components. Besides, under customs simplifications (Simplified Declarations, Entry in the Declarants Record), the full customs declarations are only submitted after a month and controls can only be performed ex-posts and most probably be only documentary controls. As a consequence, the room for diversion of imported firearms is very high.

At export

At export, problems directly stem from the vagueness of the regulation, rather than issues of enforcement.

Similarly, **controls and risk assessments when exporting firearms from the EU vary in nature and quality** from one Member State to another – they are in any case insufficiently shared and coordinated between Member States, as the 2017 evaluation of the Regulation identified. This aspect is not governed by the Regulation and left to the discretion of Member States. An exporter does not always need to provide evidence of import in the country of destination, end-user certificates are often not requested and there is currently no systematic post-shipment controls. This leaves room for the diversion of firearms between the export and the arrival at the destination country, as well as to re-export or unauthorized used after arrival in the destination country. This appears as the main source of the problem, since "in the overwhelming majority of known cases, these firearms were legally transferred from the European Union to the intended recipient in another part of the world and subsequently diverted in the

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32 "Border Patrol seizes $19,000 worth of blank firing pistols from Turkey at Dulles International Airport", Washington Post, 2 June 2021 https://www.washingtonpost.com/transportation/2021/06/02/border-patrol-pistols-dulles/

33 UNODC, "Illicit Trafficking in Firearms, their Parts, Components and Ammunition to, from and across the European Union", Vienna, 2020, p.25 https://www.unodc.org/documents/firearms-protocol/2020/UNODC-EU-Report-A8_FINAL.pdf

34 Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons; *OJ L 15, 17.1.2019.*

destination countries or retransferred to other countries without the approval of the exporting European Union Member State."[35]

Furthermore, **the different interpretations** of the vaguely worded export control procedures in the Regulation, and the existence of inconsistencies between the Regulation and other pieces of EU legislation concerning firearms such as the EU Firearms Directive (2021/555), leave room for potential security loopholes. For instance, the Regulation merely states that Member States must refuse to grant an export authorisation if the applicant has a criminal record concerning an offence covered by the rules on the European Arrest Warrant (money laundering, corruption, trafficking of human beings, murder etc.). How and when criminal records are checked currently remains completely subject to national legislation and practice. The absence of detailed provisions on what document to check before granting an export licence has led to persisting differences across Member States in performing background checks on non-residents (in the confidential consultation of competent authorities, 68,76% of respondents concerned[36] indicated they only request or check their own national criminal record, not necessarily that of other countries). This might enable an applicant with relevant criminal records in a Member State to obtain an export license from another Member State.

Additionally, the rules are not sufficiently clear to ensure that customs or licensing authorities perform the checks of the **non-convertibility of alarm and signal weapons**, and ensure that firearms are not wrongly declared as alarm and signal weapons to avoid export authorisations and customs checks. This is particularly the case for exports from Member States, which do not subject the acquisition and possession of alarm and signal weapons to any authorisation. The reactivation of deactivated firearms is also a known threat, which leads to the diversion of firearms. Because deactivated firearms fall outside of the scope of the Regulation, these weapons can be exported without the proper marking that is needed to improve the traceability of firearms. As a consequence, in the confidential consultation of national competent authorities,[37] 3 Member States indicated that neither export licensing authorities nor customs authorities have to control the effective deactivation of firearms. This was noted by the 2017 evaluation of the regulation, which stressed that "the absence of any provisions for export markings in the case of deactivated weapons or alarm weapons makes traceability impossible".

Problems are also linked to the **insufficient exchange of information and cooperation between licensing authorities**. The Regulation created the obligation to exchange information on the refusals of export authorisations. However, the Regulation did not specify via which channels this information needs to be exchanged. The most widely used – and single available – platform is the online system of the Council's Working

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35 UNODC, "Illicit Trafficking in Firearms, their Parts, Components and Ammunition to, from and across the European Union", Vienna, 2020 p. 106 https://www.unodc.org/documents/firearms-protocol/2020/UNODC-EU-Report-A8_FINAL.pdf

36 50% of respondents did not reply to this question (mostly because they are not involved in export processes)

37 Annex 2, point 2.4

Party on Conventional Arms Exports (COARM). The 2017 evaluation of the Regulation stressed that its "provisions have proved insufficient to meet the objective pursued." Currently, the fact that some denials are not uploaded on COARM and different channels are used to exchange information on denials creates the risk that export authorisation decisions are taken on an incomplete evidence base. The Commission observed in its report on the implementation of the Regulation that "43 % of national authorities report having already granted an export authorisation to exporters for essentially identical transactions which had been refused by another Member State." Moreover, it increases the risk of undercutting of decisions taken by other Member States and eventually increase the security risks related to the circulation of firearms consignment for unlawful purposes. In other words, information asymmetry that is not addressed through timely and effective information exchange leaves room for the risk that suspect or problematic export operations are authorised.

External-transit

Besides, Regulation (EU) No 258/2012 does not regulate the traceability of shipments of firearms coming from, or destined to third countries during transit operations through the customs territory of the Union (external transit). This absence of EU rules on the matter result in a lack of tracing and lack of communication between customs authorities to ensure efficient checks. A 2017 analysis of the Commission services[38] underlined that "there is a systemic tendency to treat a consignment of firearms as any other consignment in transit, with no special measures related to the nature of these particular goods." Shipments of firearms are managed as any other cargo in transit, rather than as sensitive consignments. Therefore, Member States have no specific obligation to notify the Member States of transit that the goods in transit are firearms, that the consignment has arrived at destination, or that the procedure is closed. This leaves the transit vulnerable for the diversion of firearms. The Commission highlights that practices related to the place, time and nature of the customs controls vary significantly from one Member State to another, thus leaving room for potential security issues. This results directly from the absence of any provision in that respect in the regulation. The analysis found that "some MS are making controls only at destination, some at entry, some at unloading but there is no common approach about the type (documentary, physical) and moment of the controls. Some Member States make controls systematically for firearms, some based on risks." This was reflected in the 2017 evaluation of the regulation, which stressed that "the traceability of the consignments is not guaranteed during transit operations through the customs territory of the European Union." It was confirmed by the 2022 Council Report on firearms trafficking,[39] which stressed that "little information was shared on domestic transhipments."

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38 "Conclusions on the strengths, gaps and weaknesses in the customs legislation, procedures and risk-based controls practices related to the illicit trafficking of firearms"; PCA FIREARMS, April 2017, TAXUD/B2/031/2017, Ref. Ares(2017)2932774 - RESTRICTED

39 op. cit., Council Document 4763/1/21, 3.01.2022 - LIMITED

2.2.3. How will the problem evolve without intervention?

Without a targeted and limited intervention, an increasing number of illicit firearms risk being smuggled into the EU, in particular semi-finished firearms and convertible weapons. This is confirmed by general view of stakeholders consulted during the public consultation on the overall future evolution of trafficking. 47% of respondents considered that without further EU intervention, there would be an increase of smuggling of firearms, their components, and convertible weapons into the EU and increased exports (or diversion) of firearms to conflict zones and authoritarian regimes. Among the 12 business representatives which had an opinion, 50% also considered the situation would deteriorate (50% had no opinion). This view was shared by law enforcement authorities: during the confidential consultation of competent authorities, one third of customs and police respondents considered that the situation would deteriorate (26% had no opinion and 20% considered that it would remain unchanged).

Firearms are extremely durable products, and illicit firearms imported in the EU can therefore circulate in the Member States for decades. As EU law enforcement authorities do not operate as one, there is a high risk that they will fail to fully prevent the illicit movements of firearms from one Member State to another, once they have been smuggled into the EU territory. Trafficking of firearms is a source of major concern for the security of European citizens.[40] By fuelling violence and organised crime and providing terrorists with the means to conduct attacks on European soil, illicit firearms pose a serious threat to internal security.[41]

The risks of diversion of exported firearms would at the very least remain the same, and the appetite for EU-made firearms or the need to circumvent embargoes will probably increase the threat. This risk has already materialised, since the media recently reported diversion cases of firearms exported in 2020 from the EU to Moldova, from which the weapons were immediately re-exported to Russia and Belarus, two countries subject to arms embargoes.[42] This is confirmed by the Operational Action Plan for Firearms 2022, which states that "firearms are also trafficked from the EU towards Ukraine and Libya."[43]

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40 Europol (2017), cit., p. 54.

41 European Commission (2018), Joint Communication to the European Parliament and the Council. Elements towards an EU Strategy against illicit Firearms, Small Arms & Light Weapons and their Ammunition. "Securing Arms, Protecting Citizens", JOIN(2018) 17 final, Brussels, Section 1 '*Introduction,'* p. 1.

42 "EU arms firms trying to flout Belarus and Russia ban", 6.10.2021, https://euobserver.com/world/153145

43 Operational Action Plan 2022: Firearms trafficking, Council Document 13596/21, 14.11.2021 - LIMITED

2.3 Problem III: administrative burden for the legal movement of civilian firearms

2.3.1 What is the problem?

Economic operators continue to face different national rules, procedures and practices when trying to obtain an export or import authorisation. This means that EU businesses are subject to different requirements and administrative procedures, and therefore bear different costs, depending on the Member State in which they operate. They are notably faced with burdensome paper-based procedures. According to the results of the survey conducted during the 2019 study on improvement of the EU rules on imports and export of firearms, each enterprise employs from 4 to 12 hours each month to deal with the export authorisation processes. Consequently, despite a degree of harmonisation brought by the introduction of the Regulation with respect to exports, EU producers, exporters and importers do not yet operate in a truly unified control environment with a level playing field, especially as the regulation does not provide for common rules with respect to imports.

2.3.2. What are the problem drivers?

The main problem driver is an unclear legal framework. One of the main original objectives of Regulation (EU) No 258/2012 was to ensure a harmonised implementation of the provisions across all Member States, in line with Article 10 of the United Nations Firearms Protocol. The 2017 evaluation report of Regulation (EU) No 258/2012 highlighted the existence of areas of inconsistent and heterogeneous application that lead to obstacles to international trade, and movement of civilian firearms. Such areas relate to the vagueness of the Regulation (e.g. no definition or specifications on simplified procedures, the general nature of the provisions governing information exchanges and administrative cooperation, controls for refusals of essentially identical transactions, check of the criminal record), which does not enable a unified implementation by Member States. The regulation also includes many optional provisions (e.g. the adoption of a single procedure for military and non-military firearms, or whether or not to assume the tacit agreement of third countries of transit) and references to national provisions (e.g. confirmation of receipt). The evaluation report therefore stated that "allowing the competent authorities to choose is a weakness of the Regulation, whose implementation and interpretation should in principle be uniform." Because the Regulation does not indicate specific procedures or systems to manage applications for and issuance of export and import licenses, each Member State is free to decide on the adoption of an electronic or paper-based procedure, and on the application of a fee for such procedure, according to national practice. Therefore, channels used for the application and licensing process (and related costs) differ across Member States.

Besides, the Regulation currently mainly focuses on export controls, thus leaving import-related processes to national legislation. It notably harmonises deadlines to national authorities to reply to applications only for export authorisations and not for import authorisations.

Additionally, the Regulation sought to harmonise pre-existing rules on prior authorisation of transit of firearms in third countries. The evaluation of the Regulation revealed that transit-related provisions have a relatively large impact on costs.[44] More specifically, economic operators reported difficulties in identifying who the competent authority is in the country of transit to file their request. Resulting delays increase the time for obtaining an export authorisation and the costs borne by economic operators (e.g. the storage of firearm shipments blocked in airports). Regulation (EU) No 258/2012 aimed to mitigate the possible negative impact of the transit measures required by the United Nations Firearms Protocol by introducing the possibility for Member States to apply the principle of implied consent, thereby assuming approval of the third country of transit if no objections to the transit are received within 20 days.[45] This optional provision aimed at balancing the business interest in speeding up the process with the security interest of ensuring an adequate deadline for the transit states to react to the exporter's request.[46] Despite this opportunity, not all Member States apply the principle of implied consent, thus creating an uneven playing field.

Furthermore, the complex articulation between Regulation (EU) No 258/2012 and other EU and national firearms legislation creates confusion, which enhances the inconsistencies. The definitions and categories of firearms (prohibited, subject to authorisation, subject to declaration) were initially the same in the Firearms Directive and in the Regulation. The Firearms Directive 91/477/EEC was revised in 2017 and codified in March 2021 by Directive (EU) 2021/555. The revision of the Firearms Directive led to inconsistencies specifically in the scope and definitions (e.g. removal of the definition of 'part' and the modification of the definition of 'essential component'). The revision of the Firearms Directive significantly modified the firearms categories, in particular by introducing new items (notably bringing deactivated firearms and firearms converted into blank-firing, salute and acoustic weapons into scope) and moving certain types of weapons (such as certain semi-automatic firearms) to a more stringent regime of possession. Furthermore, some players (notably collectors, museums and brokers), previously excluded, are now included in the scope of the Firearms Directive. Therefore the Regulation currently has a more limited scope than the Directive: it does not regulate exports by collectors, by museums, the activities of brokers, the exports of deactivated firearms, or the exports of category A firearms even when they are legally owned by sport shooters or arms dealers in the EU.

Moreover, there exists a "grey area" of overlap between the scope of Regulation (EU) No 258/2012 and the scope of the Common Position 2008/944/CFSP, leaving room for divergent interpretations and inconsistencies in the application of the correct (military or civilian) export regime to items that fall in this area. While the Regulation excludes from its scope only "specially designed for military use and, in any case, firearms of the fully automatic firing type", [47] it nevertheless provides for the possibility for Member States to

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44 EY, SIPRI and RAND (2017), cit, p.43.
45 Article 7(2) of Regulation (EU) No 258/2012.
46 COM(2010)273 final.
47 Article 3, paragraph 1, letter b of the Regulation

"use a single procedure to carry out the obligations imposed on them by this Regulation and by that Common Position."[48] This opening has been interpreted by some Member States as a possibility to subject to the Common Position all weapons falling under the Common military list, even if they are not specially designed for military use. The evaluation of the Regulation revealed that Member States tend to interpret the scope of such overlaps differently. The main problem is the lack of clear objective criteria set in legislation to establish whether firearms or ammunition are military or civilian.[49] When requested to provide data on imports and exports of civilian firearms, many Member States proved unable to distinguish them from military weapons, and sent statistics covering both military and civilian firearms. Besides, the customs tariff classification includes categories of firearms, which can be either military or non-military.[50] This is most often the case for types of short firearms and semi-automatic firearms, and related ammunitions. Additionally, the civilian and military-grade export control regimes fall under the remit of different national administrations in most of the Member States.[51] Furthermore, the possibility to apply a single procedure[52] results in some Member States applying an identical procedure and identical criteria to all exports of weapons (both civil and military). Consequently, transactions regarding substantially the same items can be treated differently across the EU, as some Member States might decide to apply the export licensing procedure for civilian firearms, while others might adopt the single procedure.[53]

2.3.3. How will the problem evolve without intervention?

In the public consultation, 53% of all respondents considered that without further EU intervention, the situation will deteriorate, with economic operators and legitimate firearms owners likely to be faced with increasingly heterogeneous national rules and procedures. In this consultation, the replies of the 12 businesses and business representatives were inconclusive, with one third having no opinion, 25% considering that the situation will improve, 16% that it would remain unchanged and 25% that it would deteriorate.

In any event, the inconsistencies between the scope of Regulation (EU) No 258/2012, the Firearms Directive (EU) 2021/555 and the overlap with the Common Position 2008/944/CFSP will not be solved without intervention. Without clear descriptions and agreed upon procedures, divergent national requirements and administrative procedures

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48 Article 4, paragraph 2 of the Regulation

49 Survey feedback: 47% (n=9) of the NCA responding to survey question 11.

50 Headings 9302, 9303, 9305.

51 EY, SIPRI and RAND (2017), cit., integrated with further desk research.

52 Article 4(2) of Regulation (EU) No 258/2012 allows Member States to adopt a single procedure if an export is subject to authorisation requirements in accordance with both Regulation (EU) No 258/2012 and the Common Position 2008/944/CFSP. 15 Member States (AT, BG, CY, DE, DK, ES, FI, HR, LU, LT, LV, MT, SE, SK and UK) and the BWR opted for a single procedure to issue export authorisations. Source: EY, SIPRI and RAND (2017), complemented by information collected through the field visits.

53 2019, Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition, p. 35

will stay in place and continue to be an obstacle to the establishment of a unified export and import regime for civilian firearms within the EU Customs Union. This will result in an uneven playing field between EU importers and lead to divergent costs for firearms export companies. National differences in the procedures will continue to be an obstacle to the establishment of a uniform export and import regime for civilian firearms, and will go against the objectives pursued within the EU Customs Union where customs procedures are already centralised.[54] In particular, national non-harmonised licencing systems will not be able to connect to the EU Single Window Environment for customs, thus preventing economic operators from making use of this tool to complete all border formalities in a single portal.

3. WHY SHOULD THE EU ACT?

3.1 Legal basis

The legal basis for acting in this area is Article 207 of the Treaty on the Functioning of the European Union (TFEU) on the common commercial policy. Provisions adopted in this area fall under the exclusive competence of the EU. This was also the legal basis for Regulation (EU) 258/2012.[55] All firearms covered by the EU Customs tariff[56] fall under the exclusive competence of the European Union. The differences in export, import and transit authorisation procedures and controls across Member States are at odds with the very concept of exclusive EU competence in external trade.[57]

As an area without internal borders in which goods and persons circulate freely, having common rules on the import and export of firearms, their parts and components and ammunition is of tantamount importance. Addressing the issues mentioned can only be done at EU level, as Member States may not exercise this external competence, since this would directly affect the effectiveness and uniform interpretation of internal EU law (the Firearms Directive), irrespective of whether the firearms are designed for military or for civilian use. It would also create regulatory divergences and legal loopholes which criminals could avail themselves of. The description of the problems and their drivers (in particular problem 2 linked to the administrative burden) demonstrate the need for harmonised EU rules on imports and exports of firearms for civilian use.

Besides, considering the need to address extensively aspects of exchanges of information and cooperation between customs authorities, between customs and competent licencing authorities, and between those authorities and the Commission, the legal basis of this initiative should also include article 33 TFEU.

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54 Centralised clearance is a simplification that authorises importers/exporters to lodge at the customs office where they are established, a customs declaration for goods which are presented at another customs office within the customs territory of the Union.

55 Resolution 55/255 of 31 May 2001.

56 Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, section XIX, chapter 93

57 Article 3(1) of the TFEU establishes that the EU has exclusive external competence over the Common Commercial Policy, and Article 207 of the TFEU outlines its scope.

3.2 Subsidiarity: Necessity and added value of EU action

A subsidiarity check is not required in an area of EU exclusive competence; however, the need for EU action is clear.

The objective of the legislation is to ensure that no legal loophole in EU import, export and transit legislation concerning firearms, their parts and components and ammunition facilitates this diversion.

The UN Firearms Protocol provides for a framework for States to control and regulate licit arms and arms flows, prevent their diversion into the illegal circuit, facilitate the investigation and prosecution of related offences without hampering legitimate transfers. By adopting the Regulation in 2012, the EU was able to ratify the Firearms Protocol in 2013. It is therefore up to the EU to keep fighting and preventing the diversion of firearms, especially as the EU is a key manufacturing region. Once a firearm is diverted, it remains a threat for decades.

During the public consultation, respondents clearly stressed the need for EU action. Almost 70% of respondents (75% of business representatives) considered important or very important to have common EU rules on imports of civilian firearms from outside of the EU and on exports of civilian firearms to non-EU countries. 62% considered that there is a need for EU intervention on current rules on import, export and transit of civilian firearms and 59,5% considered that there is need for new tools to improve current rules on import, export and transit of civilian firearms. National authorities themselves expressed an even higher support. During the closed and confidential consultation of competent and law enforcement authorities, 76,66% of respondents considered it important or very important to have common EU rules on imports of civilian firearms from outside of the EU and 83,3% on exports of civilian firearms to non-EU countries. The analysis of the free text contributions shows an overwhelming request for uniform EU rules rather than addition of national procedures.

During the public consultation, many stakeholders (mostly individual firearms users such as hunters and sport shooters) considered in the free text contributions that EU intervention was not necessary because smugglers and traffickers do not declare their activities, and that consequently EU legislation would only harm legitimate traders and would continue to be disregarded by criminals. This argument ignores the fact that, except for home-made firearms, firearms used in criminal acts were initially legally manufactured and sold, and were diverted at some point of their life cycle.

4. OBJECTIVES: WHAT IS TO BE ACHIEVED?

4.1 General objectives

The strategic objective of this initiative is to close legal loopholes that can facilitate the circumvention of rules, smuggling and the trafficking of firearms for civilian use by ensuring a uniform application of the rules on imports and exports of firearms the UN Firearms protocol. It is essentially a trade policy initiative aiming at better regulating import and export controls for firearms, their components and ammunitions.

Due to their specificities in relation to defence, national security and the implementation of the common foreign and security policy, this initiative does not address sales to the armed forces or public authorities, or government-to-government transactions. Export controls of firearms for military use should remain addressed by the Council Common Position 2008/944/CFSP, governing exports of all military technology and equipment.

4.2 Specific objectives

To achieve the strategic objective, based on the evaluation of the Regulation, on the public consultation as well as targeted consultations with stakeholders, the Commission identified three specific objectives:

The first objective is to improve the systematise data collection about international movements of firearms for civilian use, as well as seizure data. This implies receiving annual data by Member States on the number of authorisations, refusals, the quantities and values of civilian firearms exports and imports, by origin or destination. Furthermore, receiving seizure data will allow targeted policies to prevent and tackle firearms trafficking.

The second objective is to enable coordinated controls and risk assessments. This implies first to ensure the traceability of firearms. Tracing, according to article 2(16) of the Regulation, "means the systematic tracking of firearms and, where possible, their parts and essential components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and trafficking." Both at import and at export, the current framework needs to be improved in that respect, since loopholes have been identified in both inwards and outwards movements. This applies notably to the proper recording of firearms-related information and to the need to improve the work of customs authorities in detecting, while at export it concerns more the work of export licencing authorities. For both types of movements, the cooperation between law enforcement authorities (including customs) and licensing authorities should be improved.

The third specific objective is to ensure a level playing field and reducing the administrative burden placed on economic operators and firearms users. Here, the focus is on ensuring a uniform application of EU law and of the UN Firearms Protocol, instead of the current situation with economic operators being faced with 27 different types of rules and lack of legal certainty despite the application of the regulation currently in force.

These objectives are fully compatible with other EU policies and with the Charter of Fundamental Rights. They are notably fully aligned with the EU commitment to "continue to promote responsible and effective arms export control in the EU's neighbourhood, in accordance with Common Position 2008/944/CFSP for military-grade

weapons and Regulation (EU) No 258/2012 for civilian firearms."[58] They are also in line with the approach taken in the modernisation of the export control mechanism for dual-use goods under Regulation (EU) 2021/821[59].

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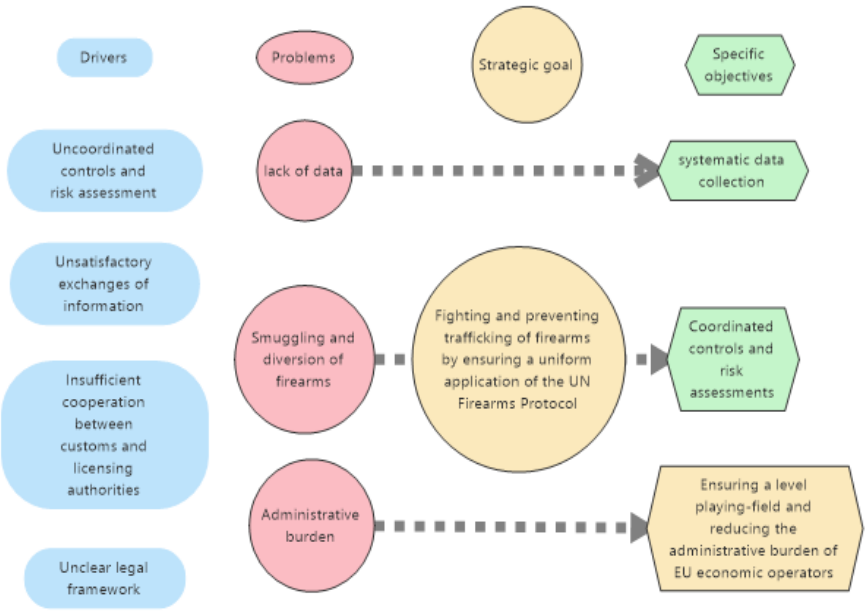
[58] as mentioned in the Joint Communication of the Commission and of the High Representative "Elements towards an EU Strategy against illicit Firearms, Small Arms & Light Weapons and their Ammunition" JOIN(2018)17 of 13.6.2018 and in the Council Conclusions on the Adoption of an EU Strategy Against Illicit Firearms, Small Arms & Light Weapons & Their Ammunition, 9.11.2018.

[59] Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast), *OJ L 206 11.6.2021*



Option 1

Recommendations / Soft law Stick to the 2018 Recommendation of the Commission (C(2018) 2197 final) , focusing on enforcement of existing and under-used provisions (provision of seizure stats amongst Schengen countries, use of CRMS and ICS2, subject firearms to customs Surveillance), or improving the use of existing solutions (COARM, TESTA, Customs Information System), update and dissemination of the list of competent authorities in third countries, issue further recommendations on simplified procedures

Option 2

Legislative clarification removing ambiguities in the interpretation of the applicable legislation (e.g. type of information to be recorded, classification of certain weapons and components as firearms), expressly requiring competent authorities to use existing systems to exchange information (ECRIS, SIS, COARM/TESTA), harmonising existing simplified procedures, aligning deadlines, clarifying roles of importers and exporters, aligning scope with the Firearms Directive

Option 3

Option 2+ New legislative action ensure the full traceability of imported and exported firearms (e.g. compulsory import marking, limiting semi-finished components to dealers, computerised data-filing, post-shipment checks), requiring the submission of detailed statistics, and improving exchanges of information between licencing and customs authorities notably through e-licensing and the use of use of the EU Single Window Environment for Customs, creating new simplifications (temporary imports, general export authorisation, e-procedures), and removing the scope overlaps with Common Position 2008/944/CFSP

Option 3 bis

option 3 however, the distinction between military and civilian firearms would not follow the Firearms Directive, but the focus would be kept on 'firearms specially designed for military use', with the need to establish technical characteristics.

Intervention logic

5. WHAT ARE THE AVAILABLE POLICY OPTIONS?

5.1. WHAT IS THE BASELINE FROM WHICH OPTIONS ARE ASSESSED?

In the baseline scenario, the current regulatory framework would remain unchanged, as described essentially in the evaluation report of the application of Regulation (EU) No 258/2012 of December 2017.[60] Consequently, the problem description would also be unaffected.

With respect to semi-finished firearms and essential components, Rule 2(a) of the World Customs Organisation's General rules for the interpretation of the harmonized system (i.e. the world-wide customs classification of goods)[61] already apply and customs must already treat semi-finished receivers as essential components of firearms, as according to this rule "any reference in a heading to an article shall be taken to include a reference to that article *incomplete or unfinished*, provided that, as presented, the incomplete or unfinished article has the essential character of the complete or finished article." This provision would continue to be unevenly applied, with many semi-finished firearms and components being declared as other types of goods.

As mentioned in the above-mentioned report, some Member States will continue to apply the rules and procedures of the Regulation to weapons, which are currently excluded from its scope (deactivated firearms, alarm and signal weapons). The overlap with the Common Position would continue, and each Member State would continue to have its own rules and procedures regarding firearms that are legally owned and acquired by civilians but which they consider as "military". National competent authorities will continue facing difficulties in determining the civilian or military nature of firearms (in particular as regards weapons in category ML1)[62] based on their technical characteristics. 15 Member States opted for a single procedure (see section 2.1.2) to issue export authorisations, the arrangements for which vary greatly from one Member State to another. The methods for submitting authorisation requests will remain in the hands of the Member States, with burdensome paper-based procedures remaining a majority.[63]

In application of article 55 of the implementing provision of the Union Customs Code, the Commission collects data regarding the import and export of firearms in the Customs Surveillance System (Military shipments are not subject to submitting declarations and therefore are not subject to customs Surveillance).[64] The data collected could be used at aggregated level (without personal

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60 COM(2017) 737 final, 12.12.2017.

61 General rules for the interpretation of the harmonized system https://www.wcotradetools.org/en/harmonized-system/rules

62 The ML1 list includes smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm or less and accessories.

63 In the confidential consultation of national authorities, only one third of respondents mentioned the use of electronic import authorisation processes, and only 40% indicated the use of electronic export authorisation processes.

64 Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, *OJ L 343, 29.12.2015*.

data), for the development of an EU-level analysis of the licit flows of civilian firearms to and from the European Union, which would facilitate a better knowledge of the threat and contribute to more efficient risk profiles and targeting of checks. However, as mentioned in section 2.1.2, customs data do not enable a distinction between military and civilian firearms; or between the different categories (prohibited, subject to authorisation, subject to declaration) of firearms according to the Regulation. Publicly available data are not comparable and different sources contradict one another (see below section 6.1 and annex 4).

The following issues would remain unresolved in a "no action" scenario. The absence of any provisions in the Regulation for export markings in the case of deactivated weapons or alarm weapons makes traceability impossible. Moreover, the traceability of the consignments is not guaranteed during transit operations through the customs territory of the European Union. The disparate practices in national records (no single national register) adversely affect traceability. Similarly, the absence of interconnectivity between intra-EU transfer files and files for export licences complicates the full reconstitution of movements of firearms. Data about trade, authorisations, denials and enforcement would continue to be gathered in an uncoordinated way.

An extract from the criminal record is not systematically requested when submitting an application for an export authorisation, as it is not expressly required by the regulation. There is no indication that the existence of a crime or an infringement justifying the refusal of the authorisation is always checked either in the national criminal records, or *a fortiori* in the criminal records of the other Member States. Many national authorities will continue to grant export authorisations even when identical transactions have been refused by another Member State. During the confidential consultation of national authorities, only 12% of respondents (three replies) mentioned that they check the criminal record of the applicant in European Criminal Records Information System before granting an authorisation or that they request the applicant to submit a copy of the national criminal record of another relevant country. The baseline scenario therefore maintains a major security gap.

As mentioned in the 2017 evaluation report of the Commission, the regulatory and administrative landscape will also remain disparate because of the lack of clarity of some provisions, complex articulations with other instruments, the leeway given to the Member States in their administrative procedures, in evaluating authorisation requests and in whether or not to recognise the tacit agreement of third countries of transit, and the general nature of the provisions governing information exchanges and administrative cooperation. As the Commission is not an addressee of the information exchanges on authorisation refusals, it will remain unable to monitor the situation at European level and alert the competent authorities in cases where their respective approaches diverge.

In the baseline scenario, imports procedures and authorisation processes will remain completely out of the scope of the Regulation, although this is an exclusive competence of the EU, which Member States are in principle precluded to regulate.

It is likely that the 2018 Recommendation of the Commission on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition[65] will continue to be ignored by Member States, as it has been so far. The main reason for the lack of uptake of the 2018 Recommendation is likely to be its non-mandatory nature. In addition, implementation of the recommendation would have involved additional work and a

[65] C(2018) 2197 final

change of administrative habits. This is particularly the case for the lack of provision of statistical data, which can result from a conjunction of both a difficulty in distinguishing military from civilian firearms and a weak administrative capacities to collect the data. The Recommendation was in any case not sufficiently specific to address the disparate practices between Member States. As a result, exporters will continue to face a non-unified import and export control mechanism for firearms.

With respect to seizures of firearms, it is unlikely that Member States subject to the Schengen acquis would substantially improve their provision of statistics pursuant to the 1999 Decision of the Executive Committee on the illegal trade in firearms, since the Commission is not aware of such communications.[66]

In the baseline scenario, since 15 March 2021, customs authorities will have a better oversight of firearms and firearms parts imported in the EU through fast parcel shipment, since relevant operators are now under the obligation to issue a summary entry declaration in the EU's Import Control System (ICS)2 for all goods shipped to the EU.

5.2. DESCRIPTION OF THE POLICY OPTIONS

5.2.1. OPTION 1: SOFT-LAW APPROACH

Option 1 is based on a soft-law approach, which would focus on complementing the 2018 Recommendation of the Commission on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition,[67] with additional more detailed guidance and stepping up enforcement of the already applicable legislation.

Import

With respect to traceability of firearms the 2018 Recommendation notably encourages Member States, in addition to the unique marking required by the Firearms Directive, to make an additional and simple marking with the identification of the country of import and year of import, as required by the UN Firearms Protocol.

With respect to semi-finished firearms and essential components, the Commission would provide guidance building on Rule 2(a) of the World Customs Organisation's General rules for the interpretation of the harmonized system.[68] The Guidance would build on those principles specifically in relation to firearms, by providing a working definition of semi-finished firearms and components, and requesting Member States to report on how they implement those principles.

The Guidance would include detailed criteria for the correct customs classification of weapons either as alarm and signal weapons or as firearms.

Export

The Recommendation also calls on Member States to verify systematically that all firearms, which are deactivated in the EU and are exported to third countries as deactivated firearms, are marked

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66 SCH/Com-ex (99) 10
67 C(2018) 2197 final
68 see above in the baseline scenario

and that owners are issued a deactivation certificate in accordance with EU law.[69] In addition, Member States would be encouraged to apply the standards of non-convertibility of alarm and signal weapons[70] to exported alarm and signal weapons, in addition to their existing obligation to check imported alarm and signal weapons pursuant to Implementing Directive 2019/69.

This option would include more specific guidance, listing out the particulars that firearms licensing authorities should trace and record at export (notably the name of the manufacturer or the brand, the country or place of manufacture, the serial number and year of manufacture and if possible the model).

Improved cooperation and exchanges of information between competent authorities

With respect to law enforcement cooperation and exchange of information, this option would complement the 2018 Recommendation:

- with more detailed templates for the provision of annual statistics about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination, in order to develop a better picture of the movements;
- by asking them to report on the use of the European Criminal Records Information Exchange System (ECRIS) when checking the criminal background of applicants;
- by asking them to report on the type of inspection systems and processes to check whether the conditions for granting an export authorisation continue to be met;
- by upgrading and improving the COARM System, in order to adapt it to civilian firearms, and ensure that Regulation (EU) No 258/2012 is correctly mentioned as the legal basis in the system, and asking Member States to report on checks and notifications in COARM;

In addition to the new guidance, the Commission would step up exchanges of information through the meetings of the Firearms Export coordination group by requesting Member States to report in that context

- on exchange risk information related to the movement of firearms through the customs risk management system;
- on exchange of information about the classification of imported alarm and signal weapons

To improve the implementation of the 1999 Decision of the Executive Committee on the illegal trade in firearms,[71] the Commission would provide an update of the categories and type of information about seizures to be reported annually. It would also call on Member States to share those data annually according to an updated template with Europol.

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69 Commission Implementing Regulation (EU) 2015/2403, amended by Commission Implementing Regulation (EU) 2018/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable (Text with EEA relevance)

70 Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons

71 SCH/Com-ex (99) 10

With respect to the coordination of risk assessment and customs controls, in view of the future releases of the Import Control System 2 (ICS2)[72], the Commission would review the Common Risk Criteria and standards (CRC) for pre-arrival[73] and improve the targeting of firearms trafficked in commercial shipments, including postal and express consignments, with criteria aimed at prohibited and restricted items. The new set of CRC would be applied to the Entry Summary Declarations submitted by the economic operators to the customs office of first entry, for all goods entering the EU external borders. Moreover, new analytics capabilities (Safety and Security Analytics – SSA) to complement and enhance the risk analysis will be introduced as per Release 2 of ICS2.

Under Horizon 2020, the Commission will fund activities to improve notably the detection of weapons, with non-intrusive inspection of cargo or packages and Artificial intelligence image recognition.[74]

Administrative simplifications

Under this option, the Commission would also facilitate the activities of economic operators by publishing a non-binding list of competent authorities in non-EU countries, that would help them determine who to reach out to in order to get the required import or transit authorisations.

Furthermore, the new guidance of the Commission would include recommendations, based on best practices of Member States, on the use of simplified procedures. This would notably concern temporary imports and temporary exports currently not covered by the Regulation. It could also include specific guidance for facilitations in favour of Authorised Economic Operators with the Safety and Security element (AEO-S or AEO-F), subject to integration in TARIC.

Such new guidance would also include the use of systematic e-licencing procedure. Besides, the Commission would provide for Member States a free-of charge voluntary e-licensing procedure, building on and expanding the e-licensing platform[75] (currently dedicated to exports of dual-use goods) to cover imports and exports of firearms. This e-licensing platform could also support the data collection.

5.2.2. OPTION 2: CLARIFICATION OF THE EXISTING LEGAL FRAMEWORK

Option 2 provides for a legislative clarification, which would remove ambiguities in the interpretation of the applicable legislation (e.g. type of information to be recorded, classification of certain weapons and components as firearms), an express legal basis to require competent authorities to use existing systems to exchange information, harmonising existing simplified procedures, aligning deadlines, clarifying roles of importers and exporters,

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72 Release 2 on 1st March 2023 (air general cargo) and Release 3 on 1st March 2024 (all other means of transport).

73 Commission Decision No C (2011) 5170 of 22. July 2011 amending the Decision C (20019) 2601 of 15. April establishing common risk criteria and standards for security and safety risk analysis for the harmonised application of certain customs controls pursuant to Council Regulation (EEC) No 2913/92

74 ENTRANCE: fficient Risk-based Inspection of freight Crossing borders without disrupting business (entrance-h2020.eu); C-BORD Project - Effective Container Inspection at BORDer Control Points (cbord-h2020.eu); ACXIS: Automated Comparison of X-ray Images for cargo Scanning; MULTISCAN3D: Laser-plasma based source 3D Tomography for cargo inspection; SilentBorder Cosmic Ray Tomograph for Identification of Hazardous and Illegal Goods hidden in Trucks and Sea Containers

75 https://webgate.acceptance.ec.europa.eu/frontoffice/welcome. Expanding this e-licensing platform, managed by DG Trade, should not include a large cost. It is estimated that this will cost a couple of thousand euros.

and aligning the scope of the Regulation with the Firearms Directive. This option would essentially translate most of the measures mentioned in *option 1* in the text of the Regulation.

Import

With respect to imported alarm and signal weapons, it would fill a gap resulting from the unclear legal framework and the ensuing lack of proper import controls, which could not be addressed by the Commission Implementing Directive (EU) 2019/69 because of the limitation of the delegation of power. It would provide for a compulsory classification as firearms of alarm and signal weapons not complying with the Firearms Directive and the implementing directive, as early as the stage of the customs declaration. Member States would also have to designate the authorities in charge of checking compliance with the implementing directive before the release into free circulation, if it differs from the authorities designated under the implementing directive.

Export

To support national licensing authorities in ensuring the tracing of exported firearms, this option includes an explicit reference to the possibility to use the opportunities of the tools for administrative and investigative cooperation in third countries, provided by article 20 of the 1997 Regulation on mutual assistance.[76]

Improved cooperation and exchanges of information between competent authorities

This option would provide for a compulsory check of criminal records in ECRIS and provide for exchange of risk information related to the movement of firearms by using the customs risk management system.

It would also make it compulsory to notify refusals in a common electronic system and check for refusals issued by other Member States before granting an authorisation. This system could either be COARM or an extension of the Dual-Use electronic System (DUeS)[77] to cover not only exports of dual-use goods but also imports and exports of firearms. The Commission would have delegated powers to determine such a system.[78] The relevant provision could be similar to that of articles 4(7) and 23(6) of the dual-use regulation.[79]This digitalisation and compulsory checks of a common electronic system would contribute to the collection of some data. However, this option would not oblidge Member States to gather and send in any additional data regarding the export and import authorisations, their value and destination.

In addition, this option would create a legal basis to enable export licensing authorities to check, in case of suspicion (e.g. when the firearm was not previously registered in the national data-filing

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[76] Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters

[77] The Dual Use System (DUeS) offered by the Commission is used by all the Member States in order to share information on Dual Use export transactions and enforce the controls at European level. DUeS communications are exchanged over the secured TESTA network thereby ensuring the appropriate level of data confidentiality and integrity.

[78] Extending these systems to incorporate refusals issued by Member States on granting an authorisations, will take time. During the implementation, DG HOME will take into account the view and limitations of other services.

[79] Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items, *OJ L 206, 11.6.2021*.

system or was not just recently manufactured) whether an exported firearm has been reported lost or stolen in another Member State by checking the Schengen Information System before granting an export authorisation.

Under this option, the Regulation would also make applicable the whistle-blower-protection regime put in place with Directive (EU) No 2019/1937[80] to persons who report breaches of the Regulation. The Regulation was not included in the list of Union act to which the Directive applies because of an incompatibility between the legal bases, which would be solved by a specific provision in the Regulation. Besides, in order to clarify the legal framework, it would complement the definition of trafficking of article 2 (15) of the regulation with an additional provision in article 16 (devoted to sanctions), establishing an express incrimination of arms trafficking.

Administrative simplifications

The revised regulation would clarify definitions and categories of firearms to bring them in line with those of Directive (EU) 2021/555. It would for instance apply to brokers and collectors. The list of prohibited weapons to which the Regulation currently does not apply would be expanded to include the whole category A of the most dangerous firearms. The overlap between the Regulation and the Common Position would be solved by building on the logic of the current Regulation – and actually further restricting its scope, thus subjecting the firearms that have been prohibited inside the EU since the amendment to the Firearms Directive in 2017 only to the Council Common Position 2008/944/CFSP. This would mean that many weapons currently in the "grey zone" would only be subject to the Common Position.

To harmonise administrative procedures and provide economic operators with a unified, simpler, regulatory environment, the Regulation would include new provisions clarifying the roles and responsibilities of importers and exporters, similar to those currently in force with respect to market surveillance and compliance of products under article 4 of Regulation (EU) 2019/1020 (making sure the right marking is applied to imported firearms, duty of cooperation with competent authority, duty to inform authorities in case of suspected violation of the rules, etc.).

The Regulation would align deadlines for granting import authorisations to deadlines for export authorisations (60 days and exceptionally 90 days). It would establish harmonised simplified procedures for temporary exports not currently covered by the Regulation (such as exhibitions or repairs). It would repeal the possibility for a global authorisation, which is almost never used.

Finally, the Regulation would turn the current option for Member States to assume implied consent of the third country of transit (if it has not replied within 20 days) into the default option. Member States would have to expressly notify the requirement of an express agreement of the third country of transit.

5.2.3. OPTION 3: NEW LEGISLATIVE PROVISIONS

Option 3 would build on and complement option 2, and add to it new legislative provisions to ensure the full traceability of imported and exported firearms (e.g. compulsory import marking, limiting imports of semi-finished components to dealers, computerised data-filing, post-shipment checks), for national authorities to share statistics and improve exchanges of

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[80] Directive (EU) No 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ of 26.11.2019, L 305/17.

information between licencing and customs authorities, to establish new simplifications (temporary imports, general export authorisation, e-procedures), and to remove the scope overlaps with Common Position 2008/944/CFSP by applying exclusively to all civilian-to-civilian transactions.

Import

At import, the Regulation would establish a clearer rule than under the current Directive (EU) 2021/555, providing that no firearm or essential component could be released into free circulation or placed on the market without the unique marking required by the Directive (under the Directive, marking must take place "without delay after import"). To avoid that unmarked firearms end up in the wrong hands in third country, such unmarked firearms would have to be destroyed.

To avoid diverging analyses from one Member State to another, the Regulation would establish an EU-level mechanism to ensure that a given model of alarm and signal weapon is classified under the same position of the customs combined nomenclature throughout the EU. For imported alarm and signal weapons, the regulation could also establish a list of non-convertible alarm and signal weapons that are compliant with implementing directive 2019/69, thus ensuring that the import authorisation of such weapons would be automatically recognised throughout the EU.

Under this option, the Regulation would provide a common definition of semi-finished firearms and essential components and limit their import to licensed arms dealers; such semi-finished products would therefore not be available anymore to private individuals.

Finally, in order to avoid any legal loopholes facilitating misdeclaration of goods, the Regulation would provide that customs simplifications are not applicable to firearms and their essential components.

Export

To ensure full traceability at export, the Regulation would make it compulsory for exporters to provide evidence of final import in the country of destination. It would also provide a legal basis enabling Member States to entitle third parties to conduct post-shipment controls in their name, notably through the implementation of Council Decision (CFSP) 2019/2191.[81]

In order to take into account the need to ensure full traceability of firearms which could also be used for military purposes or for internal repression, and to compensate for removal of the overlap with Council Common Position 2008/944/CFSP (see below – administrative simplifications), the Regulation would create for weapons prohibited (category A) and subject to authorisation (category B) an obligation for the exporter to provide an end-user certificate. The Regulation would include the particulars and characteristics of such an end-user certificate. To limit the administrative burden, and in line with the User's Guide to Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment,[82] only the actual importer of civilian firearms (i.e. the arms dealer) in the third country would be considered as

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[81] Council Decision (CFSP) 2019/2191 of 19 December 2019 in support of a global reporting mechanism on illicit conventional arms and their ammunition to reduce the risk of their diversion and illicit transfer

[82] "in the case of an export to a firm which resells the goods on the local market, the firm will be regarded as the end-user"; https://data.consilium.europa.eu/doc/document/ST%209241%202009%20INIT/EN/pdf;

the end-user. The end-user certificate would include a commitment not to re-export firearms without prior approval of the EU licensing authority and not to sell it to non-civilian users.

Improved cooperation and exchanges of information between competent authorities

To ensure proper record-keeping, the Regulation would require Member States to establish computerised data-filing systems for import and export authorisations. This would effectively create digital continuity with internal data-filing systems, which are already computerised pursuant to the Firearms Directive. Furthermore, this would facilitate the systematic data collection of the Member States.

In this option, the Regulation would include detailed provisions on the exchange of information between licensing authorities and customs authorities, to clarify their respective roles and responsibilities, and ensure good coordination especially when the customs office of entry or of exit is in a different Member State than the import or export licensing authority. The Regulation would notably clarify the roles of customs authorities in the case of external transit of firearms, including in the case of transit (i.e. movements of non-EU goods). Except for temporary imports and exports, where the declaration would include the particulars of individual firearms or components (see below), the role of customs would limit itself to the traceability of shipments. The Regulation would only provide for customs checks based on risk assessment.

Until e-licences and the full inter-connection with the EU Single Window Environment for Customs are rolled out, it would notably apply to the Regulation article 25 of Regulation (EU) 1020/2019 on market surveillance with respect to controls on products entering the Union market.[83]

It would also draw inspiration from the rules proposed by:

the 2021 proposal for a Regulation on deforestation:[84]

- article 24 in relation to the organisation of controls, in particular the check by customs of the relevant import or export licence before release for free circulation or export;

the 2021 proposal for a Regulation on shipments of waste:[85]

- article 35, paragraph 3, points a) to e) with respect to transit of firearms between the customs office of entry and the customs office of import or the customs office of export and the customs office of exit;
- article 54 with respect to firearms shipped through Member States from and to third countries

The Regulation would provide a legal basis for the sharing of intelligence by licensing authorities with customs authorities.

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83 Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011, *OJ L 169, 25.6.2019.*

84 Proposal for a Regulation of the European Parliament and of the Council on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010, COM/2021/706 final

85 Proposal for a Regulation of the European Parliament and of the Council on shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) No 2020/1056, COM/2021/709 final

To improve the knowledge of trends and exchanges of information between licencing and customs authorities, Member States would be required to submit annually their statistics on the number of authorisations, refusals, as well as value, amounts, countries of origin and of destination of imports and exports to the Commission. Besides, the obligation currently stemming from the 1999 Decision of the Schengen Executive Committee on the illegal trade in firearms[86] to "submit each year their national annual data for the preceding year on illegal trade in firearms" would be enshrined in the Regulation, thus applying to all EU Member States and EFTA countries. The digitalisation of the different procedures should support the Member States in this task.

Administrative simplifications

The Regulation would provide a legal basis to use the EU Single Window Environment for customs,[87] enabling a connection between customs systems and import and export e-licensing systems through an EU database via the EU Single Window Environment for customs via the EU Customs Single Window Certificates Exchange System (EU CSW-CERTEX)[88]. To further simplify authorisation procedures for economic operators, systematic e-procedures (electronic licensing system) would be made compulsory (as a complement to the e-licensing system provided by the Commission under option 1).

In order to provide economic operators and competent authorities with a simpler, unified regulatory framework, this option would address one of the most-mentioned problems, namely the grey zone between the civilian firearms of the Regulation and the firearms "specially designed for military use" subject to the procedures of the Common Position 2008/944/CFSP. Under this option, the scope of the Regulation would be fully aligned with the scope of the Firearms Directive (including the category A of most dangerous firearms). As mentioned in section 4.1 above, State-to-State (i.e. government-to-government) transactions, as well as direct sales to the armed forces, the police, or public authorities would still be excluded from the scope of this initiative, and would continue to be subject to Common Position 2008/944/CFSP. All other transactions would be considered of civilian nature, and be subject only to the rules and procedure of this Regulation. To summarize, the new Regulation would:

1. regulate all civilian transactions (the Common position would not apply to them any more)

2. establish for prohibited firearms and firearms subject to authorisation substantive rules that are similar to those of the Common Position.

Under this option, the Regulation would also set out harmonised simplifications for temporary imports and exports (for repairs, expertise or exhibition), as well as re-imports following temporary export or re-exports following temporary imports. In this option, the mere release of the goods by customs authorities would amount to an import or export authorisation.

The Commission would have the power to adopt delegated acts establishing a general export authorisation for arms dealers which are Authorised Economic Operators with the Safety and Security element (AEO-S or AEO-F) under customs rules. This would essentially replace the global authorisation repealed in option 2. The exact scope of the authorisation would be defined in the delegated act. As an illustration, it could be limited to intra-group movements (i.e. exports of

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[86] SCH/Com-ex (99) 10

[87] COM(2020) 673 final

[88] The creation of this interconnection will be a coordination exercise between different services of the Commission. It will be important to keep a realistic timeframe in mind

firearms to a subsidiary of an EU-based company in a third country), or it could cover exports to authorised economic operators in third countries recognised by the Member State in application of an agreement of mutual recognition.

In this option, fees for authorisations and transit (except escorting) would be prohibited, thus alleviating the financial burden on economic operators.

5.2.4. OPTION 3 BIS: NEW PROVISIONS WITHOUT CHANGE TO THE INTERPLAY WITH THE COMMON POSITION

Option 3 bis would be substantially similar to option 3, with one exception: instead of following the logic of the Firearms Directive for the distinction between military and civilian transaction, the Regulation would maintain the reference to "firearms specially designed for military use".

Under this option, avoiding the overlap between the Regulation and the Council Common Position 2008/944/CFSP would require the establishment of the technical characteristics which would define whether the firearms owned by civilians must be considered as military or civilian ones. Currently this assessment is done at national level on a case by case basis.

Under this option, the Commission would adopt an implementing or a delegated act listing out the characteristics of the firearms, and could even issue Decisions to classify a given firearm model into either the civilian or military category.

5.3. ELEMENTS DISCARDED AT AN EARLY STAGE

Considering their wide range and realistic nature, no option could be discarded as a whole at an early stage. However, the Commission considers that some individual elements of the options should in any case not be implemented. They were therefore excluded from the assessment of the options.

The UN Firearms provides that State parties establish import marking with the marking of the first country of import and the year of import. Such a measure would concretely not genuinely improve the traceability of firearms imported in the EU. Within the EU customs union, traceability is already ensured by the existence of the unique marking provided by the Firearms Directive and the registration in national computerised data-filing systems, effectively enabling the full traceability of firearms as required by the Firearms Protocol. When a weapon is seized and cannot be traced back in the national system of the country of seizure, national law enforcement authorities will send a tracing request to relevant countries of suspicion, in connection with the case (based on the visible markings of the weapons, the country of the nationality of the perpetrator or any relevant contextual element). If that does not yield any result, a search in the Schengen Information System will show whether the firearm was lost or stolen elsewhere in the EU. Finally, a last resort option is to send a tracing request to all Member States through Europol's Secure Information Exchange Network. A search in Interpol's iArms database may also determine whether the firearm was lost or stolen outside of the EU. In most cases, the tracing is ensured in the two first options and do not require additional information such as the country or year of import. Besides, firearms imported into the EU are unlikely to be re-exported and diverted outside of the EU, thus making such import marking unnecessary for traceability purposes. Neither the UNODC Global Firearms Study nor any other case studies point to any weapons imported into the EU, which were then re-exported and diverted,

and for which the import marking would have made a difference. In fact, most firearms exported from the EU have been manufactured in the EU and therefore would in any case not bear an import marking. As 19 Member States[89] already require import markings, the additional costs of imposing such marking on the remaining Member States would amount to 2,4 million euro per year. Consequently the administrative and economic burden of imposing additional import marking would be out of proportion with the security advantages it would provide in terms of traceability or with the role-model that the EU could play at international level.

The idea to request an entry summary declaration even in personal luggage was considered a disproportionate burden. To avoid the risk of smuggling of firearms in personal luggage, the Regulation would have made compulsory an Entry Summary Declaration for firearms in line with article 127 of the Union Customs Code,[90] effectively disapplying the exemption of article 104 of Delegated Regulation 2015/2446. Such an option would have required prior customs declaration before the arrival on the EU customs territory. It would not have provided a specific benefit compared to the current obligation to declare the firearms at arrival, and would in any case have been easily circumvented by fraudsters, who would have continued to smuggle firearms and essential components through that channel.

6. WHAT ARE THE IMPACTS OF THE POLICY OPTIONS?

6.1. METHODOLOGY

Annex 4 describes the methodological constraints faced during this impact assessment in the collection of governmental and company data.

The main issue that has been encountered consistently since 2017 is the lack of reliable and consistent data that would enable a quantification of the problems and of the impact of options. This is due to inadequate data collection at national level (several Member States do not collect centrally data on import or export authorisations,[91] or are unable to distinguish between civilian and military firearms,[92] the statistics about the latter being sometimes confidential) and the reluctance of economic operators to share data about what they consider is sensitive information, despite the Commission recommendation to share such data in 2018. Besides, available business statistics relate only to EU arms manufacturers but not all arms dealers, which are the most relevant ones when it comes to imports into the EU.

The Commission (and its contractor) repeatedly attempted to collect accurate information during the 2017 evaluation of the Regulation, during the 2019 study on improvement of the EU rules on imports and export of firearms, during the 2021 consultation of stakeholders and the consultation of Member States (official letters of August 2021 and February 2022, targeted questionnaires, face-to-face interviews). This notwithstanding, the data collection is not comprehensive.

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89 BG, CY, CZ, DE, DK, EE, ES, FI, HR, HU, IT, LT, LU, PL, PT, RO, SE, SI and SK

90 Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code

91 Especially the largest players such as Germany or Italy. Belgium does not collect data on actual exports.

92 The German national report on firearms policy of 2020 explains that the numbers for ML1 are higher than the total value of individual small arms licenses because ML1 also covers civilian firearms (revolvers, pistols) hunting and sporting weapons (https://www.bmwi.de/Redaktion/DE/Publikationen/Aussenwirtschaft/ruestungsexporte-bmwi-070221.pdf).

As a consequence, much of the statistics and figures had to be extrapolated from the scant available data, or based on a median figure on a range. For instance, the analysis assumes that the stakeholders concerned by exports are the 1000 EU-based firearms manufacturers, although not all manufacturers carry out exports, and some retailers of firearms or individual users may also export firearms. The analysis assumes that the stakeholders concerned by imports are the estimated 20.000 arms dealers in the EU (based on an estimation of industry associations since no official data is available, annex 4 gives more information). As not all such arms dealers carry out imports from non-EU countries, the costs of the measures introduced are bound to be an over-estimation[93].

6.2. SOCIAL IMPACTS

6.2.1. IMPACTS ON CITIZENS

Individual citizens will be primarily affected in their capacity of firearms users, be they hunters, sport shooters, or collectors. The vast majority of them only operate within the EU, and will therefore not be affected by EU rules on exports and imports. In the public consultation, several respondents used the free text questions to explain that import and export procedures are currently so burdensome that they do not engage in such operations. The vast majority of respondents (90% being individual citizens) considered that they would benefit from a genuinely unified export and import control system for firearms, which was confirmed in replies to the free text questions. Establishing unified EU rules for administrative simplifications for temporary exports and reimports (and temporary imports and re-exports) is a strong request.

Option 1 would have the lowest impact on citizens, as it would not change the legal framework. The current rules on the use of the European Firearms Pass for temporary exports of hunters and sport shooters would continue to apply, and those firearms users would not be affected by the new requirement to provide an end-user certificate at export under option 3. This would in any case not apply to firearms subject to mere declaration (category C).

Option 2 and 3 would only marginally affect individual citizens, as they already benefit from the simplifications linked to the European Firearms pass. They would only be affected by the prohibition to import semi-finished firearms and essential components, and would not be able to import convertible alarm and signal weapons as easily as they used to. Citizens would benefit from the clarity of harmonised EU rules (deadlines, harmonised simplifications, e.g. for exhibitions).

Option 3 bis could potentially affect individual citizens more. Especially if those citizens received an exception to own a prohibited firearm (Category A). Multiple of these weapons could fall exclusively under the scope of the Common Position, which increases the difficulty of the procedure to import and export these weapons.

6.2.2. SECURITY IMPACTS

All options would have positive security impacts, although those of option 1 would be dependent on whether or not Member States fully implement the detailed guidelines. As they already failed to implement the 2018 Recommendation of the Commission in any substantive way, it is unclear to which extent option 1 would have a major impact. New written, more comprehensive guidance,

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93 For example in Spain only 98 dealers and manufacturers are involved in import and 127 in export, on a total of 1190 manufacturers and dealers. In Slovenia, 115 of the 152 dealers have a licence to export and import firearms.

combined with a more intensive use of the Firearms export coordination group to exchange information, the provision of a non-compulsory e-licensing tool and the development of Common Risk Criteria and standards (CRC) for pre-arrival, supported by more harmonised data collection of seizures, would nevertheless provide noticeable added-value compared to even a "dynamic" baseline.

Options 2 and 3 would have more noticeable impacts, as they would address existing legal loopholes, including by turning into law many of the elements of the guidelines in option 1.

They would notably ensure a unified approach of customs authorities with regard to imported alarm and signal weapons, making sure that they are duly declared as firearms when they should. The express classification of semi-finished firearms and essential components as the finished product – and even more the prohibition made to others than arms dealers to import such semi-finished components – would close a major legal loophole, which so far enabled criminals and extremist groups to legally import such products in order to manufacture unmarked firearms. They would also substantially improve exchanges of information between licencing authorities and between licencing authorities and customs, in particular across borders. This will have a very positive impact on sharing of intelligence and on risk assessments for individual import and export procedures.

Extending the whistle-blower protection regime to persons who report breaches of the Regulation would encourage the fight against smuggling and diversion of firearms, as it would encourage employees of the company to provide information to law-enforcement authorities.

6.3. IMPACT ON DIGITALISATION

Responding to an overwhelming support of stakeholders in the public consultation[94] and in the confidential consultation of competent authorities,[95] the digitalisation of import and export authorisations of the preferred option will have a major impact on stakeholders and public administrations, which often (more than half of the respondents in the confidential consultation) still operate with paper authorisations. Digitalisation will enable full digital integration of the whole import and export cycle, in connection with the ongoing digitalisation of customs processes through the Single Window environment for customs. It will also enable the connection with the computerised data-filing systems for firearms registers, which are being established by Member States as part of the implementation of Directive (EU) 2021/555 on the acquisition and possession of weapons. This digitalisation will also facilitate the systematic data collection by the Member States.

The following authorisations/certificates may be put in scope of the EU Single Window Environment for Customs:

- Import authorisations
- Export authorisations

Any document, which is meant to be checked by customs as a precondition for customs clearance via the Single window, shall be available in a central Union database to be established by the Commission.

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[94] 69% supported e-procedures

[95] 75% supported e-procedures

The technical developments that might be required at national level could be offset by the availability of a single e-licencing portal provided free of charge by the European Commission.

6.4. ECONOMIC IMPACT

6.4.1. IMPACTS ON THE OVERALL ECONOMIC ACTIVITY

Evaluating the impact on the overall economic activity is a sensitive exercise, due to the limitations explained in the methodology section (6.1) and in annex 4. Only figures about firearms manufacturers are available, but not data about arms dealers in the EU, which are the main importers of weapons. In addition, not all firearms manufacturers export their production, and they also import weapon parts. Besides, it is currently not possible to quantify actual exports or imports of civilian firearms, due to the lack or inconsistency of data provided by Member States. However, the EU sold production of civilian firearms, alarm and signal weapons, their parts and components, and ammunition accounts for (only) 0.09% of the EU27 total sold production value. Furthermore, firearms represent only 0,027% of the total value of imports into the EU and 0,069% of the total value of the export out of the EU. Therefore, the impact of the initiative on the overall economic activity is bound to be negligible.

During the public consultation and the targeted interviews of business stakeholders, a clear consensus emerged in favour of a more uniform EU import and export control system for civilian firearms. Therefore, the economic impact of the options is expected to be positive, as it would meet the expectations of businesses in terms of simplification. In particular, common rules on temporary exports and imports would facilitate work of firearms manufacturers in their daily operations (repairs). The main positive impact would be linked to digitalisation (see above) and to the clarification of the legal framework with respect to the scope of applicable rules.

The clarification of roles and responsibilities of importers and exporters, along the lines of those currently in force with respect to market surveillance and compliance of products under article 4 of Regulation (EU) 2019/1020, would not create new obligations, since it would reflect obligations they already meet under national legislation when applying for an authorisation.

6.4.2. IMPACT ON SMES AND COMPETITIVENESS

The various options are particularly relevant for small operators, which constitute 90% of the total number of the economic operators involved. However, 82% of the total manufacturing turnover of firearms is made by large companies (and 80% of all firms are located in only six Member States),[96] so SMEs would only be marginally affected by the measures.

Neither options 1 or 2 have any specific impact on SMEs, since they do not substantially change the current regulatory framework or create new obligations. They are either recommendations or clarifications of the legal framework.

SMEs, like the rest of arms dealers, would only incur (limited) costs under option 3. This concerns notably systematically providing a proof of import in the third country of destination. This would not add a specific burden on exporters, as this is an information that is already at hand, and that they generally already keep in their record in case of future checks.

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[96] More information on the market structure can be found in Annex 4

The perspective to require an end-user certificate for exported category A and B weapons in option 3 worries business representatives, who have, however, proven unable to quantify the impact of such a measure. The main concern lies in the impossibility to determine the actual end-user in the country of destination. This concern is unfounded because option 3 would limit the administrative burden on exporters by stating that only the actual importer of civilian firearms (i.e. the arms dealer) in the third country would be considered as the end-user. The main burden would lie in the need to obtain from the importer an authenticated commitment not to re-export firearms and not to sell it to non-civilian users. This, however, would not substantially differ from the existing practice for military firearms, which are already subject to end-user certificates under Council Common Position 2008/944/CFSP. In fact, during stakeholder interviews, business representatives explained that many exporters applied for military export licences (with end-user certificate), in case they had reached the maximum number of authorisations for civilian export licences. This would demonstrate that the end-user requirement does not create a disproportionate burden on exporters.

6.4.3. IMPACTS ON NATIONAL AND EU ADMINISTRATIONS

The clarification of the legal framework and the provisions clarifying the respective roles of customs and licencing authorities would overall imply a greater involvement of customs to ensure the oversight of firearms shipments. Customs will be called on to enforce sectorial firearms legislation, by ensuring notably that imported alarm and signal weapons are adequately classified and accompanied with the required documentation, or that semi-finished components can only be imported by arms dealers. Considering the small extent of firearms imports and exports (0,027% of imports and 0,069% of exports), and the fact that customs do not carry out systematic controls, but only conduct physical checks based on risk profiles, or only ex-post documentary checks, the impact is deemed to be limited.

Similarly, the impact of making a compulsory use of a specific platform to exchange information on refusals to grant authorisations would be limited, in view of the small number of denials issued each year (around 30 refusals per year[97]).

Establishing computerised data-filing systems for imports and export authorisations is likely to require one-off IT investments in most Member States. Although no Member State seemed ready to provide an estimate, Member States consulted in the targeted consultation all considered that this would be a practicable exercise. The cost would be largely offset by the advantage of enabling a direct connection with national data-filing systems of legal owners of firearms and the registers of firearms dealers.

The planned interoperability of the databases of authorisations and certificates with the EU Single Window environment for Customs will require additional financial resources, which will be made available to DG TAXUD by DG HOME to enable the decided interconnection. Currently, the level of appropriate resources for such work cannot be determined with certainty, but a cost estimate is provided in annex 3, point 1.

6.5. IMPACT ON THE ENVIRONMENT

None of the options has any particular impact on the environment.

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[97] Extrapolated from data received of 11 Member States, more information in annex 4

6.6. IMPACT ON FUNDAMENTAL RIGHTS

By addressing the threat of firearms trafficking, all envisaged options will have a positive impact on ensuring the security of the EU citizens.

The protection of personal data, enshrined in article 8 of the Charter, is mostly regulated by the General Data Protection Regulation,[98] which allows the processing of such data when it "is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller" (article 6). In addition, the human rights impact should be offset with the alignment of the new legislative measure with Directive 2016/68.[99]

In this case, processing of data will be protected by strong safeguards, notably through:

- prior consultation of the European Data Protection Supervisor
- ensuring access to the databases exclusively on a need-to-know basis
- limiting access in the databases to basic personal information enabling the identification of the person concerned, any additional information (e.g. on the reasons for refusal) having to be exchanged on a bilateral basis between competent authorities
- limiting statistical collection about authorisations, exports and imports, and seizures only to non-nominative data for the purpose of building a comprehensive intelligence picture

Article 16 of the Charter recognises the freedom to conduct a business "in accordance with Union law and national laws and practices." The regulation will not affect the right to conduct business as only authorised arms dealers are already allowed to trade firearms.

It is settled case-law that the right to property enshrined in Article 17 of the Charter is not absolute and is subject to proportionate restrictions in furtherance of objectives of general interest. None of the envisaged options would deprive legal owners of their property. The provision that would make it illegal for others than licensed arms dealers to import semi-finished firearms and essential components would not have retroactive effect (assuming that the previously imported semi-finished firearms or components have been duly declared under the current legal framework).

Finally, the envisaged options would fully respect the objectives of article 45 of the Charter with respect to the right of movement of EU citizens, since it would confirm their possibility to temporarily leave the EU (and come back) with their personal firearm, when travelling for sport or hunting purposes. Additional simplifications for collectors or museums should also facilitate their right of movement.

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98 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, *OJ L 119, 4.5.2016.*

99 Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, *OJ L 119, 4.5.2016.*

7. HOW DO OPTIONS COMPARE?[100]

In order to assess and compare the different options, each option will be rated for necessity, effectiveness, proportionality and efficiency, coherence, feasibility and economic impact. This will be scored from 0 to 1 by the coherence of the option with the problems identified under point 2 and the objectives as described under point 4. The more an option solves the problems identified, the higher the score. The underneath table gives an overview of the different scores, the second table gives a short content summary of the assessment and then the full assessment can be read underneath.

	Assessment criteria (for civilian firearms transactions only)	**Option 1**	**Option 2**	**Option 3**
Necessity / Added value	Data collection	0,2	0,2	1
	Security objective	0,2	0,5	1
	Simplification objective	0,2	0,5	1
Effectiveness	Data collection	0,1	0,2	0,9
	Security objective	0,1	0,6	0,8
	Simplification objective	0,1	0,5	0,7
Proportionality / Efficiency	Data collection	0,1	0,1	0,9
	Security objective	0,2	0,7	0,9

[100] Each option is assessed, for each criteria, on a range from 0 to 1 with respect to its contribution to each policy objective. 0 is the lowest score and 1 is the highest score.

	Simplification objective	0,3	0,6	0,9
Coherence	Data collection	0,1	0,1	1
	Security objective	0	0,7	1
	Simplification objective	0	0,4	1
Feasibility	Data collection	0,2	0,2	0,7
	Security objective	0,5	0,8	0,7
	Simplification objective	0,5	1	0,7
Economic impact	Data collection	NA	NA	NA
	Security objective	NA	NA	NA
	Simplification objective	0	0,1	0,2
Total (average)		**0,18**	**0,45**	**0,84**

	Assessment criteria[101]	**Option 1**	**Option 2**	**Option 3**	**Option 3bis**
Necessity / Added value	Data collection	Added value is limited due to continued focus on voluntary data collection and limited digitalisation	Added value is limited albeit slightly better due to some increase in digitalisation	High added value due to compulsory data collection and digitalisation	Same as Option 3
	Security objective	Slight added value due to the upgrade of COARM, however it does not need to be systematically used	There is added value as some security loopholes will be closed due to the clarification of the regulation	High added value due to the inclusion of alarm and signal weapons, semi-finished components, end-user certificates etc.	Same as Option 3
	Simplification objective	Hardly any added value due to not addressing the vagueness of the regulation	The clarification of the regulation will increase the harmonisation of rules needed and therefore create an added value However, the overlap with the Common Position will remain.	High added value due to the new simplifications introduced responding to the requests of stakeholders. Overlap with the Common Position will be solved.	Same as Option 3

[101] for civilian firearms transactions only

	Assessment criteria[101]	**Option 1**	**Option 2**	**Option 3**	**Option 3bis**
Effectiveness	Data collection	Not effective due to the continued focus on voluntary data collection and limited digitalisation	Not very effective albeit slightly better due to some increase in digitalisation	Very effective due to compulsory data collection	Same as Option 3
	Security objective	Not effective due to an unlikely uptake of the recommendations by the Member States. Slight improvement due to COARM update	Positive effect due to adding of semi-finished components, compulsory checks of ECRIS, notification of refusals etc.	High effect due to EU classifications of alarm and signal weapons, import of semi-finished components limited to economic operators and improve of traceability due to central database and end-user certificates	Same as Option 3
	Simplification objective	Slight improve of the situation due to the clarification of the roles however no uniform rules.	Slight effect due to common deadlines however no real harmonisation of rules	High effectiveness due to Authorisation and declaration processes linked to a central database of firearms import and export authorisations, connected to the EU single window environment for customs.	Overlap with the Common position solved but the technical definition of what is a military firearm could create issues of interpretation or the establishment of a list of military firearms could

	Assessment criteria[101]	**Option 1**	**Option 2**	**Option 3**	**Option 3bis**
					give rise to legal disputes.
Proportionality / Efficiency	Data collection	Low efficiency due to the availability of an e-licencing system, this would still require work of the Member States to collect data.	Low efficiency and bad proportionality due to low digitalisation, which could help the Member States gather data	Increase in digitalisation will support the Member States in efficiently collecting data.	Same as Option 3
	Security objective	Low efficiency as many security problems are not addressed.	Positive efficiency and low burden for many Member States as some already implement certain measures and many measures are easy to implement, due to the alignment with the firearms Directive.	Increase efficiency due to EU list of non-convertible alarm and signal weapons, allowing third parties to conduct post-shipment controls etc.	Same as Option 3
	Simplification	Low efficiency as the administrative burden due to the different rules remains however there are a few simplifications such	The introduced simplifications such as temporary export, implied consent etc. Have a positive effect on the simplification objective. However not yet a uniform	Increased simplification and full digitalised procedures will result in high efficiency gains.	The technical definition of military firearms is likely to be a burdensome and complex exercise, which could end up with issues of

	Assessment criteria[101]	**Option 1**	**Option 2**	**Option 3**	**Option 3bis**
	objective	as the e-licensing system	system		issues of interpretation.
Coherence	Data collection Security objective Simplification	Low coherence as only Member States subject to Schengen acquis are obliged to provide data on seizures. Coherence might increase due to uniform template. Low coherence because the scope of the regulation will not align with the Directive and continuous overlap with the Common Position. No coherence as there are no harmonised rules in the EU	Low coherence as only Member States subject to Schengen acquis are obliged to provide data on seizures. Coherence might increase due to uniform template. Increased coherence with firearms Directive and Common Position (all Category A firearms would be military) The overlap with the Common Position is not sufficiently solved and will decrease coherent approach. Clarifying the roles and responsibilities of exporters will increase the coherence	Standardised data collection will be mandatory, which will have a high impact on coherence Full coherence with the Firearms Directive and the Common Position, no more overlap will reinforcing substantive provisions from the Common Position. Consistency with customs rules ensured and harmonised rules throughout the EU would improve coherence.	Same as Option 3 Coherence with the Common Position would be fully ensured, but not with the Firearms Directive: Firearms authorised for civilian possession and use inside

	Assessment criteria[101]	**Option 1**	**Option 2**	**Option 3**	**Option 3bis**
	objective				the EU could be classified as military and therefore subject to the Common position and not the Regulation for export purposes: therefore some firearms would be considered non-military inside the EU but military for export purposes.
Feasibility	Data collection Security objective	Low feasibility as the lack of digitalised procedures hinders data collection. Good feasibility to create uniform template. The different elements are easy to implement. Except the Common Risk Criteria, as the Member States are reluctant to share risk profiles The different elements are easy to issue however the	Low feasibility as the lack of digitalised procedures hinders data collection. Good feasibility to create uniform template. High feasibility with some possible problems difficulties regarding the update of COARM. Very high feasibility due to the clarification of	The digitalisation will increase the feasibility to collect data significantly. Extra provisions will require some extra tasks for exporters and firearms authorities and customs Establishing data-filing	Same as Option 3 Same as Option 3

	Assessment criteria[101]	**Option 1**	**Option 2**	**Option 3**	**Option 3bis**
	Simplification objective	implementation by the Member States might be limited	legislation instead of changing the regulation.	systems will create a cost. An e-licensing system could be provided at EU level, free of charge, which would increase the feasibility.	The distinction between military and civilian firearms would be technically feasible, but would be artificial and not reflect the reality of the usage of the weapons.
Economic impact	Data collection Security objective Simplification objective	NA NA As the uptake of measures will be voluntary for the Member States, the economic impact might be negligible and cannot be assessed.	NA NA No noticeable economic impact as it mostly relates to clarifications of the legal framework. There are some simplifications which might have small impacts such as the clear deadlines, implied consent of third country of transit etc.	NA NA The main savings for economic operators are expected due to the digitalisation and the link with the EU Single Window Environment for customs. Furthermore, fees will be prohibited.	NA NA Providing for a technical definition of military firearms will likely subject to the Common position firearms of the “grey area” which are currently legally owned by civilians inside the EU: hunters and sport shooters will be prevented from using administrative simplifications (European firearms pass) for those exports and no simplifications will apply for individual exporters

	Assessment criteria[101]	**Option 1**	**Option 2**	**Option 3**	**Option 3bis**
					(including no digitalisation of procedure).

7.1. NECESSITY / ADDED VALUE

All options respond to a need, as they all seek to address problems identified.

Being limited to soft-law intervention, **option 1** would provide only limited added value, compared to the existing set of recommendations in the baseline scenario (hence an overall rating of 0.2 with respect to the three objectives). The vagueness of the current Regulation and the references to national legislation and procedures would not be addressed.

In particular, data provided both during the evaluation of the Regulation and during this impact assessment proved to be so heterogeneous[102] that it was impossible for the Commission to determine clear trends on the movements, authorisations and denials of imports and exports of firearms. However, detailed templates for data provision could incrementally improve data provision, although it would be long and hypothetical.

More guidance on the definition of semi-finished firearms and on the correct customs classification of alarm and signal weapons would facilitate a consistent approach across the EU.

The upgrade of the Conventional arms export control information system (COARM) for refusals, .annulments, suspensions, modifications or revocations of export authorisations by other Member States would provide more transparency about whether an entry relates more to civilian than military weapons, but it will not per se lead to it being systematically used.

The provision of an e-licensing platform to Member States who would accept to use it would facilitate the work of exporters, but as procedures and rules would not be harmonised, it would not address the regulatory heterogeneity. Furthermore, this e-licensing platform could facilitate the data collection, however the voluntary nature remains. It is unlikely that the Member States will put more effort into data collection as this was already asked multiple times before.

Option 2 ranges higher in terms of necessity, although several of the envisaged clarifications are already implemented by several Member States, for which it would not create a major added value. In addition it does not address all the problems identified.

For instance, the impact of applying the standards of non-convertibility of alarm and signal weapons to exported alarm and signal weapons would be fairly limited, since 48% of respondents, corresponding to 14 Member States[103] and 46% of the exports in the confidential consultation indicated that exported alarm and signal weapons are either considered as firearms under national legislation and are subject to the same rules (29%) or that they must comply with Commission Implementing Directive (EU) 2019/69 to avoid being subject to export authorisations (19%).

Most of the elements of option 2 would respond to the need of clarification of the regulation's provisions, which would contribute to a more homogeneous implementation and therefore more simplicity for stakeholders. However, keeping with the initial logic of the regulation of excluding from its scope all category A firearms, the alignment of categories with those of the firearms directive would mean that the revised regulation would govern even less firearms than is currently

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[102] See Annex 4 on methodology

[103] BE, CZ, EE, FI, IT, LT, LV, NL, PL, PT, RO, SE, SL, SK

the case: as the Firearms Directive moved several types of firearms from category B (subject to authorisation) to category A (prohibited except in specific cases), the current scope of the regulation (only categories B and C) would be smaller than today. All category A firearms would be governed by Common Position 2008/944/CFSP and the regulation would not provide an added value in their respect. Some of these obligations such as the compulsory check of ECRIS could provide some data however the added value is expected to be low.

Hence the overall rating with respect to both the security and the simplification is considered to be 0.5 and only 0.2 for data collection.

Option 3 would on the contrary have the highest EU added value. The full alignment of the scope with that of the firearms directive would mean that the regulation would govern all civilian transactions of firearms, including civilian trade of automatic firearms, semi-automatic firearms with high-capacity magazines or semi-automatic long firearms with a folding or telescopic stock. As in the firearms directive, transactions between governments, or sales to the military or the armed forces would remain excluded from the regulation, which means the security and the simplification objectives could only be achieved for civilian firearms. The new simplifications introduced would respond to the requests of stakeholders to alleviate their administrative burden and provide a uniform EU approach. Furthermore, the Member States would be obliged to provide annual data.

Option 3 bis would have a similarly high added value, as the overlap with the Common Position would also be solved.

7.2. EFFECTIVENESS

Option 1 would be the least effective. The full implementation of the 2018 Recommendation of the Commission would be unlikely to have a different impact from the baseline scenario. A mere recommendation to provide annual statistics will not be effective in improving security, as Member States already did not implement the current recommendation. Similarly, the European Criminal Records Information Exchange System (ECRIS) will continue to be under-used. Risk information related to the movement of firearms will only partially be exchanged through the customs risk management system. A technical improvement of the COARM system could marginally facilitate exchanges of information. With respect to the simplification objective, option 1 would slightly improve the situation (by providing a list of competent authorities in third country). However, it would not be effective in establishing the uniform import and export control mechanism that stakeholders are calling for.

Option 2 would slightly contribute to both the security and the simplification objectives. It would only marginally improve the traceability of exported signal and alarm weapons, since the share of alarm and signal weapons is more than double for import than for export.[104] At import, a compulsory classification as firearms of alarm and signal weapons not complying with the implementing directive, including in the customs declaration, will also contribute to the legibility of legislation. It will clarify the role of customs authorities, and the need to check the conformity with harmonised EU law before the release of the goods into free circulation. However, digitalisation and automation of process will continue to vary from country to country, with uneven application, with different risk strategies.

[104] See annex 4.

Requiring the classification of semi-finished firearms and essential components as firearms would have an impact beyond current customs rules, as it would also apply to licensing authorities and would therefore limit their import and trigger more controls. Providing a common definition of semi-finished firearms and essential components would increase legal clarity and contribute to a common approach of customs authorities at import.

Listing out in the Regulation the particulars describing firearms that should be traced and recorded would marginally improve the traceability of firearms, as it would facilitate and harmonise access to information that already exists in different formats and in other databases.

Under this option, a compulsory check of criminal records in ECRIS and provision for exchange of risk information related to the movement of firearms by using the customs risk management system would improve the risk assessment capacities of licencing and law enforcement authorities without creating any specific additional burden. The obligation for export licensing authorities to check in the Schengen Information System whether exported firearms were reported lost or stolen in another Member State would further increase security, as it would increase their access to relevant databases, which would facilitate their risk assessment.

Similarly, a compulsory notification of refusals in a common electronic system would also ensure that licencing authorities are always informed of denials issued by other Member States.

Applying the whistle-blower-protection regime put in place with Directive (EU) No 2019/1937 to persons who report breaches of the Regulation would support the fight against diversion, notably by protecting employees of companies importing or exporting firearms when they detect risks of smuggling or diversion. In addition, a clear legal provision requiring Member States to establish criminal sanctions for the trafficking of firearms would substantially address the gaps in incrimination. It would require several Member States to adapt their legal framework to fully comply with article 5 of the UN Firearms Protocol.

With respect to the simplification objective, similar deadlines for granting import authorisations, harmonised simplified procedures (including the default implied consent of the third country of transit) would partially contribute to providing a more predictable and uniform regulatory environment for economic operators.

The annual statistical collection would remain voluntary and therefore the effectiveness remains low.

Option 3 would be substantially more effective. The EU-level mechanism to ensure that a given model of alarm and signal weapon is classified under the same position of the customs combined nomenclature throughout the EU would provide additional security safeguards, avoiding that convertible models are nevertheless not declared as firearms in certain Member States. Establishing a EU list of non-convertible alarm and signal weapons that are compliant with implementing directive 2019/69, would ensure that the automatic recognition of the certification of such weapons throughout the EU. This would increase the security of imports with the guarantee that only weapons accompanied with such a certificate are not firearms.

Preventing private individuals from importing semi-finished firearms and essential components would be the most effective course of action to avoid diversion and the illicit manufacture of unmarked firearms.

The traceability of firearms (and therefore the security of the trade) would be greatly improved by the full computerisation of the data-filing systems. This will in its turn facilitate the annual collection of statistics.

Authorisation and declaration processes would be substantially facilitated by the creation of a central database of firearms import and export authorisations, connected to the EU single window environment for customs.

Requiring exporters to provide evidence of final import in the country of destination would improve the traceability of exported firearms and reduce the risk of diversion.

The clarification of the scope and the establishment of EU uniform procedures (in particular e-licencing processes) would respond to the demands of the vast majority of private stakeholders, be they private firearms users or commercial exporters. However, the maintenance of strict authorisations procedures means that such a Regulation cannot be fully effective with respect to simplifications (which would imply a total absence of authorisation procedures).

As a consequence, this option rates higher with respect to the security objective (0,8) than to the simplification objective (0,7).

Option 3 bis rates just a bit lower (0,6) with respect to the simplification objective. Although the overlap with the Common position would be solved, the overall effectiveness could be hampered by disputes of interpretation on the technical definition of what is a military firearm. Similarly, establishing a list of firearms deemed to be military (by make/model) could give rise to legal disputes, as exporters might oppose the grounds for the classification.

7.3. PROPORTIONALITY / EFFICIENCY

Being the less invasive solution, the soft-law approach of **option 1** ranges high in proportionality. However, it would be inefficient as the absence of specific obligations or administrative burden would be largely offset by the continued impossibility to address the problems identified. This option would provide only a few positive simplifications for companies (possible e-licencing, guidance on Authorised Economic Operators, list of third country authorities) but not enough to rank high. It will also have very limited efficiency regarding data collection as lack the digitalisation will hinder the Member States. They would have to put a lot of effort to collect the data, which is not proportionate regarding administrative burden. Therefore, this option ranks 0,1 with respect to data collection, 0,2 with respect to the security objective and 0,3 with respect to simplification.

Option 2 would have a slightly positive impact on the security of transactions, by generalising practices that already exist in many Member States. As such, in most Member States, the legislative change would be fairly limited. For instance, requiring Member States to verify systematically that deactivated firearms are properly marked and owners issued a deactivation certificate would clarify the already existing practice of Member States. 61% of respondents to the confidential consultation mentioned that they already require such marking.[105] Besides, the obligation already exists for all deactivated firearms transferred to another Member State or placed on the market, which constitute

[105] 48% responded that deactivated firearms must be marked in accordance with Regulation (EU) 2015/2403 and accompanied with a deactivation certificate even if deactivated before 8 April 2016 and 13% only when deactivated after 8 April 2016.

the overwhelming majority of transactions,[106] so that this extension to exported firearms would not substantially change the legal framework. If anything, this extension would further reduce the attractiveness of exports of deactivated firearms. It could have marginally positive impact on international security and tracing of weapons, since for those Member States, which do not regulate the export of deactivated firearms, it would ensure that they cannot be reactivated outside of the European Union.

The designation of authorities in charge of checking compliance of imported alarm and signal weapons with the implementing directive before the release into free circulation, if they differ from the authorities designated under the implementing directive, will not create additional burden compared to that of the directive. It will mostly be a new obligation on Member States which currently classify those weapons as firearms and therefore do not check their compliance with the technical standards of the implementing directive.

With respect to semi-finished firearms and essential components, in the confidential consultation of competent authorities, 74% of respondents involved in import processes replied that such elements need to be declared as firearms essential components and marked accordingly, while 13% said they need to be declared as firearms parts (CN code 9305) but not marked and another 13% that they are not considered as firearms parts and not subject to specific declaration. Therefore, a change of legislation would require customs authorities to check the existence of dealer's licence to import such goods, but would not substantially affect the work of 87% of them. There too, the measure is considered to be highly proportionate.

Listing out in the Regulation the particulars describing firearms that should be traced and recorded at export would have no significant impact on licensing authorities, since the information related to the name of the manufacturer or the brand, the country or place of manufacture, the serial number and year of manufacture are already part of the unique marking under the Firearms Directive. This information is consequently already available in national data-filing systems and on the firearms present in the EU. The only impact would be to ensure that data-filing systems for export authorisations include the same information.

The reference to the possibility to use the opportunities of the tools for administrative and investigative cooperation in third countries, provided by article 20 of the 1997 Regulation on mutual assistance[107] will not add any burden for national authorities or private stakeholder, since it merely recalls an already existing possibility to request the support of the Commission to conduct post-shipment controls.

Compared to the absence of notification, providing for a compulsory exchange of information about denials on a common database would slightly add to the administrative burden of licensing authorities, although in a very limited way, considering the low number of denials each year (around 30 refusals per year). If this system is the same as the one currently used for dual-use goods (DUeS), the added burden would be very low, since most export licensing authorities already have access to DUeS.

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[106] In the public consultation and during stakeholder interviews, stakeholders considered that the EU rules on deactivation currently make it unattractive to sell deactivated firearms, since in their views the deactivation standards affect too much the integrity of the firearms to preserve its commercial value.

[107] Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters

The obligation for export licensing authorities to check in the Schengen Information System whether exported firearms were reported lost or stolen in another Member State would be proportionate, since it would only apply in case of suspicious cases and not for weapons registered in the data-filing system of the Member State of export, or for newly-manufactured firearms.

This option introduces several simplifications (temporary exports, implied consent), which therefore positively affect the efficiency of the regulation with respect to the simplification objective, although they do not go as far as to provide a genuinely uniform system for economic operators, and does not meet their request for e-procedures.

With regards to data collection, this option scores low as the work for the Member States would be disproportionate due to the absence of full digitalised procedures.

For those reasons, this option ranks very low (0,1) for data collection but ranks higher (0,7) with respect to the security objective than for the simplification objective (0,6).

Option 3 would provide additional efficiency gains, making it even more proportional. Establishing a EU list of alarm and signal weapons that are compliant with implementing directive 2019/69 would reduce the administrative burden of both national authorities and economic operators.

Limiting the import of semi-finished firearms and essential components to licensed arms dealers (and conversely prohibiting them for private individuals) would marginally increase the enforcement costs of customs. Considering the limited share of firearms imports in the overall trade and the fact that customs carry out targeted checks based on risk assessments, this impact is considered negligible. The efficiency of the measure would therefore be very high.

As all exports are matched by a corresponding import in a non-EU country, providing a copy of the import declaration would not create any additional burden, except in countries with endemic corruption or failing administrative structures. Enabling Member States to entitle third parties to conduct post-shipment controls in their name would facilitate post-shipment controls without adding administrative burden on national administrations or on economic operators.

The new simplifications introduced in this option (connection to the EU Single Window Environment, scope clarification, further simplified procedures, including with respect to Authorised Economic Operators) would give this option a high efficiency score. Furthermore, these digital procedures will increase the efficiency of the annual data collection by the Member States.

As a consequence, this option rates 0,9 out of 1 for all three objectives.

Option 3 bis ranges a bit lower with respect to the simplification objective (0,8). The technical definition of military firearms is likely to be a burdensome and complex exercise, which could end up with issues of interpretation. As in practice neither firearms users nor firearms traffickers make a clear distinction between military and non-military firearms, the dividing line between the two is bound to be based on arbitrary (albeit objective) criteria, which will inevitably lead to long debates and possibly unsatisfactory compromise solutions.

7.4. COHERENCE

Option 1 will not improve the consistency with other policies and sets of legislation: overlaps between the regulation and the Common position will continue, and the scope of the regulation will not be aligned with that of the Firearms Directive.

Under option 1, if Member States subject to the Schengen acquis were to comply with their existing obligation to provide statistics of firearms seizures, this could have some major security advantages for a common threat assessment, albeit limited to the Schengen area. As Member States so far did not implement this obligation, this would probably create administrative burden linked the new reporting requirements, as well as force the Commission to step up enforcement actions against Member States who do not.

Therefore, option 1 ranks 0 in terms of coherence.

In **option 2**, coherence with the Firearms Directive and with the Council Common Position 2008/944/CFSP will increase, automatically subjecting all category A firearms only to the Common Position, irrespective of their civilian use. There would however not be guarantee that remaining firearms subject to authorisation could not be subject to the rules for military firearms under national legislation and the Common position. Overlaps with the Common Position would therefore remain and coherence with the Firearms Directive could be questionable, since weapons that can be owned and traded by individuals inside the EU would be subject to the rules for military firearms at export.

Consistency with the whistle-blower-protection regime put in place by Directive (EU) No 2019/1937 would be substantially enhanced.

Making an express reference to the obligation to submit an entry summary declaration for the import of firearms after the deployment of the Import Control System (ICS), version 2 will not create any additional consequence beyond the impact of implementing decision (EU) 2019/2151. It will however contribute to the clarity of legislation.

Additionally, the express provisions on the roles and responsibilities of exporters would be fully consistent with similar provisions in other sectorial pieces of legislation (namely article 4 of Regulation (EU) 1020/2019 on market surveillance with respect to controls on products entering the Union market).

Finally, as in option 1, only the Member States subject to the Schengen acquis need to comply with the existing obligation to provide statistics of firearms seizures. The Commission would provide a template to make this more coherent. However, the annual statistics on the import, export and transit of civilian firearms would remain voluntary and not coordinated through digitalised procedures.

Therefore, although consistency would lead to a rating of 0,7 with respect to the security objective, the continued overlaps with the Common Position would mean that it would rate low (0,4) with respect to the simplification objective and the lack of digitalisation and an obligation to report annual statistics means that it would rate low (0,1) with respect to data collection.

In **Option 3**, coherence with both the Firearms Directive and the Council Common Position 2008/944/CFSP would be fully ensured, by having consistent rules and provisions, and no overlap.

For those weapons of the current “grey area” and which would in the future only be subject to the Regulation, many substantive provisions of the Common Position would be preserved and be reinforced by the new Regulation. Those are notably :

- the requirement of an end-user certificate for the export of category A and B firearms

- the need to take into account the 8 criteria of the Common position when granting export authorisations (e.g. respect for human rights, risks of diversion, existing embargoes and sanctions)
- the possibility to conduct post-shipment checks
- sharing of information on denials and on statistics

In that sense, by doing so, the new Regulation could be seen as making directly enforceable provisions of the Common Position, which are currently binding but not directly enforceable and the implementation of which is not unified.

Consistency with customs rules would be fully ensured, through the clarification of the role and responsibilities of customs authorities, which would be similar to those established by article 35 of the 2021 proposal for a Regulation on shipments of waste,[108] as well as with the customs single window environment. Expressly regulating semi-finished firearms and essential components would be fully consistent with section ML16 of the EU Common Military List,[109] which subjects to export controls "forgings, castings and other unfinished products".

The obligation to annually report statistics with clear objectives of these statistics, together with the increase digitalisation of the procedures will increase the coherence of the data collection significantly.

As a consequence, this option rates 1 with respect to all three objectives.

Option 3 bis would rate lower with respect to the simplification objective (0.8), as coherence with the Common Position would be fully ensured, but not with the Firearms Directive. Firearms authorised for civilian possession and use inside the EU could be classified as military and therefore subject to the Common position and not the Regulation for export purposes: therefore some firearms would be considered non-military inside the EU but military for export purposes.

7.5. FEASABILITY

Under **option 1**, reviewing the Common Risk Criteria (CRC) and improving the targeting of firearms trafficked in commercial, postal and express shipments will prove a particularly difficult exercise, linked to the fact that Member States are currently reluctant to share their own risk profiles with the Commission. Furthermore, the feasibility to collect annual statistics will be low, as the Member States will not have the support of digitalised procedures. An update of the template for data collection of seizures could help somewhat. All other elements of the option will be easy to issue and publish, although their actual implementation by Member States would be unlikely. For this reason, this option has a low rating of 0,2 for data collection and medium rating of 0,5 with respect to both other objectives.

Under **option 2**, the clarification of the legal framework, which does not bring about a revolution in the current system for export control of civilian firearms (and which would even take several categories of weapons out of the scope of the regulation), would be easy to implement and would

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[108] Proposal for a Regulation of the European Parliament and of the Council on shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) No 2020/1056, COM/2021/709 final

[109] Common Military List of the European Union, ST/5470/2020/INIT

not be opposed by Member States and stakeholders. Politically, it could be contested in the European Parliament as not being sufficiently ambitious, which in contrast demonstrates its very high feasibility.

In this option, establishing a specific legal basis for the use of a specific system for exchange of information about denials could be complex and politically sensitive due to the focus of this database on military goods and the desire of Member States to concentrate of exchanges linked to exports of firearms under the COARM. Linked to a clarification of the scope of the regulation, an extension of the Dual-Use electronic System (DUeS) to cover imports and exports of firearms would be practically feasible and convenient for licencing authorities, which often already use the DUeS, and since it could also apply at imports.

For those reasons, this option ranks higher in terms of feasibility with respect to the simplification objective (1) than with respect to the security objective (0,8). No extra support and there for no increase in feasibility for the collection of data (0,2).

Option 3 ranks highly in feasibility. During the targeted interviews with private stakeholders and public authorities, the envisaged option received wide appreciation. Questions and concerns will however be raised with respect to the need to revise and adapt national processes (notably to go towards digital licencing procedures). Besides, Member States are likely to prove reluctant to step up their reporting obligations. This option can easily be implemented in national administrative frameworks where the ministry of foreign affairs is closely involved in all decisions for export authorisations of firearms (as is the case for instance in Germany or Spain). Therefore, the clarification of the scope between the Regulation and the Common position should not prevent the continued involvement of Ministries of Foreign Affairs in the assessments of applications for export authorisation of firearms only covered by the Regulation, provided Member States put in place adequate processes for the cooperation/coordination between those ministries and the export control agencies.

Establishing computerised data-filing systems for imports and export authorisations is likely to require one-off IT investments in most Member States. Although no Member State seemed ready to provide an estimate, Member States consulted in the targeted consultation all considered that this would be a practicable exercise. As a point of reference, in Italy the Integrated System for Arms Management and Mobilisation (SIGMA) enabling the lodging of licence applications for intra-EU transfers, imports and exports of firearms, was developed at a cost EUR 800.000. Besides, this type of IT development is an expense eligible under the EU's Internal Security Fund, which can alleviate the budgetary costs of the measure for national authorities. At EU-level, an e-licencing system could be provided free-of charge to Member States. It would substantially improve the full traceability of firearms along their life-cycle, by enabling some interoperability with internal data-filing systems, which are already computerised pursuant to the Firearms Directive. This would make the annual collection of data feasible for the Member States.

With the application of the licensing/certifications scheme, TARIC documents codes will activate backup measures, the EU Single Window Environment for Customs will consult the central Union system which will need to be established, and will need to host authorisations/certificates/licences that need to be checked by customs, and send the result back to the customs systems.

The main concern expressed by public authorities was that the EU would regulate imports and exports of military firearms, which was addressed by the limitation of the scope of the initiative to transactions between civilians. There will however remain wariness linked to the fact that firearms for civilian use currently included in the Common Military List of the European Union would from

now on only be governed by the Regulation. This will be addressed by the fact that category A and B firearms would require an end-user certificate and that the foreign policy and security considerations of article 2 of the Common Position 2008/944/CFSP would continue to apply when granting authorisations. The main concern expressed by private stakeholders was linked to the possibility of imposing the obligation to provide an end-user certificate for certain exported firearms. They were however reassured by the clarification that the actual importer, not the final user of the weapon, could be declared as the end-user, provided the certificate includes a commitment not to use the weapon for non-civilian purposes or to re-export them without authorisation.

For those reasons, this option rates 0,7 in terms of feasibility with respect to all three objectives.

Option 3 bis rates just a bit lower (0,6) with respect to the feasibility objective because although the distinction between military and civilian firearms would be technically feasible, it would be artificial and not reflect the reality of the usage of the weapons. As a consequence, discussions at technical level on the technical criteria to differentiate military from civilian firearms, or to establish a list of military firearms by make or model might prove to be very contentious, with split views of national experts.

7.6. ECONOMIC IMPACT

The economic impact of **option 1** is negligible and cannot be assessed, since it would not derive per se from the recommendations, but from the willingness of Member States to implement them. If all recommendations were implemented, the impact would be similar to that of option 2.

Option 2 is not considered to have any noticeable economic impact, as it mostly relates to clarifications of the legal framework. For instance, interviewed representatives of firearms manufacturers did not consider that applying the standards of non-convertibility of alarm and signal weapons to exported alarm and signal weapons would create a specific administrative burden. Out of the 12 businesses or business representatives that replied to the public consultation, 50% did not reply to the question on the impact of such a measure, and 25% of the remaining considered that such a measure would not have any impact on them. During the public consultation, 44% of respondents considered that a compulsory classification as firearms of imported alarm and signal weapons not complying with the implementing directive would have no or a positive impact on their administrative burden, and only had 17% considered the impact would be negative.

The envisaged simplifications (implied consent of the third country of transit as a default option, clear deadlines for import authorisations, clarifications of the simplifications for temporary exports) are too marginal to have a noticeable economic impact.

This option therefore rates 0,1 with respect to the simplification objective. The data and security objective is not relevant.

Under **option 3**, with respect to the limitation of import of semi-finished firearms and essential components to licensed arms dealers (and conversely its prohibition for private individuals), a relative majority of respondents to the public consultation (37%) considered that this option would have no or a positive impact (with 24,7% considering that it would have a negative impact and 38% not replying to the question.) No stakeholder provided an estimate of the cost of this measure, although this was specifically asked in the online questionnaire and during bilateral interviews. It would in any case not harm competition, since, already today, only licensed firearms dealers are allowed to manufacture or modify firearms. It could however slightly reduce innovation by

individuals developing custom-made "desktop" firearms since they would be prevented from importing such products without going through a licensed dealer.

The main savings for companies would be linked to the use of the EU Single Window Environment for customs,' in conjunction with the e-licensing system, to the clarification of the scope (which would simplify the regulatory framework and the relevant paperwork), the possibility to grant a general export authorisation for arms dealers which are Authorised Economic Operators – Safety and Security (AEO-S) under customs rules, and the prohibition of fees for authorisations and transit. With respect to the latter, the fees currently apply only in 9 Member States,[110] which affects at most 383 companies. The removal of this obligation is estimated to save 86.000 euro a year at EU level.

Overall, considering the small proportion of firearms in the overall trade and economic activities, this option is considered to have a small positive impact with respect to the simplification objective (0,2).

Option 3 bis ranges even lower with respect to the simplification objective (0,1), as the provision of a technical definition of military firearms will likely subject to the Common position firearms of the "grey area" which are currently legally owned by civilians inside the EU. As a consequence, hunters and sport shooters will be prevented from using administrative simplifications (European firearms pass) for their temporary exports. This would be a step back compared to the current Regulation. In addition, commercial exporters would not be able to benefit from the various administrative simplifications envisaged by the Regulation: temporary exports or import would remain subject to national legislation on military weapons. In some Member States, such operations do not require prior authorisations, while in others importers or exporters have to go through a full authorisation processes. Most importantly, the digitalisation of procedures (e-licensing, single window environment for customs) would not apply to military firearms, even for transactions between civilians. As a consequence, most of the economic benefits of the Regulation would be lost.

8. PREFERRED OPTION

8.1. OPTION 3: NEW LEGISLATIVE PROVISIONS

On balance, the option to go beyond mere clarifications of the legal framework and move towards a genuinely uniform control system for the import and export authorisations of firearms for civilian use appears to be the most positive one on all counts but one (option 2 ranging higher only in terms of feasibility).

Option 3 contributes best to both policy objectives: security and simplification. With respect to security, it addresses fully the identified challenges for imports and exports. With respect to simplification, it provides the necessary clarity to the existing regulatory framework, by establishing a genuinely uniform control system of civilian transactions of firearms.

Option 3 meets the necessity test, as it fully responds to the call of the majority of stakeholders, all categories included, for a uniform control system.

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[110] CZ, EE, IT, LT, PL, PT, SE, SK, SL

It effectively ensures the proper tracing of imported and exported firearms, and provide the right tools for effective cooperation between licencing authorities, and between licencing and customs authorities. It would close a number of legal loopholes and clarify legislation, thus contributing to uniform application of the rules.

It is proportionate and therefore efficient (i.e. the legislative intervention would be commensurate with the benefits), as it provides for more tracing tools, more simplifications, extended e-procedures, and stricter security provisions.

Option 3 ensures the highest consistency with other legal texts, in particular the Firearms Directive and the Council Common Position 2008/944/CFSP, thus addressing one of the main problems identified in the 2017 evaluation. It solves the overlap with the common position, and would ensure full complementarity and concordance of concepts, definition, personal and substantive scope with the Firearms Directive. It ensures full consistency with customs legislation and clarifies the role and duties of customs authorities when applying sectorial legislation.

Creating more obligations for Member States than option 2, option 3 might be contested, but it however ranks high in feasibility, as it takes into account the main concerns of Member States (concerning the scope that still excludes transactions with governments and armed forces) and of companies (which feared a higher burden linked to end-user certificates).

The overall economic impact of the option 3 would be slightly positive (i.e. with a slight reduction of administrative burden), taking into account the introduction of new administrative simplifications.

8.2. REFIT (SIMPLIFICATION AND IMPROVED EFFICIENCY)

Per the Commission's Regulatory Fitness and Performance Programme (REFIT), all initiatives aimed at changing existing EU legislation should aim to simplify and deliver the stated policy objectives more efficiently (i.e. by reducing unnecessary regulatory costs). The analysis of impacts suggests that the preferred option is anticipated to limit the overall burden on Member States.

Improved exchanges of information and targeted controls imply an additional workload notably for customs authorities, but the competent authorities interviewed considered that this workload will be moderate, especially considering the fact that checks will remain targeted and risk-based and not systematic. Besides, the trade of civilian firearms constitutes a negligible fraction of the overall imports and exports. Additional checks of licencing authorities will include the obligation to:

- systematically check refusals issued by other Member States
- check the Schengen Information System in case of suspicion
- check the European Criminal Record Information System
- reply to a request for an import authorisation within a set deadline of 60 days (exceptionally 90 days)
- submit annual statistics

Besides, the preferred option includes measures to alleviate the workload of competent authorities. This is notably the case for:

- the establishment of simplified procedures for temporary imports or exports, which will alleviate the workload of licencing authorities to such simple movements
- EU list for the import of alarm and signal weapons in a central database, facilitating checks by customs authorities

- possibility to entitle third parties to conduct post-shipment controls in the name of competent authorities
- full digitalisation of import and export licensing will remove the need for manual entries and checks of paper requests

On substance, with the requirement of an end-user certificate, the new export licencing system for category A and B firearms would be substantially similar to that already in place under the Council Common Position 2008/944/CFSP, thus creating no additional burden for public administrations.

The prohibition of fees to process authorisations will have no significant budgetary impact on the administrations (EUR 86.000 per year for the EU as a whole).

8.3. APPLICATION OF THE 'ONE IN, ONE OUT' APPROACH

The overall economic for businesses and citizen's impact of the preferred option is considered to be negligible, considering the small share of production of firearms for civilian use in the overall EU GDP, and the share of imports and exports of such firearms in the overall extra-EU trade of the EU.[111] Under the current legal framework (be it Regulation (EU) No 258/2012 or national rules and procedures), companies already incur most of the required obligations. Most of the provisions introduced in the preferred option therefore affect national administrations rather companies.

In any event, applying the "one in, one out" approach to this initiative lead to the assessment, based on the limited available statistics, of a positive overall balance of EUR 791.560[112] per year for the whole of the EU. The full calculation details can be found in Annex 4.

The biggest cost saving will happen due to the digitalisation of the import and export authorisations via the e-licensing system. According to the external study of 2019[113], the current export procedure takes between maximum 12 hours of work per authorisation for the exporters. In Italy, there is already an e-licencing tool used, which leads to around 6 hours of work per authorisation. The study estimated that there are 1.000 manufacturers active in the EU and that annually 7.000 export authorisations are requested. However, import authorisations are mainly requested by dealers (estimation of 20.000 dealers in the EU). There are only have as many import authorisations requested; around 3.500. When taking into account an average cost for a FTE employee of €25,7 per hour, then introducing an e-licensing procedure would create a cost saving of €1.603.680.

Similar cost savings will result from the implied consent of third countries for the transit of firearms after 20 days. Not all export authorisations need such an implied consent, assuming that 4.000 out of the 7.000 annually do need it and following this estimation of the EY study that the follow-up to obtain a written "no objection" to the transfer took about one hour, this should lead to a cost saving of €56.540

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[111] The EU sold production of civilian firearms, alarm and signal weapons, their parts and components, and ammunition accounts for only 0.09% of the EU27 total sold production value. Firearms represent only 0,027% of the total value of imports into the EU and 0,069% of the total value of the export out of the EU.

[112] Explanations on how these calculations were conducted can be found in annex 4

113 EY (2019), Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition, Annex I, p. 156

If no authorisations for specific operations, such as temporary import and export, would be needed for institutions such as museums, collectors etc. then this would decrease the costs. Such an authorisations takes on average 6 hours, however the frequency is very low. The estimation is that this could concern all arms dealers however it would only happen 0.01 time a year. Therefore, abolishing the need for such authorisations, would amount to a saving of €30.840.

The biggest additional cost for companies will be the requirement to use an end-user certificate. Based on the number of hours for the whole export authorisation procedure, it is estimated that end-user certificate procedures will not take longer than 4 hours. Following the above numbers of 1.000 manufacturers and 7.000 export authorisations, this extra cost would amount to €719.600.

Furthermore, if companies would have to provide evidence of the final import certificate, this would also contain some costs. However, these certificates should already be used, the only difference would be that these certificates would be sent to a central bureau or database. Therefore, this task should not take more than one hour. Based on the same calculation as above, this would amount to a cost of €179.900.

9. HOW WILL ACTUAL IMPACTS BE MONITORED AND EVALUATED?

One of the core measures of the initiative is to provide – currently non-existent – tools for an adequate monitoring and evaluation of impacts, based on hard data. This requires the development of reliable, comprehensive and comparable data-collection at national level, both from the side of legal trade (number of authorisations, or denials, countries, type of weapons and values concerned, customs data on actual exports and imports) and on the side of law enforcement (seizure data with information about the type of firearms seized). Comprehensive data will enable the Commission to identify threats based on uncommon or suspicious shipments (e.g. a sudden change of a country of destination for a specific type of firearm after the imposition of sanctions against a non-EU country could reflect an attempt to circumvent an embargo).

The establishment of a reliable data-collection system in Member States might require some adaptation time, with a delayed application of the relevant provisions in the new regulation. This would enable Member States to upgrade (or create) their national data-filing systems, and to establish a reliable data-collection tool for seizures of firearms. No valuable reporting on the implementation of the regulation should take place before those systems are fully operational, realistically not less than 5 years after the entry into force of the amended regulation.

Besides, the role of the current Firearms export coordination group established by the current regulation will be substantially enhanced to enable continuous monitoring of the situation, and discussions based on concrete examples (for instance different decisions to classify imported alarm and signal weapons) or on transparent commercial trends.

There are multiple data that will be gathered to monitor the successful implementation:

- The yearly collection of statistical data (number of import and export authorisations, of denials, of actual imports and exports, and of seizures, broken down by category of weapon) gathered by the Member States should improve. The expected improvement will derive from its mandatory nature, from digitalisation of the import and export authorisation processes, the harmonisation in classification of firearms etc. The completeness of this data will be monitored yearly, and it will result in a more complete and stable collection of data for all Member States, which will allow for actual comparison between the years. This data can then feed into the policy work.

- In general, the digitalisation of procedures will allow for a more efficient monitoring. These digital tools allow for yearly statistical overviews to monitor their use by the different Member States, e.g. the monitoring of the obligation to check the criminal records in ECRIS will be done through requesting the statistical data of ECRIS. This data can then be compared to the data of the e-licensing system on export authorisations in order to check if the obligation was met. The same data gathering will be possible for e.g. the compulsory notification of refusals in a common electronic system.
- Multiple measures have a customs component to them. In order to operationalise these measures, interconnections between systems will be created. When these connections are created, it will also be possible to gather yearly statistics on their use. For instance, on limiting import of semi-finished firearms and essential components to licenced firearms dealers: in order to implement this measure, customs will be able to check the lists of licences firearms dealers. When this system is operational, it will be possible to gather yearly data on how often customs consulted the lists of licenced firearms dealers. This will on the one hand show if the measure is consequently implemented, but on the other hand will also allow for analyses on which Member States import the most semi-finished firearms and essential components. This information can then be linked to operational firearms trafficking cases.

The following criteria and indicators following the above monitoring will be used to assess the success of the new Regulation. These will include:

- number of import and export authorisations (objectives 1 and 3)
- number of refusals (objectives 1 and 2)
- quantities and values of actual imports and exports (objectives 1, 2 and 3)
- number of seizures (objectives 1 and 2)
- number of searches in ECRIS (objective 2)
- number of checks in the Schengen Information System and in Interpol's iArms about lost and stolen firearms (objective 2)
- number of customs authorities connected to SIENA (objective 2)
- number of Risk Information Fiches entered in CRMS (objective 2)
- number of Member States having a fully digitalised licensing system (objective 3)
- number of post-shipment checks carried out (objective 2)
- changes to the national criminal codes to criminalise trafficking of firearms (objective 2)
- number of temporary import and export declarations granted (objective 3)
- number of operators benefiting from a general export authorisation (objective 3)

The review of the implementation of this Regulation will be done through

- an interim application report within 5 years after the entry into force of the Regulation;
- a full report within 10 years, notably to take into account the time needed to full roll-out the digitalisation of procedures and the interconnection with the single window environment for customs.

Those will include a specific stakeholder consultation to assess the success of the regulation. During that consultation, the effects of replacing the global authorisation by a general export

authorisation for Authorised Economic Operators, the simplified temporary exports and imports, the implied consent of the non-EU country of transit as a default option and the digitalisation of processes will be assessed from the viewpoint of the industry.

ANNEX 1: PROCEDURAL INFORMATION

1 LEAD DG, DECIDE PLANNING/CWP REFERENCES

The lead DG is the Directorate-General for Migration and Home Affairs (DG HOME) for the preparation of the initiative and the work on the evaluation and impact assessment. The agenda planning reference is PLAN/2020/8730. This revision was included in the Commission Work Programme 2021 annex II.

2 ORGANISATION AND TIMING

The inception impact assessment was published on 4 June 2021. Within this framework, the impact assessment was prepared.

An Inter-Service Group was set up in May 2021 with the participation of the following Commission Directorates-General: Secretariat-General (SG); Legal Service (LS); Taxation and Customs Union (TAXUD), External Trade (TRADE), Neighbourhood and Enlargement Negotiations (NEAR); International Partnerships (INTPA) and the European External Action Service (EEAS). The Inter-Service Group met on 3rd December 2021 to discuss the main outcomes of the public consultation, the description of problems and of options and on 2nd February 2022 to discuss the revised description of problems and options, the assessment of the options and the impact of the preferred option.

3 CONSULTATION OF THE RSB

On 4 March 2022, the Directorate-General for Migration and Home Affairs submitted the present impact assessment report to the Regulatory Scrutiny Board, in view of its meeting on 6 April 2022. Underneath table shows how the comments of the Regulatory Scrutiny Board were taken into account.

Comment RSB	**Addressed through:**
The report had to better describe the expected evolution of the problems	Extending the explanation of the baseline in section 5.1
Clarify the value of the soft-law option (option 1) and consider sub-options if policy choices need to be made	The explanation linked to option 1 in section 5.2.1 was increased and option 3 bis was added in section 5.2.4
Recognize the lack of reliable data as a fully-fledged problem	The problem description and the description of the policy options were adjusted to accommodate the comment.
Develop the section on future monitoring and evaluation.	The section 9 has been enhanced and indicators were added to monitor the development of the success of the Regulation. A first interim application report will be sent to Council and Parliament 5 years after the

	adoption
Clarify the estimates of the administrative costs	Annex 4 was increased to better explain the calculations of the administrative costs.
The report should compare the options more clearly in terms of effectiveness, efficiency and coherence. It should explain the scoring methodology.	The full section 7 was adopted to explain better the comparison of the different options.

4 EVIDENCE, SOURCES AND QUALITY

The impact assessment is notably based on the stakeholder consultation (see annex 2) and the two external evaluation studies. The Commission applied a variety of methods and forms of consultation, ranging from consultation on the Inception Impact Assessment, which sought views from all interested parties, to targeted stakeholders' consultation by way of questionnaires, a confidential survey towards public authorities and experts' interviews, which focused on subject matter experts, including practitioners at national level.

In 2017, the Commission carried out an evaluation of the Firearms Regulation[114] which concluded that while it has reached to a large extent its objectives, its effectiveness and added value would improve if its content was further specified and updated, reflecting also the evolution of the arms trafficking policy framework. It was followed by a Commission recommendation of 17 April 2018 on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition.[115] Other data and evidence gathered by the Commission will feed into the analysis. Initial consultation of stakeholders already took place in those contexts.

The Commission also took into account the findings of the 'Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition'. This study was commissioned by DG HOME and developed by the contractor based on desk research and the following stakeholder consultation methods: surveys, interviews with subject matter experts, questionnaires, and practical case studies through focus groups.

[114] COM(2017)737, https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2017:0737:FIN:EN:PDF

[115] C(2018)2197, https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-security/20180417_commission-recommendation-immediate-steps-improve-security-firearms-ammunition_en.pdf

ANNEX 2: STAKEHOLDER CONSULTATION (SYNOPSIS REPORT)

This annex provides a synopsis report of all stakeholder consultation activities undertaken in the context of this impact assessment.

1. CONSULTATION STRATEGY

The main objective of the consultation was to receive addition input from stakeholders to enable an evidence-based revision of the Firearms Regulation. The consultation strategy aimed at improving and updating the evidence gathered so far. More specifically, the consultation sought to gather data and analyses of stakeholders:

- on the problems they consider should be addressed in the initiatives;
- on the roles of different actors in the actions to be taken and the level of action needed, taking into consideration the principle of subsidiarity;
- on challenges and shortcomings, but also best practices;
- on the possible options to tackle the problems and the impact thereof;
- to fill any data gaps in the evidence base.

While using the data collected and analyses already available, the consultation activities sought to achieve a balanced and comprehensive assessment of the policy options and their impacts.

In this regard, a major challenge existed in the fact that Member States do not always have the relevant statistical data, and when they do, are reluctant to provide it, both on legal trade and on seizures of firearms, which affects the analysis of the threats and of the problems. On the side of manufacturers and arms dealers, data collection has also so far proven difficult, with complaints or assessments of administrative burden which are unsupported by any figures, or which do not relate to the implementation of the Regulation itself.

1.1. Mapping of stakeholders

In preparing the initiative, Commission services carried out an initial mapping of stakeholders. Three main categories of stakeholders that may have an interest in the revision of the firearms regulation on import, export and transit.

- the competent authorities at Member State level:
    - administrative bodies in charge of import and export licences (customs, ministry of trade, export agency etc.)
    - law-enforcement authorities (police, customs)
- firearms users, in particular sport shooters, hunters, collectors
- economic operators, notably arms dealers, including manufacturers and brokers

1.2. Methods and forms of consultation

In view of the crisis due to the coronavirus, it was difficult to interact with stakeholders in physical meetings. Therefore, the consultation activities focused on alternatives such as online surveys, semi-structured phone interviews, as well as meetings via video conference.

The consultation activities started with the publication of the **Inception Impact Assessment**[116]. The objective was to gather feedback by the public on the outline for the initial structure of the project. The consultation period lasted for 4 weeks from 4 June until 2 July 2021.

A **public consultation** was launched for 14 weeks[117], in order to give the possibility to the wider public to share their views on the functioning of the existing exports, imports and transit of civilian firearms regulation, on the need for EU action and possible policy options and their impact. The questionnaire for public consultation was available in all languages.

Targeted consultation activities were aimed to build on the consultation activities that took place in the course of the **two external studies** mentioned in annex 1[118]. Stakeholders were invited in meetings and through an online questionnaire to complete their submissions with additional written contributions. Specific focus was given to Member States' authorities; two requests[119] were sent out to 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 a **confidential survey** was distributed to gather data from the competent law enforcement agencies. **Meetings** were carried out with some Member States and representatives from manufacturing associations.

With the exception of the public consultation, the consultation activities were conducted in English, French and German.

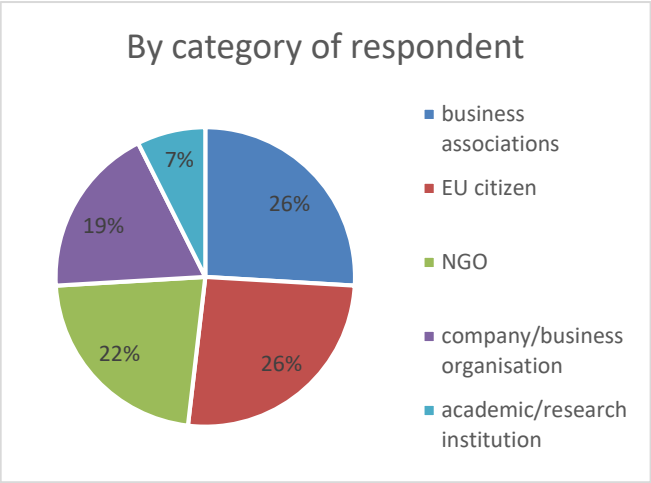
2. CONSULTATION ACTIVITIES

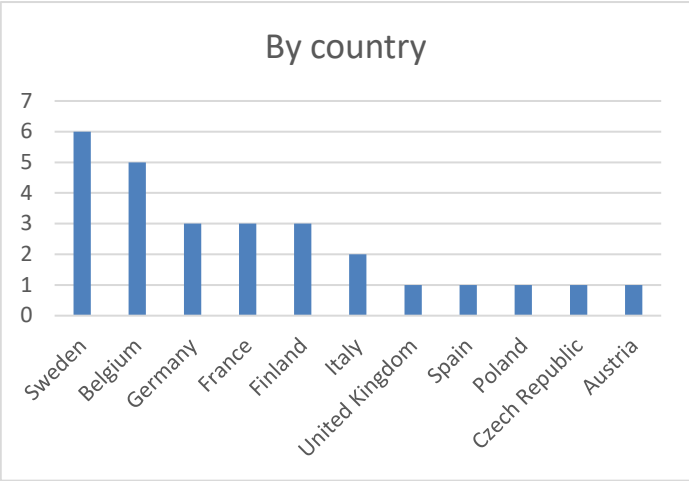
2.1. The Inception Impact Assessment

The Inception Impact Assessment was published for feedback by all interested parties on the Commission's 'Have your say' portal. Respondents were invited to provide online comments.

A total of 27 contributions were submitted over the 4-week feedback period. The division of these answers according to category of respondent and by country can be seen in the following two graphs.

[116] The Inception Impact Assessment consultations are available here.
[117] 12 weeks extended by 2 weeks due to the summary holidays.
[118] The study on 'the evaluation of the Firearms Regulation' and the 'Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition'
[119] In August 2021 and in February 2022





There is a large discrepancy between the views of the respondents. Six respondents expressed their concern regarding stricter rules as these might have negative effects on sport shooting and hunting. This specifically concerned the need to still be able to import and export their firearms for competition or to be able to buy spare parts. The simplified procedure was considered useful.

Nevertheless, four respondents are supportive of the Commission's initiative to strengthen the current rules. One respondent stated that there is a need for both legislative and non-legislative actions and three respondents indicated that there was a need to train custom officers in the EU. Additionally, nine respondents specifically agreed with the Commission on the need for harmonisation within the EU as the current legislation was seen as too unstable. The comments made focused on the need for a uniform implementation of the legislation, the need to streamline the procedures and the need to use the same documents in the whole of the EU. Suggestions were also raised about the need to streamline the scope of the Firearms Directive and Regulation 258, specifically linked to deactivated firearms and alarm and signal weapons. It was also clear from the answers that not all respondents could distinguish between the Firearms Directive and the Regulation 258 as some answers focused on inter-EU transit or on the categorisation of firearms.

The majority of respondents gave suggestions and comments on specific proposals. Four respondents shared the need for improving the data collection; however, two other respondents expressed their concern on possible vulnerabilities if data is stored in a centralised way. Six respondents expressed their concern about the vagueness of the proposals linked to semi-finished parts as these are different from essential components and are therefore not well defined. Furthermore, the proposals regarding the marking of semi-finished parts were looked at suspiciously, as these could entail additional costs and delays. Nine respondents were concerned about the proposals linked to streamlining military and civilian firearms. The consensus was that the trade of these two kinds of firearms are very different and therefore should remain separate. Three respondents expressed their concern about the possible political sensitivity of post-shipment controls. Furthermore, three business organisations expressed the need for the involvement of the industry in the process of changing the legislation. Additionally, five businesses requested a clear maximum duration for the proceedings regarding export and import of firearms.

2.2. The public consultation

The European Commission launched a public consultation on 5 July 2021, which aimed to gather feedback and collect opinions on the effectiveness of the current legislation and policy framework and on existing problems and possible options for future initiatives. The consultation closed after 14 weeks on 11 October 2021.

Methodology

The public consultation was conducted through an online questionnaire published on the internet in all EU languages. It was advertised on the European Commission's website[120] and the Commission sent out emails to stakeholders (hunters associations, shooting clubs and industry), to EMPACT firearms, to the European Firearms Expert group (EFE) and to the Firearms committee to alert them of the public consultation. The questionnaire consisted of a series of 27 mainly closed questions, along with a limited number of open questions to allow for clarifying remarks and/or remarks of a more general nature.

It should be noted, as a disclaimer, that the questions that were presented to the respondents depended on the profile they had indicated (as depicted in Annex 6). This explains why the questions on trafficking of firearms only have 19 answers, as only firearms specialists and EU National competent authorities were presented with them. Furthermore, it is important to note that, even though the consultation specifically excluded intra-EU movements, many of the written comments seemed to mix intra-EU movements with imports to, and exports out of the EU.

The respondents

227 valid contributions were received. 78% of all contributions came from individual EU citizens. 5% of respondents were business associations or individual companies. 4,6% of respondents were academics, think tanks and other NGOs. Only 7 national competent authorities replied (2,95% of replies). This low number of participating national competent authorities was anticipated in the consultation strategy. It was mediated by setting up specific meetings and by creating a confidential survey.

Most respondents came from the Netherlands (25%), Belgium (21%), Romania (17%), Germany (13%) and Sweden (5%). 65.82% of the respondents indicated that they were a firearms user such as hunter, sport shooter and collector.

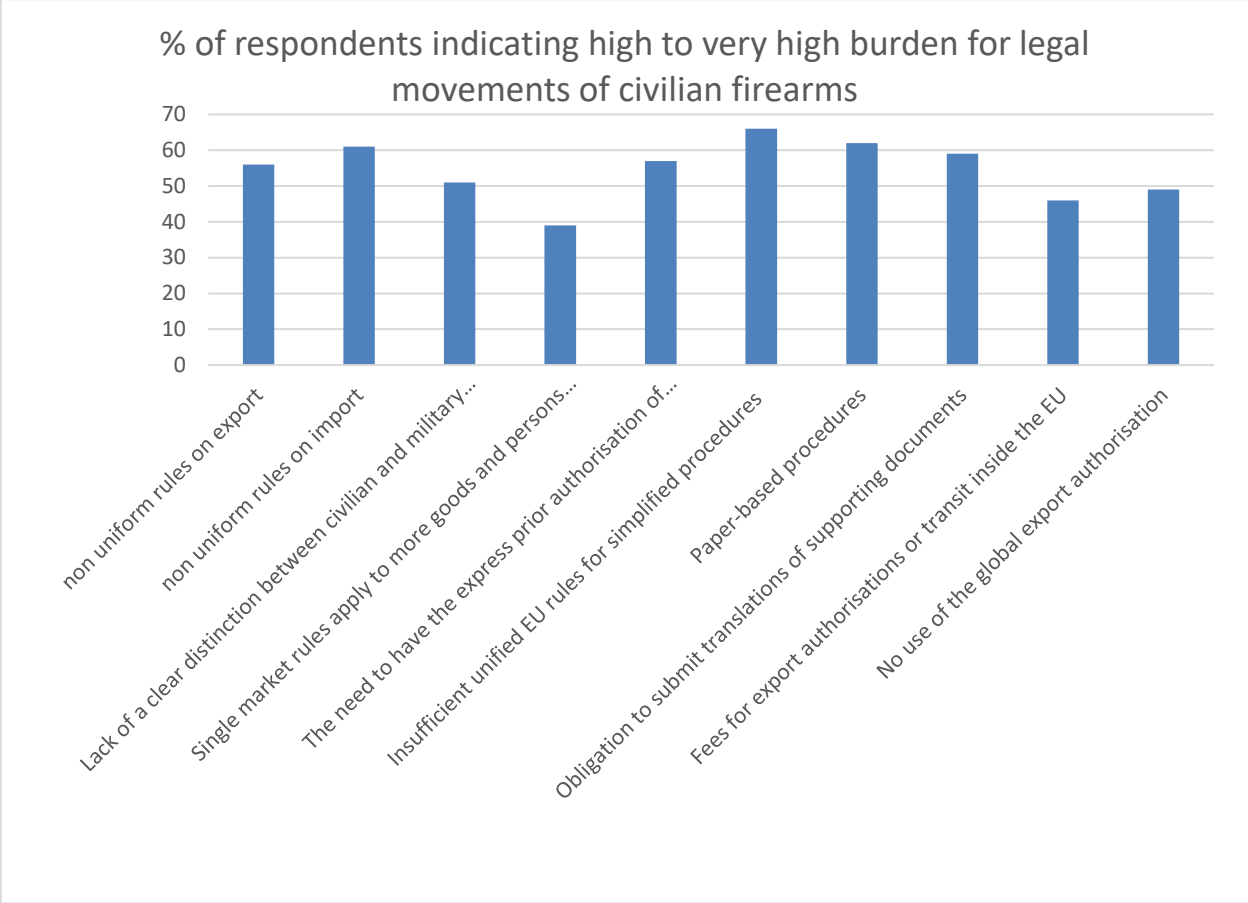
Main findings

A vast majority of respondents consider that more uniform EU rules for imports and exports of firearms are needed. 47% considered that without further EU intervention, there will be an increase of exports (or diversion) of firearms to conflict zones and dictatorships, as well as smuggling of firearms, their components, and convertible weapons into the EU. And 53% considered that without such intervention, economic operators and legitimate firearms owners will be faced with increasingly heterogeneous national rules and procedures.

The respondents were especially vocal about challenges that could hamper the legal movement of civilian firearms. The Commission had identified a number of these challenges and for almost all of these, the majority of respondents indicated that, indeed these challenges created a high to very high burden for legal movements of civilian firearms. When asked to identify additional challenges,

[120] See DG HOME weOnlibiste.

most respondents reiterated the need for harmonised rules and for digitalisation. However, four respondents commented on the lack of knowledge by officers involved in the procedure and therefore the need for training of these officers.



When the focus of the survey shifted to identifying risks for firearms trafficking, the responses are less decisive. The highest risks perceived where inadequate controls of the end-use of exported firearms, poor coordination amongst export authorities and between customs and licensing authorities.

When focusing on possible policy options linked to improving legal import, export and transit of civilian firearms, the majority of respondents indicated that digital import and export licences (59%), clear rules for 'simplified procedures' (63%) and publishing a list of competent authorities (50%) would have a high to very high impact. While having the same licensing procedure for civilian as for military firearms was considered not at all or only to a small extent important to improve the legal import, export and transit of civilian firearms.

When discussing policy options to improve the fight against trafficking of firearms, the respondents perceived that almost all of the options would have a high to very high impact. The only options on which the respondents were indecisive where the systematic checking of criminal records in other MS before granting an import/export licence, imposing marking of the first country of import and limiting imports of unmarked semi-finished essential components.

A large majority of respondents identified many issues as creating a high or very high administrative burden on their operations. However, except a tiny number of replies, almost no respondent was in a position to provide quantitative estimates (in monetary terms or in full-time equivalent) of the costs of the current rules or of any of the options put forward. When asked to

evaluate the policy options effect on the administrative burden, positive impact was expected for digitalisation, clear and simple rules for 'simplified procedure', removing the obligation to translate, publishing information and clarifying the role of competent authorities and especially homogenising the process for requesting import and export licenses. On the other hand, negative impact was expected for having the same licensing procedure for civilian and military firearms, limiting import of unmarked semi-finished essential components and stepping up post-shipment controls.

The majority of the written comments focused on the need for harmonisation of rules at the EU level to support trade of firearms. The highest amount of requests focused on the need for digitalisation and simplified procedure. However, many replies of individual citizens considered that strengthening import and export controls of firearms would not have any impact on trafficking. Instead, these responded focused on the need for effective law enforcement response.

2.3. Data collection

The 2019 Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition[121] was mostly based on desk and field research (including national case studies, interviews and web survey). The data collection was faced with limitations that prevented a reliable estimate of the scale of trafficking of firearms, with the absence of EU statistics concerning the civilian firearms. In general it was difficult to engage stakeholders in consultation activities, and stakeholders found it difficult to quantify and qualify costs.

In August 2021, the Commission sent a letter to the Member States,[122] requesting them to collect and sent 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. 10 Member States[123] sent (some of) the information requested.

The quality and completeness of the information differs greatly between the Member States. Some Member States only sent data regarding export of civilian firearms; other Member Stated did not sent the value of shipments or information regarding origin or destination countries.

Faced with continued lack of, or unsatisfactory data, the Commission sent an additional letter to Member States in February 2022.[124]

Annex 4 contains an analysis of this data, together with data from open sources such as Eurostat, data sent to the Commission by stakeholders and data from past evaluation reports.

2.4. Confidential survey

A confidential survey was organised to entice more EU National authorities to reply, as there were little responses in the public consultation. This confidential survey also allowed for more details questions than the public one. The confidential survey was sent to all national authorities responsible for Regulation (EU) 258/2012 on 1 October 2021. They were asked to reply by 30

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121 2019, Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition not published

122 Ares(2021)5101296

123 BG, EL, ES, FR, HR, LT, NL, PL, RO, SI

124 Ares(2022)1143821

October 2021. It contained 75 mainly closed questions, along with a limited number of open questions. The full questionnaire can be found in annex 6.

In total 32 answers were received from 20 EU Member States[125]. Most respondents represented the police (11), customs (5), Ministry of trade (5), Ministry of justice or home affairs (5) and other export licensing authorities (5).

The answers of the confidential survey confirm the lamentation of the non-harmonised import and export procedures voiced by the public consultation. Exemplary of this are the 16 respondents stating that a specific import authorisation form, according to national legislation, 9 respondents indicating that there is no simplified procedure for temporary imports, 3 respondents stating that the export authorisation model established by Regulation 258 is not used. Furthermore, 18 respondents stated that the MS uses a paper-based import and export process, 15 respondents stated that there are fees linked to the authorisations etc. There are also large differences observed regarding the time between a request and an import authorisation. There are 3 respondents stating that there is not maximum time stated in the legislation, the other respondents declared maximum times between 9 months and 10 days. The respondents also indicated average process times between 5 days and 1,5 months.

However, the findings of the confidential survey are especially interesting regarding the drivers identified with trafficking of firearms. When it comes to exchange of information, only 25% of the respondents declared that they sent systematic SIENA messages for data in relation to smuggling of firearms into the EU and 12% creates systematic Risk Information Fiches (RIF) in the Customs Risk Management System (CRMS). Furthermore, when a refusal or withdrawal of an export authorisation is issues, only 40% of the respondents indicated that this is always uploaded in COARM.

This also has an influence on the uncoordinated controls and risk assessments, as only 49% of the respondents stated that they systematically check the COARM system to see if similar transactions have been refused in other MS. 12% of the respondent even state that they never check COARM. When establishing risk profiles to check firearms imports 34% uses their own national statistics, 22% rely on experiences shared in CRMS and 28% use SIENA-based information.

Furthermore, 12% of the respondents stated that there are no specific checks about the convertibility of alarm and signal weapons when they are imported. Additionally, 9% of the respondents stated that P80- branded ‘80%’ receivers are not considered as a firearm part and therefore no specific declaration is needed when importing them. When export authorisations are granted, 25% of the respondents check criminal records in the national database, 3% checks ECRIS and 12% requests national criminal records. Lastly, when exporting deactivated firearms, 12% of the respondents states that no specific rules apply and 22% state that no specific rules apply when exporting signal and alarm weapons.

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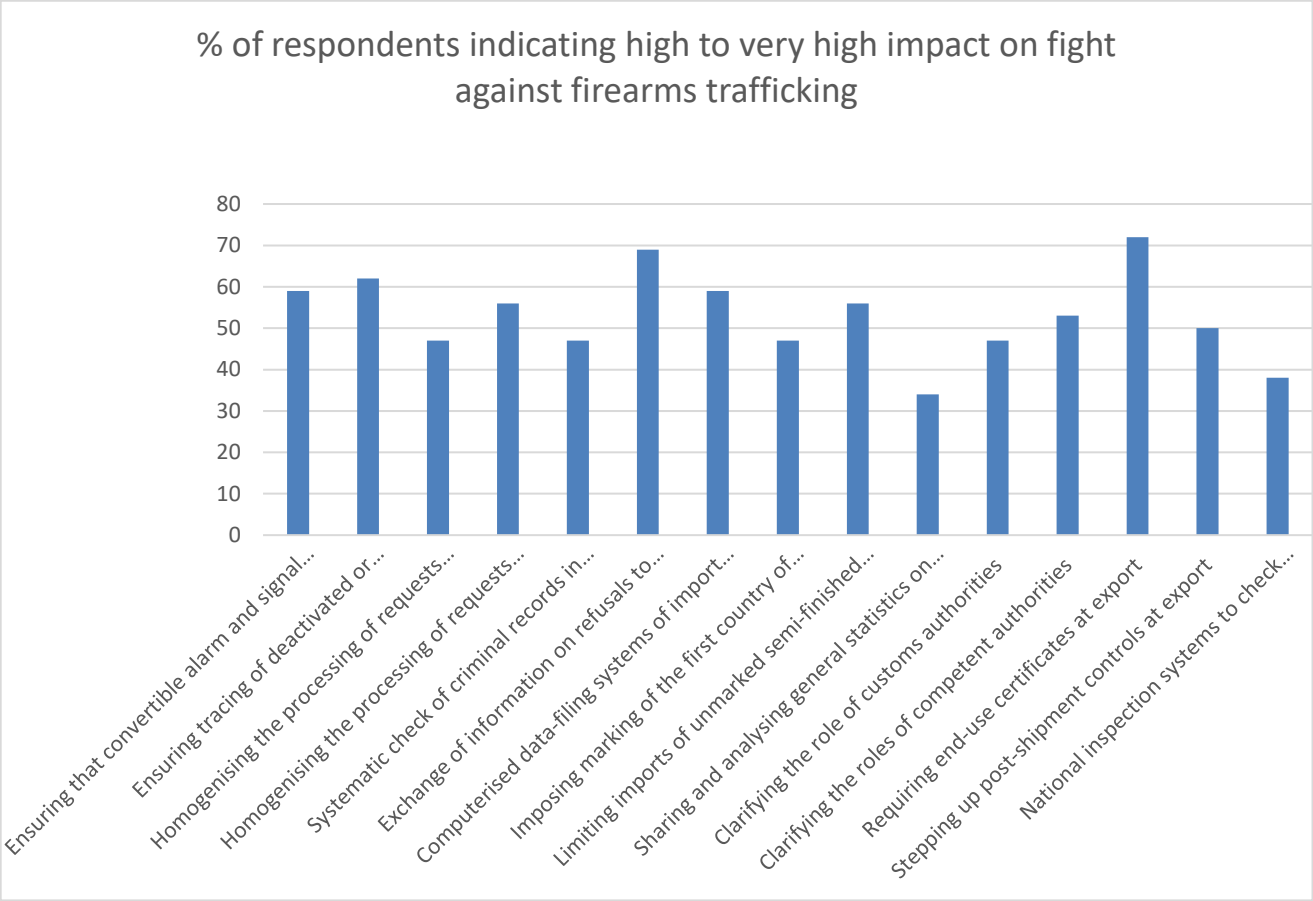
125 AT, BE, CY, CZ, EE, FI, FR, DE, IT, LV, LT, MT, NL, PL, PT, RO, SK, SL, ES, SE

There is also a problem with the cooperation between customs and licencing authorities as 56% indicated that they do not have access to EU customs information system. Also when licences are withdrawn, suspended, modified or revoked, 9% of the licencing authorities do not inform customs.

The Commission had identified a number of policy options which could have an impact on the fight against firearms trafficking. For almost all of these, the majority of respondents indicated that, indeed these policy options could have a high to very high impact on the fight against firearms trafficking. Requiring end-use certificates at export scored the highest.



2.5. Meetings

List of meetings with stakeholders during the 2019 Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition.[126]

Name	Entity/ Organisation	Position	Specific topics
Experts			
Daniel Prins	United Nations Office for	Director of Conventional Arms	PoA on small arms and its ITI International Small Arms

[126] 2019, Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition, not published

Name	Entity/ Organisation	Position	Specific topics
	Disarmament Affairs	Branch	Control Standards Arms Trade Treaty
Simonetta Grassi	United Nations Office on Drugs and Crime	Head of Global Firearms Programme	United Nations Convention Against Transnational Organized Crime Firearms Protocol
Nicholas Marsh	Peace Research Institute, Oslo (PRIO)	Research Fellow	Global trends in firearms trafficking Arms export and transfer controls
Nils Duquet	Flemish Peace Institute	Senior researcher	Illicit firearms markets in the EU Terrorist access to illicit firearms markets in the EU
Nicolas Florquin	Small Arms Survey	Senior Researcher	Illicit firearms markets in the EU Converted firearms in the EU
Paul Holtom	Small Arms Survey	Senior Researcher	Risk of diversion in Europe

Non-EU countries:

- Australia: three representatives from the Department of Defence and Department of Home Affairs.
- Brasil: one representative from the Divisão de Repressão a Crimes contra o Patrimônio e ao Tráfico de Armas.
- Canada: two representatives from Global Affairs Canada's Trade Export Control department.
- USA: five representatives from the US State Department and Department of Justice.

Regional/international regulatory frameworks:

- Arms Trade Treaty: one representative from the Arms Trade Treaty Secretariat.
- Modular Small-arms-control Implementation Compendium (MOSAIC): two representatives from the Conventional Arms Branch of the Office for Disarmament Affairs.
- The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA): one representative from the Department for Public Safety of the OAS.
- Wassenaar Arrangement: two representatives from the Wassenaar Arrangement Secretariat.

EU Member States

MS	Stakeholder category	Entity/ Organisation	Field research activity
BE	NCA	Flanders - Flemish Department of Foreign Affairs — Strategic Goods Control Unit	Phone interview, 11th December 2018.
		Wallonie - Public Service of Wallonia Operational Directorate-General for the Economy, Employment and Research	Questionnaire, 14th March 2019

MS	Stakeholder category	Entity/ Organisation	Field research activity
		Firearms Licensing Directorate — Administrative assessment and implementation	
	LEA	Belgian Federal Police	Phone interview, 18th February 2019.
	Customs	Customs - Operational Expertise Legislation and Regulations	Phone interview, 22nd February 2019.
	Producers/exporters	Browning International	Phone interview, 5th February 2019.
	Users' association	Royal Union of Shooting Societies of Belgium	Phone interview, 12nd December 2018.
CZ	NCA	Ministry of Industry and Trade - Licensing Office	Prague, 29th January 2019 morning session
	LEA	Ministry of Interior- Police and Firearms Unit	
	Customs	Customs Administration	Prague, 29th January 2019 morning session
	Producers/exporters	Czech Association of Arms & Ammunitions Producers and Sellers	Prague, 29th January 2019, afternoon session.
		Sport & Defence	
	Users' associations	Czech Shooting Federation	Phone interview, 22nd January 2019
		Association of Czech Hunters	Phone interview, 12th February 2019
DE	Producers/exporters	Association of Hunting, Sporting and Ammunition Manufacturers	Munich, 18th January 2019
		Manfred Alberts GmbH	
		Walther Arms, Inc.	
		L & O Holding GmbH & Co. KG	
		J. P. Sauer & Sohn GmbH	
		Ruag Ammotec GmbH	
		Frankonia Handels GmbH & Co. KG (*2 participants*)	
	Users' associations	National German Hunters Association	Phone interview, 11st February 2019
		Association of Legal Gun Owners	Phone interview, 21st February 2019
ES	NCA	Secretariat of State for Commerce- International Trade in Defense Material and Dual Use	Questionnaire, 7th February 2019
	LEA	Civil Police	
	Customs	State Agency of Tax Administration (AEAT)	

MS	Stakeholder category	Entity/ Organisation	Field research activity
	Producers/exporters	Asociación Armera	Eibar, 5th February 2019
		Beretta-Benelli Iberica S.a. (2 *participants*)	
		Dikar S.c.l.	
		Grulla Armas S.l.	
		Rade tecnologias S.l.	
		Maxam Outdoors S.a.	
		Trust Eibarres S.a.	
		Carmusa	
	Users' association	National Association of Spanish Weapon- Asociación Nacional del Arma de España	Phone interview, 15th January 2019
FI	NCA	Ministry for Foreign Affairs	Phone interview, 30th January 2019
	Producers/exporters	Lynx Rifles	Phone interview, 30th January 2019
	Users' association	Sport Shooters Association	Phone interview, 30th January 2019
IT	NCA/LEA	Ministry of Interior – Public Security Department	Phone interview, 9th January
	Producers/exporters	Benelli Armi	Rome, 4th December
		Tanfoglio S.r.l.	
		Pedersoli Davide & C.	
		Cheddite Italy S.r.l.	
		Fiocchi Munizioni S.p.a.	
		ANPAM Association (*2 participants*)	
	Users' associations	Association for the defence of the rights of legal holders of arms	Phone interview, 21st January 2019
		Italian Hunting Federation	Phone interview, 4th December 2018.
LT	NCA	Police Department - License Division *(2 participants)*	Vilnius, 23rd January 2019, morning session
	LEA	Ministry of Interior - Division of Public Security Police *(2 participants)*	
	Customs	State Border Guard Service	
		Customs Department - Procedures Division	
	Producers/exporters	Guns Merchants Association of Lithuania	Vilnius, 23rd January 2019, afternoon session
		Oksalis	
		Zala Arms	
		Vollit	
		Lithuanian Defence and Security Industry Association *(2 participants)*	
PT	NCA/LEA	Police - Firearms and Explosives Department *(3 participants)*	Lisbon, 8th February 2019, morning session

MS	Stakeholder category	Entity/ Organisation	Field research activity
	Customs	Tributary and customs authority	Lisbon, 8th February 2019, afternoon session
	Producers/exporters	Browning Viana (*2 participants*)	Lisbon, 8th February 2019, afternoon session
		BRG - Portugal	
		Cartuchos Sulbeja, Lda	
	Users' associations	Portuguese Federation of Hunting	Phone interview, 20th February 2019
		National Confederation of Portuguese Hunters	Questionnaire, 22nd February 2019
RO	NCA/LEA	Ministry of Home Affairs - General Inspectorate of the Romanian Police - Weapons, Explosives and Dangerous Substances Unit	Bucharest, 22nd January 2019
	Customs	National Agency for Fiscal Administration - Directorate-General for Customs (2 *participants*)	Bucharest, 14th December 2018
	Producers/exporters	S.C. Interarms Impex S.r.l.	Bucharest, 22nd January 2019
		S.C. Lotus Distribution & Service S.r.l.	
	Users' associations	General Association of Hunting and Fishing Athletes	Bucharest, 18th December 2018
UK127	NCA	Department for International Trade	Phone interview, 28th January 2019
	NCA	Department for International Trade	London, 25th January 2019
	LEA	National Crime Agency	
	Customs	Formerly HR Customs & Excise	
	Producers/exporters	EGADD: Export Group for Aerospace, Defence, and Dual-Use	Phone interview, 23rd January 2019
		Helston Gunsmiths	Questionnaire, 8th February 2019
		RPA International	Phone interview, 28th January 2019
		Gun Trade Association (GTA) Ltd	Phone interview, 15th January 2019
		D&B Militaria	Phone interview, 15th January 2019
	Users' associations	Formerly British Association for Shooting and Conservation	Phone interview, 15th January 2019

127 During the 2019 study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition, the UK was still part of the EU.

MS	Stakeholder category	Entity/ Organisation	Field research activity
		Law Enforcement International	Phone interview, 15th January 2019

List of meetings with stakeholders during the impact assessment.

Throughout October and November 2021, the Commission organised 10 meetings with a variety of stakeholders[128]. During these meetings, the stakeholders gave further comments and suggestions on policy options presented by the Commission. The meetings allowed the Commission to get information from about the different procedures and difficulties in the Member States and experienced by business associations.

Each of the meetings with the Member States focused on the answers provided by the Member States in the confidential survey. The various options and comments were discussed in order to get a thorough understanding of the needs and responsibilities of the various actors. The meetings with the business associations focused mainly on trying to quantify the administrative burden of the various options.

- 21/10/2021: meeting with the Austrian authorities
- 21/10/2021: meeting with Olivier Verstraeten, Secretary General of the Association of European Manufacturers of Sporting Firearms aisbl
- 22/10/21: meeting with the Belgian authorities (law enforcement and licensing authorities)
- 28/10/2021: meeting with the Italian authorities (customs, police)
- 29/10/2021: meeting with Mauro Silvis, representative of the Italian national association of manufacturers of sport and civilian weapons and munitions (ANPAM) and of the – Institut Européen des Armes de Chasse et de Sport (EU transparency register 169603610073-70)
- 03/11/2021: meeting with the Czech authorities
- 05/11/2021: meeting with the Swedish authorities
- 15/11/2021: meeting with the Dutch authorities
- 3/12/2021: meeting with the German authorities

[128] Association of European Manufacturers of Sporting Firearms aisbl, Italian national association of manufacturers of sport and civilian weapons and munitions (ANPAM), Institut Européen des Armes de Chasse et de Sport (EU transparency register 169603610073-70), Austrian, Belgian, Italian, Czech, Swedish, Dutch, German and Spanish authorities

ANNEX 3: WHO IS AFFECTED AND HOW?

1. PRACTICAL IMPLICATIONS OF THE INITIATIVE

The preferred option is option 3, which includes both clarifications to the existing legislation and new legislative provisions. The following table sets out the different measures it includes and how they affect various stakeholders.

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
Imports				
Compulsory classification as firearms of alarm and signal weapons not complying with Implementing Directive (EU) 2019/69 + EU list of non-convertible alarm and signal weapons	Import licencing authorities would have to issue an import authorisation for alarm and signal weapons which are convertible	Customs authorities would have to check the validity of the certificate accompanying the customs declaration. The necessary human resources will need to be provided.	NA	Importers of alarm and signal weapons would need to make sure that checks are preformed to establish the non-convertibility if they do not want to declare the weapons as firearms at import.
EU-level mechanism for harmonised classification in case of disagreements between authorities	Licencing authorities would inform the Commission of their decisions to issue or declare an alarm and signal weapon as non-convertible. They could rely on a Commission decision determining whether a given	Customs could rely on a Commission decision determining whether a given model of alarm and signal weapon is convertible or not.	Importers could complain to the Commission if they notice diverging approaches between Member States in relation to the same alarm and signal weapon.	

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
	model of alarm and signal weapon is convertible or not.			
Designation of the authorities in charge of checking compliance with the implementing directive before the release into free circulation	The designation of authorities will enable customs, in case of doubt (e.g. risk of forgery), to double check the validity of the certificate with the issuing authority.		Importers will have clarity as who to turn to in order to receive the compliance certificate.	
Limit import of semi-finished firearms and essential components to licenced firearms dealers	Import licensing authorities will only grant an import licence to licensed firearms dealers.	Customs will only check whether the importer has a valid licence. They will also have to fully implement the customs rules by classifying the unfinished components as the final product. This will require a strong risk assessment to avoid misdeclaration of goods. The necessary IT and human resources will need to be provided.	Private individuals will not be able to import such products anymore, which will prevent them from creating their own custom-made firearms. Legitimate users will have to ask a licensed arms dealers to create the final product.	Arms dealers are unaffected by this measure. Retailers are likely to benefit from the substitution effect, with private individuals requesting their services to import the unfinished product and manufacture/assemble the finished firearm.
60-day deadline to grant	Import licensing authorities will have to establish	NA	Importers will have clarity about deadlines and will enjoy	

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
import authorisations	processes to deal with requests within the set deadline. As for export authorisations currently, the countdown would only start once all the necessary supporting documents and information has been received by the authority.		the same conditions throughout the EU.	
Exports				
Exporters to provide evidence of final import in the country of destination	The authority will received the copy of the import declaration in the non-EU country. National authorities will have to establish proper procedures to check after the deadline that the evidence has been provided. If it has not, it should inform immediately the customs offices of export and of exit, start tracing the firearm to recover it, and withdraw or suspend the export authorisations.	Customs and relevant law enforcement authorities should be immediately notified if the evidence is not provided – this information should be fed into the national and EU customs risk management systems to control with attention similar movements.	NA as firearms users carry out temporary exports	Exporters will have to follow-up their exports and make sure that the importers in the non-EU countries provide them with the evidence of import. If they do not, the exporters might have to forgo unreliable clients who are not able to provide evidence of imports. This is unlikely to be an issue for professional traders, who work with trustworthy arms dealers abroad.

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
Member States may entitle third parties to conduct post-shipment controls	This provision would create a legal basis to support the work of licensing authorities when conducting post-shipment controls in a context of constrained budgets and short staffing.	The outcome of negative post-shipment controls would contribute to a more precise knowledge of the threat. More post-shipment checks provide a better understanding of diversion mechanisms.	NA	
End-user certificate for exported category A and B firearms	They will check the presence of the certificate before granting the authorisation, which would align the rules for civilian firearms with those currently in place for military weapons.	Customs will have to check the presence of the certificate as an accompanying supporting document for export declaration. The necessary human resources will need to be provided for these checks.	NA (they benefit from the simplification of the European Firearms Pass)	This requirement will only create a new obligation in Member States which do not already apply the rules of the Council Common Position to those firearms. Exporters will be dependent on the trustworthiness of the importer and the public authorities in the country of destination. They might lose commercial opportunities by demanding a written commitment not to sell the firearms to the armed forces or not to re-export them. The clarification of scope means that arms dealers aiming at

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
				selling weapons for military use will have to do it under national rules and procedures of the Council Common Position.
Cooperation and exchanges of information				
compulsory check of criminal records in ECRIS	In addition to requesting a copy of the criminal record from the applicant, the competent authority will have to proactively (and ideally automatically) check whether an applicant has a criminal record in another Member State.	NA	NA	NA
compulsory notification of refusals in a common electronic system	Competent authorities will be affected differently depending on the type of system eventually used. COARM would enable joint analysis of refusals for military and non-military transactions, while DUeS would be an easy platform already used by competent	NA	NA	Increased exchanges of information between authorities might have an indirect effect on exporters, as they would be treated more equally across the EU, compared to the current situation

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
	authorities			
Possible check of the SIS	This would further reinforce the threat assessment for suspicious or unusual requests	NA	NA	NA
Whistle-blower protection regime	Competent authorities and law enforcement would benefit from inside information, which could facilitate the risk assessment.		NA	Arms dealers already have to implement Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law , with respect to the Firearms Directive (for intra-EU rules on acquisition and possession of firearms). They would not face a substantive change in their internal processes with respect to whistle-blowing in the context of imports and exports.
Clarification of the roles and responsibilities of customs and licencing authorities.	Customs will inform the competent licensing authority that the goods have left the customs territory of the Union; at import they	Customs controls will continue to be risk-based; customs will check the presence of the appropriate import or export declaration,	NA	NA

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
	will contact the licensing authority in case of doubt about the conformity of imported goods.	or the EU list of non-convertibility for imported alarm and signal weapons. In case of transit, the customs authorities of transit and of export will exchange relevant information. The necessary human resources will need to be provided to implement these risk-assessments.		
Legal basis for intelligence sharing between customs and licencing authorities	Reference shall be made to article 47 of the Union Customs Code (Regulation (EU) No 952/2013). Competent authorities and law enforcement authorities, including customs will also be expressly entitled to exchange information about ongoing investigations for the purpose of tracing firearms and to improve the threat assessment.		NA	NA
Submission of annual statistics on trade and seizures	Member States will have to centralise information about numbers and values of import and export authorisations; they will have to collect accurately data about actual imports	Law enforcement authorities (including customs) will have to establish systematic data-collection of firearms seizures, and if necessary modify their internal reporting processes,	NA	NA

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
	and exports, for each category of firearms, notably by monitoring whether and how authorisations are used for actual imports or exports.	including possibly by creating a database of seized firearm. They might have to adapt the categories used in their current system to the type of data requested. Data-collection will have to be centralised and not be kept only the local customs or police offices. The necessary IT and human resources will need to be provided.		
Administrative simplifications				
Alignment of the personal scope with Directive (EU) 2021/555	NA	NA	Collectors and museums will be included in the scope of the Regulation, meaning they will be subject to its obligations and benefit from the simplifications, instead of being subject to their national laws only.	Brokers will be subject to the same obligations as arms dealers when importing and exporting firearms. However, they were already considered as "exporters" under the current version of the regulation, which means they would not be affected by the clarification.

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
Clarification of the substantive scope, covering only transactions between civilians and removing the overlap with Common Position 2008/944/CFSP	Licensing authorities will have to clearly distinguish the procedure for exports of military firearms from the procedure for exports in the context of transactions of a civilian nature. They will however not be profoundly affected on substance, since: • sales to foreign governments or armed forces will remain under the Common Position and existing national law; • civilian transactions of category A or B firearms will still require an end-user certificate and the respect of the foreign and security policy considerations of the Common Position.	NA	Many firearms users will benefit from this clarification, as many of them had to undergo a burdensome procedure for temporary exports (including holders of a European Firearms Pass), in Member States which subjected the export of civilian firearms to the standard rules of military exports. The European Firearms Pass will be more automatically recognised, without the need for a priori authorisation.	This clarification will greatly benefit commercial exporters, as they will all be faced with identical rules for export authorisations, irrespective of the Member State in which they lodge the export authorisation. They will know exactly which type of procedure to apply, depending on who is the end-user of the sale.

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
Express reference to the roles and responsibilities of importers and exporters (making sure the right marking is applied to imported firearms, duty of cooperation with competent authority, duty to inform authorities in case of suspected violation of the rules, etc.)	NA	Law enforcement authorities will be more easily entitled to hold responsible importers and exporters for the lack of compliance with the rules, if the due diligence obligations are not respected. This will facilitate the incriminations for firearms trafficking.	Importers (in particular commercial importers) will face standard reporting and due diligence obligations, making sure in particular that imported firearms respect the applicable legislation. As Member States already by and large transposed the Firearms Directive, similar rules already apply at national level. The Regulation will reflects those obligations in the directly applicable EU legal order for clarity and transparency.	
Replace global authorisation by a general export authorisation for Authorised Economic Operators	Licencing authorities will benefit from reduced administrative burden, as a global authorisation will apply to specific operators in specific conditions, thus removing the obligation to process individual applications and grand individual licences.	The impact on customs will depend on the exact scope and modalities of the general authorisation, to be determined in a delegated or implementing act. If the relevant operators are recorded in a centralised database, the checks would be done automatically through the EU Single Window Environment for customs.	NA	Regular and trustworthy exporters would be exempted from the obligation to lodge individual export applications in specific cases. One of the conditions would be for them to be certified by customs as Authorised Economic Operators with the Safety and Security element. The other conditions could be linked to the countries of destinations, or to the specific end-users, or for

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
				specific processes (such as intra-group transactions).
Harmonised simplifications for temporary exports and imports	This simplification would take away part of the administrative burden of licensing authorities, who would not have to grant prior authorisations in specific cases (exhibitions, repairs etc.)	Customs would have to pay particular attention to the effective re-imports or re-exports after the period of discharge, and ensure that the particulars of the firearms concerned appear expressly on the import or export declaration. The necessary human resources will need to be provided.	Collectors or museums would particularly benefit from this measure as the mere export or import declaration would be sufficient for temporary exports or imports. They would have to mention expressly all the particulars of the weapons concerned in the declaration (brand, serial number, etc.) in their declaration.	Manufacturers (in the case of temporary imports) and retails (for temporary exports), in particular for repair purposes, or for international fairs, would only need export or import declaration for temporary exports or imports. They would have to mention expressly all the particulars of the weapons concerned in the declaration (brand, serial number, etc.) in their declaration.
Implied consent of the non-EU country of transit as the default option	Member States would have to expressly notify the Commission if they do not recognise the absence of reply of the third country of transit as an implicit agreement to the transit.	NA	The default option (unless expressly disapplied by competent authorities) would ease the burden placed on exporters, who complain that waiting for the consent of the third country of transit constitutes one of the main costs of current processes. After 20 days without reply, the consent of the third country of transit will be deemed to have been granted, and the exporter will be able to lodge its application for an export authorisation.	

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
Full digitalisation (computerised data-filing systems, e-licencing, use of the EU Single Window Environment for customs)	Import licencing authorities will either have to digitalise the whole application process or use the Commission's e-licencing platform,[129] which will be provided to them free of charge. Member States which still operate a decentralised (and sometimes paper-based) application system will need to centralise and digitalise it. They will be encouraged to link this new system to the central data-filing systems that they are bound to set up in application of the Firearms Directive.	Customs authorities in particular will greatly benefit from the digitalisation process, linked to the rolling out the EU Single Window Environment for customs. This means that most of the customs documentary checks will be fully automatized: instead of checking manually the presence (and validity) of an import/export authorisation, this authorisation issued by the licencing authority will be automatically linked to the customs declaration through a central database. The absence of the authorisation will lead to an automatic rejection of the customs declaration.	This measure responds to a strong request from all stakeholders, who will be faced with a uniform multilingual digital environment, providing them direct and immediate connection with the licencing and the customs authorities. It will remove much of the burden of the obligation to provide additional paper supporting documents.	

[129] Based on the platform for dual-use goods: https://webgate.acceptance.ec.europa.eu/frontoffice/welcome

Description of the measure	Import/export licensing authorities	Law enforcement authorities	Firearms users	Arms dealers (retailers and manufacturers)
Prohibition of fees for authorisations and transit	The prohibition would only affect a few Member States.[130] When these fees are abolished, these Member States will have to adapt their procedure and forgo income. The Commission estimates the annual budgetary loss to public finances to amount to 86.000 euro per year at EU level.	NA	By prohibiting fees, firearms users in the affected Member States will receive equal treatment.	By prohibiting fees, arms dealers in the affected Member States will receive equal treatment.

The proposal will entail extra checks by licensing authorities and customs. However, the actual impact will be limited as the market share is very small for civilian firearms. The creation of interoperability of systems will also envisage a simplification of customs control.

The proposal will provide that in the future the interoperability of the database for import and export authorisations with the EU Single Window environment for Customs will be ensured. Such work will need financial resources devoted to it and made available to DG TAXUD to provide for the decided interconnection to be made possible. Currently, the level of appropriate resources for such work cannot be determined with certainty, but it is estimated that it could require a maximum estimated budget of 0.950 million EUR over a 5-year period, while a maintenance fee of 0.100 million EUR will be needed annually thereafter. It is further estimated that DG TAXUD would require 1,5[131] FTE during the first five years of implementation and 0.2

[130] Czech Republic (€20), Estonia (€13), Italy (€32), Lithuania (€14), Poland (€19), Portugal (at import: for private citizen €25,6/firearm, for gunsmiths €12,8/firearm; at export €3,8/firearm), Slovakia (at least €33, but normally 0,1% of the value of the products), Slovenia (€49,8) and Sweden (€120)

[131] 0,5 FTE for policy work and 1 FTE for work on the Single Window

FTE for the maintenance of the interconnection with the EU Single Window Environment for Customs. As the development investment will be carried out over a 5-year period, the amount to be charged in the period 2024-2027 will be proportional to the effort made.

2. SUMMARY OF COSTS AND BENEFITS

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	***Amount***	***Comments***
	Direct benefits	
Import: Existing rules on firearms import will be harmonized and strengthened to prevent diversion of firearms at import and to establish a level playing field for all importers.	An EU list will be created containing the alarm and signal weapons which are compliant with implementing directive 2019/69. The compulsory checks and classification of these alarm and signal weapons will prevent the entry of convertible alarm and signal weapons into the EU, where they can be used in criminal or terrorist offences. Limiting import of semi-finished firearms and essential components to licenced firearms dealers will also prevent illegal manufacturing of firearms which could then be used for criminal or terrorist offences. While the increase in security cannot be quantified, the SOCTA clearly indicates these imports as a threat for the security of EU citizens. The case studies on these imports reinforce this picture. By increasing the import regulations, these threats will decrease. Creating a uniform EU certificate, designating authorities to check the compliance and establishing a 60-day deadline to grant import authorisations will also result in a level playing field for all importers. Due to the lack in data received from the firearms industry, it is not possible to quantify this, however during the consultations the need for harmonisation was the main focus of the stakeholders.	
Export: reinforcing rules on firearms export will decrease the risk of diversion of firearms, which fuel global illicit firearms trafficking and contributes to instability and organised crime worldwide	When exports are followed-up through providing evidence of final import, end-user certificates and conducting post-shipment controls the risks of diversions will decrease. While such an increase cannot be quantified, examples such as those in Mexico (96.948 firearms seized during 2015-2020 with a worth of $38 million) show the large monetary value of diverted firearms. Furthermore, the cases of circumvention of embargos through Moldova shows the international responsibility of the EU to strengthen export controls.	
Administrative simplification to harmonize the existing EU rules and to facilitate the trade of firearms.	During the stakeholder consultation, the need for harmonisation and administrative simplification was the most recurring comment. This simplification will be obtained by creating a full digitalisation of import and export	

	authorisations. This will lead to a yearly benefit of €1.603.680 for the arms dealers (retailers and manufacturers). Furthermore, the prohibition of fees for the import and export authorisations, as implemented by some Member States, will be a yearly direct saving of €86.175 for the arms dealers. Harmonising and simplifying the temporary exports and imports will save museums, collectors and dealers around €30.840 each year. Furthermore, implementing the implied consent of the non-EU country of transit as the default option saves the arms dealers annually €56.540.	
Indirect benefits		
Cooperation and exchange of information: improving the cooperation between customs and licencing authorities and increasing the exchange of information on firearms authorisations, refusals and trade will allow for better risk assessments.	The clarification of the role and responsibilities of customs and licensing authorities and a legal basis for intelligence sharing will enable both authorities to improve the risk assessments. This will support the prevention of firearms diversion at import and export. Increasing the cooperation and exchange of information might have an indirect effect on exporters, as they would be treated more equally across the EU, compared to the current situation. Due to the lack in data received from the firearms industry, it is not possible to quantify this, however during the consultations the need for harmonisation was the main focus of the stakeholders.	
Administrative cost savings related to the 'one in, one out' approach*		
cost reduction through the use of e-licencing system for import and export authorisations	€ 1.603.680	When import and export authorisations can be processed through an e-licensing system, this will reduce the amount of time spent on each authorisation, for the firearms dealers and the authorities who need to assess the authorisations.
Implied consent of third countries for transit	€ 56.540	If implied consent of third countries for the transit of firearms is always granted after 20 days, this would decrease the costs for firearms dealers.
No prior authorisation for special temporary operations	€ 30.840	If no authorisations for specific operations, such as temporary import and export, would be needed for institutions such as museums, collectors etc. then this would decrease the costs for these stakeholders.

II. Overview of costs – Preferred option

		Citizens/Consumers		Businesses		Administrations	
		One-off	**Recurrent**	**One-off**	**Recurrent**	**One-off**	**Recurrent**
Creating an EU central database for import and export authorisation	Direct adjustment costs	NA	NA	NA	NA	€ 950.000 (DG TAXUD estimate)	€100.000
	Direct administrative costs	NA	NA	NA	NA	NA	NA
	Direct regulatory fees and charges	NA	NA	NA	NA	NA	NA
	Direct enforcement costs	NA	NA	NA	NA	NA	NA
	Indirect costs	NA	NA	NA	NA	NA	NA
Exporters to provide evidence of final import in the country of destination	Direct adjustment costs	NA	NA	NA	NA	NA	NA
	Direct administrative costs	NA	NA	NA	€179.900	NA	NA
	Direct regulatory fees and charges	NA	NA	NA	NA	NA	NA
	Direct enforcement costs	NA	NA	NA	NA	NA	NA
	Indirect costs	NA	NA	NA	NA	NA	NA
End-user certificate for exported category A and B firearms	Direct adjustment costs	NA	NA	NA	NA	NA	NA
	Direct administrative costs	NA	NA	NA	€719.600	NA	NA
	Direct regulatory fees and charges	NA	NA	NA	NA	NA	NA
	Direct enforcement costs	NA	NA	NA	NA	NA	NA
	Indirect costs	NA	NA	NA	NA	NA	NA
extending current e-licensing system of DG TRADE	Direct adjustment costs	NA	NA	NA	NA	Rough estimate of couple of thousand euro	NA
	Direct administrative costs	NA	NA	NA	NA	NA	NA
	Direct regulatory fees and charges	NA	NA	NA	NA	NA	NA
	Direct enforcement costs	NA	NA	NA	NA	NA	NA
	Indirect costs	NA	NA	NA	NA	NA	NA

Costs related to the 'one in, one out' approach							
Total	Direct adjustment costs	NA	NA	NA	NA		
	Indirect adjustment costs	NA	NA	NA	NA		
	Administrative costs (for offsetting)	NA	NA	NA	€ 899.500		

(1) Estimates (gross values) to be provided with respect to the baseline; (2) costs are provided for each identifiable action/obligation of the preferred option otherwise for all retained options when no preferred option is specified; (3) If relevant and available, please present information on costs according to the standard typology of costs (adjustment costs, administrative costs, regulatory charges, enforcement costs, indirect costs;). (4) Administrative costs for offsetting as explained in Tool #58 and #59 of the 'better regulation' toolbox. The total adjustment costs should equal the sum of the adjustment costs presented in the upper part of the table (whenever they are quantifiable and/or can be monetised). Measures taken with a view to compensate adjustment costs to the greatest extent possible are presented in the section of the impact assessment report presenting the preferred option.

3. RELEVANT SUSTAINABLE DEVELOPMENT GOALS

III. Overview of relevant Sustainable Development Goals – Preferred Option(s)		
Relevant SDG	**Expected progress towards the Goal**	**Comments**
SDG no. 16.4 – By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime	Establishment of an EU-level harmonised data-collection level enabling the identification of the proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments; Revised Serious and Organised Crime Threat Assessment stating a reduction of the threat of imported convertible alarm and signal weapons and semi-finished firearms and essential components; New issue of the UNODC Global Firearms Study identifying a reduction of illicit firearms of EU origin seized in non-EU countries.	As no comprehensive, accurate or comparable statistics in relation to firearms seizures are available either worldwide or at EU level, the progress towards the goal cannot be measured against sound baseline data.

5 ANNEX 4: ANALYTICAL METHODS

Methodology for the overall study

In order to conduct this study, data was gathered in a number of manners:

- A letter was sent to Member States to gather detailed statistics of 2020 about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination; [132] Following the missing or inaccurate information from many Member States, this letter was complemented by a last sent to Member States in February 2022.[133]
- Businesses were asked to provide quantitative evidence of administrative burden in the public consultation;
- During meetings with manufacturing associations, more detailed statistics were asked;
- Public datasets, as used by the two external studies, were consulted.

This came in addition to the data-collection exercise conducted

- During the 2017 evaluation of the regulation.[134]
- During the 2019 Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition[135]

Difficulties gathering the data

In August 2021, the Commission sent a letter to all Member States requesting to receive detailed statistics of 2020 about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination. The Member States were reminded of the recommendations issued by the Commission on 17 April 2018, which requested Member States taking immediate steps to improve the security of export, import and transit measures for firearms, their parts and essential components and ammunition. One of these recommendations provides that "by 1st July each year, Member States should collect detailed statistics of the preceding year".

Even though this recommendation was at the time three years old, only 10 Member States[136] answered to the letter of the Commission. Furthermore, only one Member States (Spain) sent all the data asked. The remaining Member States sent partial data; some sent only information on export, others included the quantities of firearms imported and exported but not the value, others did not include the quantities and often the origin and destination countries were missing. Additionally, the same data had already been asked multiple times before, notably for the two external evaluation studies in 2015 and 2017.

Furthermore, when comparing the data received by the Member States, with public data used for the market analysis, there are clear discrepancies (table1). The differences between the data where at times so large, that the researchers decided to only focus on the public data, as this was also used

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132 Ares(2021)5101296

133 Ares(2022)1143821

134 COM(2017) 737 final, 12.12.2017 and its accompanying staff working document SWD(2017) 442 final

135 EY (2019), not published

136 BG, EL, ES, FR, HR, LT, NL, PL, RO and SI

by the two external studies and provides data for all Member States. Nevertheless, as explained below, this data is most likely a major underestimation. The poor quality of available data regarding import and export of firearms, their parts and components and ammunition is a known fact. It remains important to change this, as good data is necessary to calculate the impact of policy options.

Table 1 - Value of import and export in 2020 for four different Member States according to data provided by that Member State and to public data (Eurostat International Trade Database)

		Value of import			Value of export		
		firearms	parts	ammunition	firearms	parts	ammunition
ES	data provided by	36.304.561 €	495.939 €	97.985.430 €	98.054.860 €	49.036.758 €	195.353.269 €
	public data	1.209.915 €	5.895.850 €	8.135.188 €	38.501.820 €	4.603.454 €	72.213.331 €
FR	data provided by	10.646.833 €	5.870.547 €	17.298.035 €	1.932.338 €	75.041 €	15.389.547 €
	public data	9.229.684 €	7.445.348 €	11.368.777 €	2.096.157 €	2.072.250 €	70.964.905 €
LT	data provided by	2.412.082 €		447.539 €	334.904 €		2.807.011 €
	public data	399.406 €		7.490.460 €	131.141 €		3.157.596 €
PL	data provided by	3.209.562 €		9.728.000 €	11.431.154 €	1.924.375 €	24.760.603 €
	public data	3.208.637 €		3.610.375 €	1.039.441 €	1.728.682 €	2.741.986 €

In order to estimate the costs of policy options, it was also important to get information on the administrative costs for businesses and public authorities involved in the export and import of firearms, parts and components, alarm and signal weapons and ammunition. Calculating this costs is especially important as multiple businesses and manufacturing companies have complained about high administrative costs. However, calculating the actual costs has proven difficult in the past. Therefore, businesses and manufacturing companies were asked to give an estimate about this cost in the public consultation. From the 12 business organizations and associations, only one was able to provide some estimate. In the aftermath of the meetings organized by the Commission with business associations, there was one association, which did provide more information.

The European Commission also organized meetings with public authorities to gather more information for this study. During these meetings, most public authorities stated that the administrative costs were not that high notably because civilian firearms are only a tiny part of licensing processes (dual use goods and military weapons were considered much more important).

The market analysis

Even though the above proves that the publically available data is not reliable or representative of the firearms market, this report does include a market analysis. It is based on the best available data for the EU, which is the public customs data. This section presents the analysis of the civilian firearms sector in terms of **size**, **structure** (including employment and level of investment), **and extra-EU trade** (including import and export flows and international competitiveness).

Methodology for the market analysis

Following the two external studies, this analysis focuses on the same dimensions deemed relevant to have an overview of the market of firearms for civilian use, parts, essential components and ammunition. In particular, the topics covered were:

- Market size;
- Market Structure, Employment and Investment;

- Extra-EU trade;

When referring to the EU market, it is intended to mean the EU27.

Due to the limits of the data received from the Member States, official sources have been analysed. The same indicators and sources were used as the two external studies. Furthermore, the analysis uses the same detailed list of products covered, except for the extra-EU trade. For this topic, the analysis uses the harmonized system (HS) classification, instead of the Standard International Trade Classification as used by the external studies. Following the use of DG TAXUD in TARIC, the HS code appeared to be the most adequate to select the correct categories.

However, even with the use of the HS codes, the impossibility to distinguish between firearms, parts and components, and ammunition for the civilian firearms market from those for law enforcement agencies remains a limitation. As a result the sector figures represent an overestimation. For some units of analysis it was possible to distinguish products which fall within the scope of Regulation 258 from products which do not, while for others this was not possible. Identified statistical codes often include more goods than those within the scope of Regulation 258. For instance, the "Parts and accessories" code, which includes both firearms parts -which are covered by Regulation 258- and accessories which are not essential to the functioning of a firearm and are therefore not within the scope of Regulation 258.

Furthermore, while the analysis of the market size and the extra-EU trade could be focused on civilian firearms, this was not feasible for the analysis of the market structure, which can only provide an aggregated picture of the whole firearms sector (including both civilian and military firearms).

The table below summarises the dimensions of the analysis, and which sources and indicators have been used to provide a descriptive assessment of the context in which the firearms, their parts and components are produced, exported and imported. Together with this, a detailed list of products covered by each dimension is added.

Market Dimension	Indicators	Sources	Products Covered
Market Size	Sold production quantity and value	Eurostat PRODCOM database, WFSA[137]	**Firearms**
			NACE Rev.2 – 25401230 – Revolvers and Pistols NACE Rev.2 – 25401250 - Shotgun, rifles, carbines and muzzle loaders NACE Rev.2 – 25401270 - Firearms (explosive charge)

[137] World Forum on the Future of Shooting Activities.

			Alarm and signal weapons
			NACE Rev.2 - 25401290
			Parts and components
			NACE Rev.2 – 25401400 – Parts and accessories for revolvers, pistols, non-military firearms and similar devices
			Ammunition
			NACE Rev.2 – 25401300 –Cartridge and other ammunition NACE Rev.2 – 20511130 – Propellant Powders NACE Rev.2 – 20511270 – Percussion or detonating caps, igniters and electric detonators
Market Structure, Employment and Investment	Turnover, Number and size of firms, Number of employees	Eurostat SBS	**Firearms, Parts and components, and Ammunition**[138]
			NACE Rev.2 – 2540 –Weapons and Ammunition
Extra-EU trade	Export-EU27 export and import in quantity and value	Eurostat International Trade Database, UN COMTRADE database	**Firearms**
			HS 9302 – Revolvers and pistols, other than those of heading 9303 or 9304 HS 9303 – Other firearms and similar devices which operate by the firing of an explosive charge (for example, sporting shotguns and rifles, muzzle-loading firearms, Very pistols and other devices designed to project only signal flares, pistols and revolvers for firing blank ammunition, captive-bolt humane killers,

[138] Such a dimension of analysis considers all the sectors 2540 of NACE Rev.2, including also military weapons. The granularity of available data did not give the possibility to extrapolate more detailed information related to civilian firearms.

			line-throwing guns) - Excluding HS 9303 90 – Other
			Alarm and signal weapons
			HS 9303 90 – Other HS 9304 – Other arms (for example, spring, air or gas guns and pistols, truncheons), excluding those of heading 9307
			Parts and components
			HS 9305 – Parts and accessories of articles of headings 9301 to 9304 - Excluding HS 9305 91 – Of military weapons of heading 9301
			Ammunition
			HS 9306 – Bombs, grenades, torpedoes, mines, missiles and similar munitions of war and parts thereof; cartridges and other ammunition and projectiles and parts thereof, including shot and cartridge wads - Excluding HS 9306 30 30 – for military weapons - Excluding HS 9306 90 10 – for military weapons

The results of the market analysis

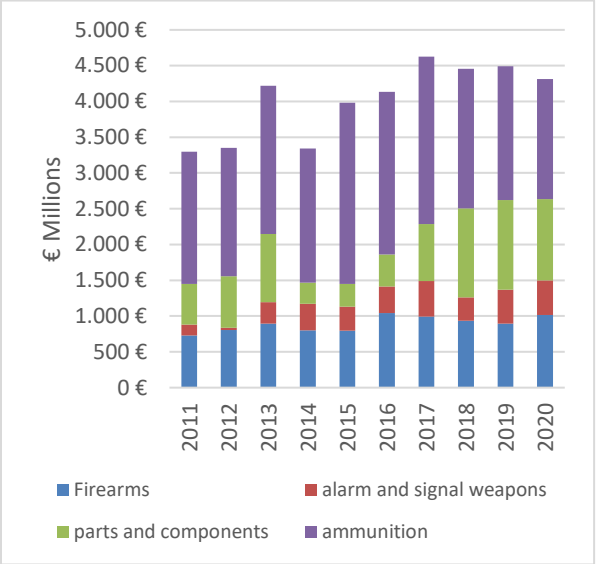
Market size

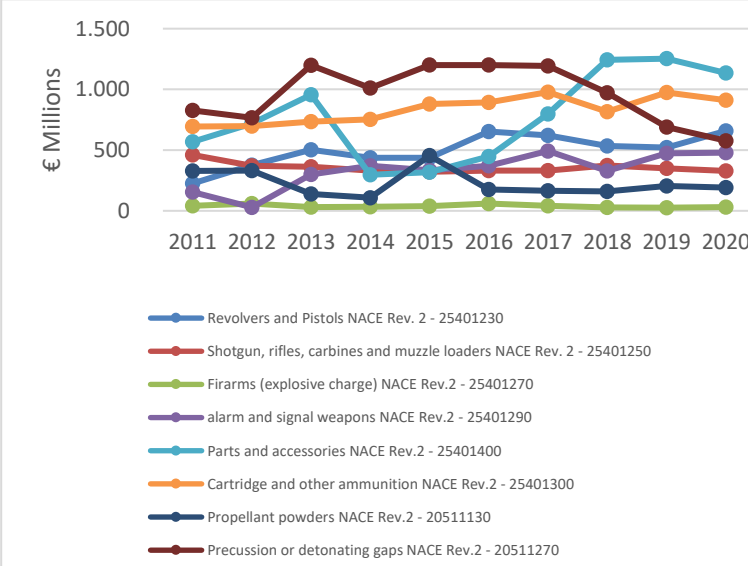
The EU sold production of civilian firearms, alarm and signal weapons, their parts and components, and ammunition reached over €4.3 billion in 2020, which accounts for (only) 0.09% of the EU27 total sold production value.

Ammunition represents the largest share, on average around 51% of the EU sold production since 2011. However, the highest percentage was reached in 2015 when 64% of the total EU sold production was taken up by ammunition. By 2020, this decreased to only 39% of the total EU sold

production. Parts and components shows a significant increase since 2016, both in absolute values (compared to previous years) and relative to the other categories of products (Figure 1).

Figure 1 - Annual sold production of firearms for civilian use, alarm and signal weapons, parts and components, and ammunition for EU27 (left) and trend per type of product (right).





Source: Eurostat Prodcom

Six Member States together accounted for 71% of the total EU27 value in 2020: Italy ranked first, with at total sold production accounting, for 38.9% of the EU27 production, followed by France (11%), Czechia (7.5%), Germany (7.4%), Spain (4.1%), and Croatia (2.5%).

Market structure

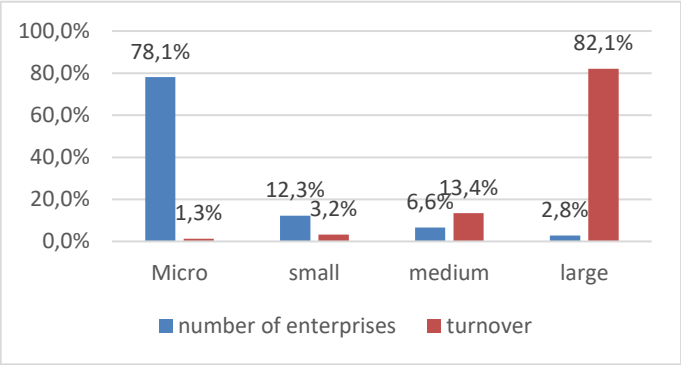
The EU firearms sector is rather concentrated. Most European firms operating in the manufacturing sector of weapons and ammunition[139] are micro firms,[140] 82% of the total turnover is made by large enterprises, which account for less than 3% of the total number of enterprises[141] (**Error! Reference source not found.**).

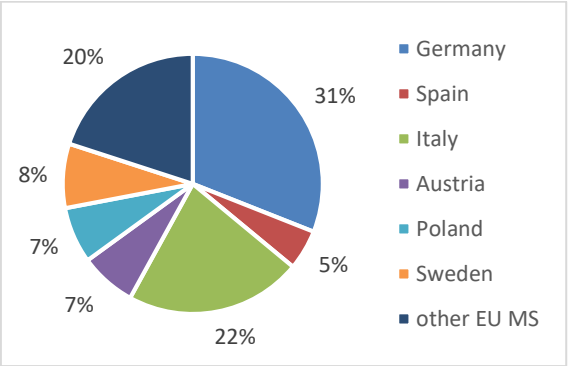
[139] Following EY, SIPRI and RAND (2017), Study in view of a report evaluating the implementation of Regulation 258/2012, the analysis of the market structure relates to weapons and ammunition in general without distinguishing between civilian and military firearms.

[140] Considering the following classification of firms: micro <10 employees; small 10-49 employees; medium 50-249 employees; large >250 employees.

[141] According to Structural Business Statistics database (SBS), there are 1,110 firms operating in the Manufacture of weapons and ammunition sector in the EU, including 52 large, 79 medium, 135 small and 868 micro firms.

Figure 2 – Shares of number of enterprises and turnover in 2019[142] (left), and share of enterprises per MS in 2019[143] (right)





Source: Authors' calculations based on Eurostat SBS

The sector is also concentrated in terms of geographic presence of enterprises, with **around 80% of firms located in only six Member States[144],** with Italy and Germany hosting the highest number of firearms-related companies. According to the Eurostat database a little less than 1.000 manufacturing companies operate within the EU. In terms of employment, in 2019 the weapons and ammunition sector included an estimated figure of 57.028 people working in the civilian firearms and ammunition sector. The evaluation study of the EU Firearms Directive 2021/555 estimated that there were around 20.000 arms dealers and brokers and about 100.000 employees in the EU[145].

In January 2022, the Commission asked the Member States to provide more detailed data on the number of manufacturers, retailers and employees in their respective countries. 13 Member States answered and they reported a total of 7.898 retailers active in their Member States. Based on this number, it can be stated that the estimate of 20.000 arms dealers and brokers seems correct. However, the Commission did receive information that not all these dealers and brokers are actually involved in import and export from and outside the EU. For example in Spain only 98 dealers and manufacturers are involved in import and 127 in export, on a total of 1190 manufacturers and dealer. In Slovenia, 115 of the 152 dealers have a licence to export and import firearms.

Underneath data shows the discrepancies between the data received and the public data on the total amount of manufacturing companies in the respective Member States. As the Commission did not receive the data from all Member States, it was decided to use the database of Eurostat, although it is likely that this data is an underestimation.

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[142] For the number of employees, the last available year was taken in order to include as many companies as possible.

[143] Calculations for 2016 consider the sum of enterprises reported for all MS as the total number of enterprises in the EU, since no aggregated value for EU28 is provided.

[144] Data from multiple Member States such as Belgium and France is missing, these two countries do have a large firearms industry.

[145] COM (2015) 751 final evaluation of Council Directive 91/477/EC of 18 June 1991, as amended by Directive 2008/51/EC of 21 May 2008, on control of the acquisition and possession of weapons, p. 25

Table 2: total amount of manufacturer in 2020 according to data provided by that Member State and to public data (Eurostat SBS)

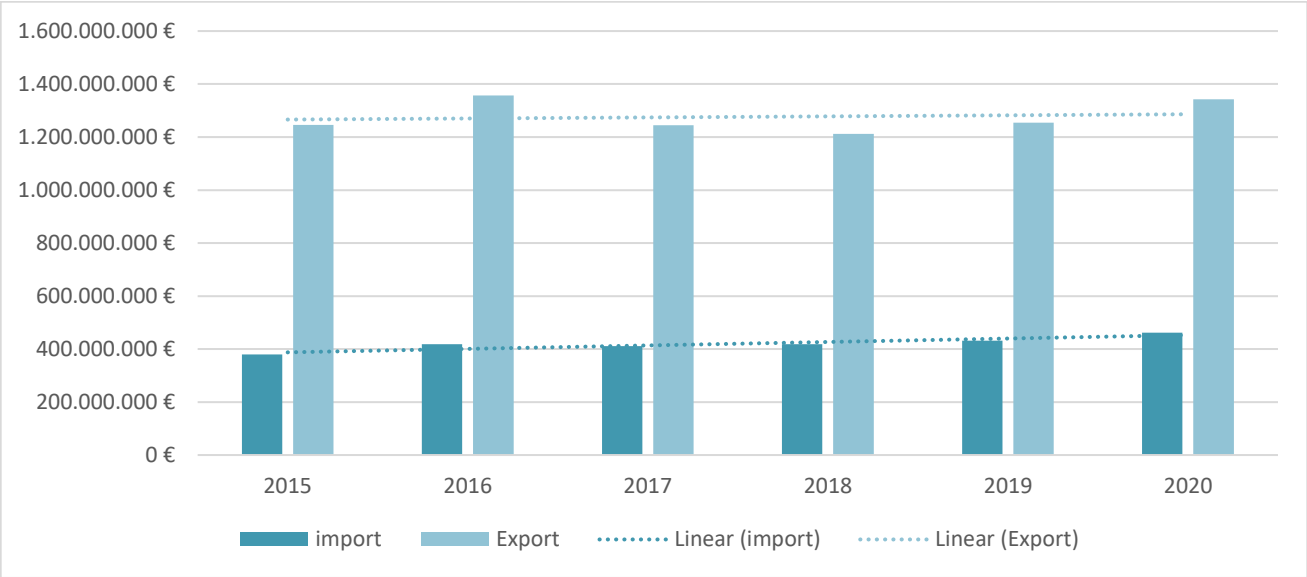
	total manuf. according to data MS	total manuf. According to public data
CY	9	3
DE	821	221
ES	39	36
FI	136	26
HU	31	17
PT	2	8
RO	9	0
SI	42	15

Extra-EU trade

The EU27 is a net exporter of civilian firearms, alarm & signal weapons, their parts and components and ammunition to third countries. The total value of exported good reached €1.342 million in 2020, while the value of imported goods was around €462 million. This represents 0,027% of the total value of import into the EU and 0,069% of the total value of the export out of the EU.

The export has mostly stagnated and import has grown (Figure 3) between 2015 and 2020. The import has an annual growth rate of 4.1%. A decreased in export occurred between 2016 and 2019. This is a large difference with the data of the external study of 2019, which discovered a trend of 8.8% annual growth in export between 2010 and 2017.

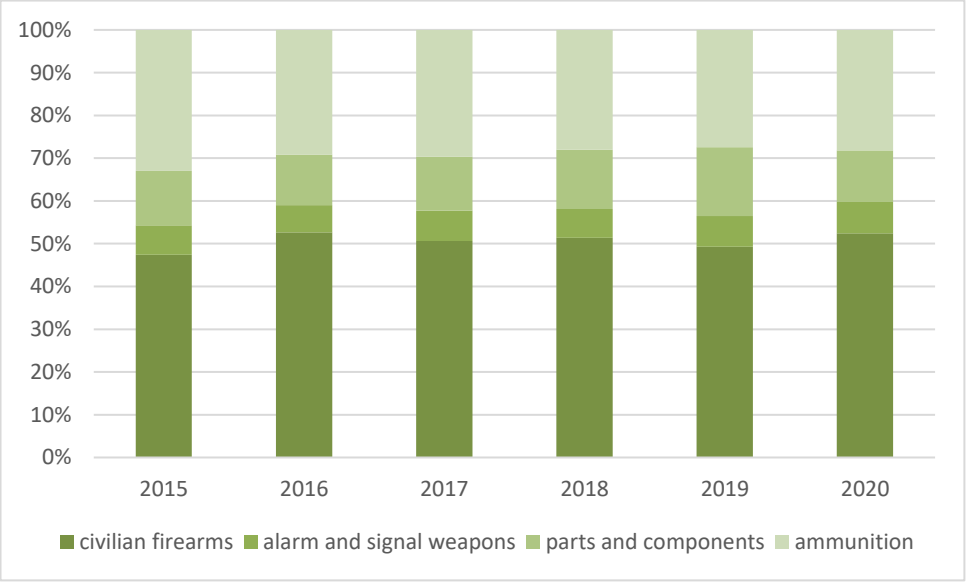
Figure 3 - Overall trend of Extra-EU trade in civilian firearms, alarm & signal weapons, parts and components and ammunition



Source: Eurostat International Trade Database

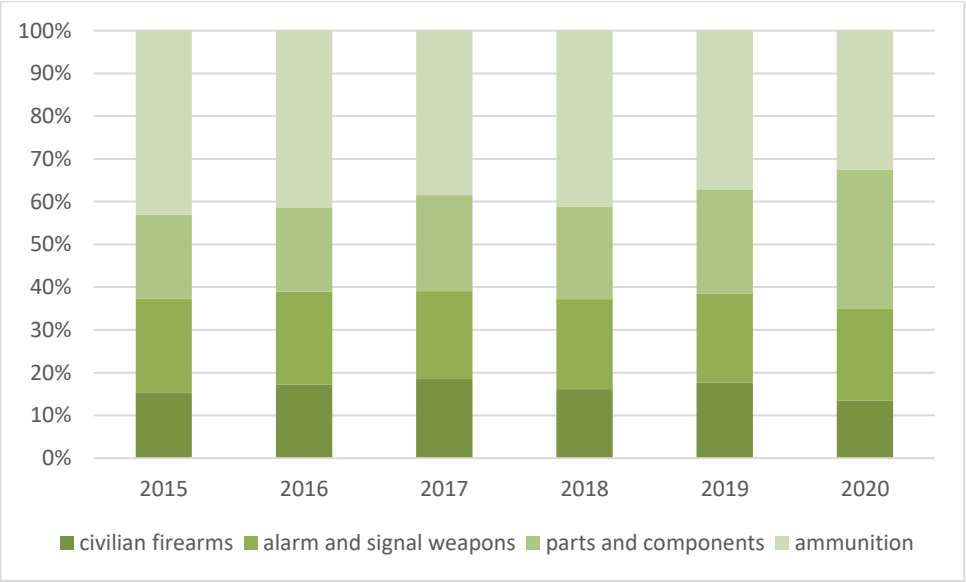
Civilian firearms make up about 50% of the export of the EU27 and ammunition consist of around 30% (Figure4). While in import, civilian firearms have the smallest share and ammunition the largest with 39% (Figure5). The share of alarm and signal weapons is more than double for import than for export. This is important considering the fact that the confidential consultation revealed that 12% of imported alarm and signal weapons are not checked for compliance with Commission Implementing Directive 2019/69.

Figure 4 - Share of civilian firearms, alarm and signal weapons, parts and components and ammunition in the export of EU27



Source: Eurostat International Trade Database

Figure 5 - Share of civilian firearms, alarm and signal weapons, parts and components and ammunition in the import of EU27

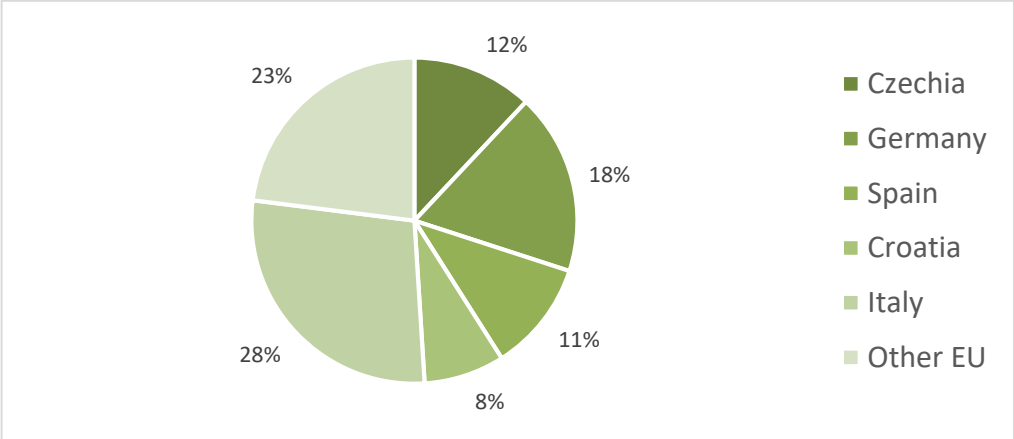


Source: Eurostat International Trade Database

Extra-EU export

The EU is not a only a net exporter but is, on aggregate, the first exporter of civilian firearms, alarm and signal weapons, parts and components, and ammunition in the world in terms of export value (2020) followed by the USA. The bulk of the extra-EU export value is made by five Member States (**Error! Reference source not found.**), accounting for over 75% of total extra-EU export with Italy ranking first.

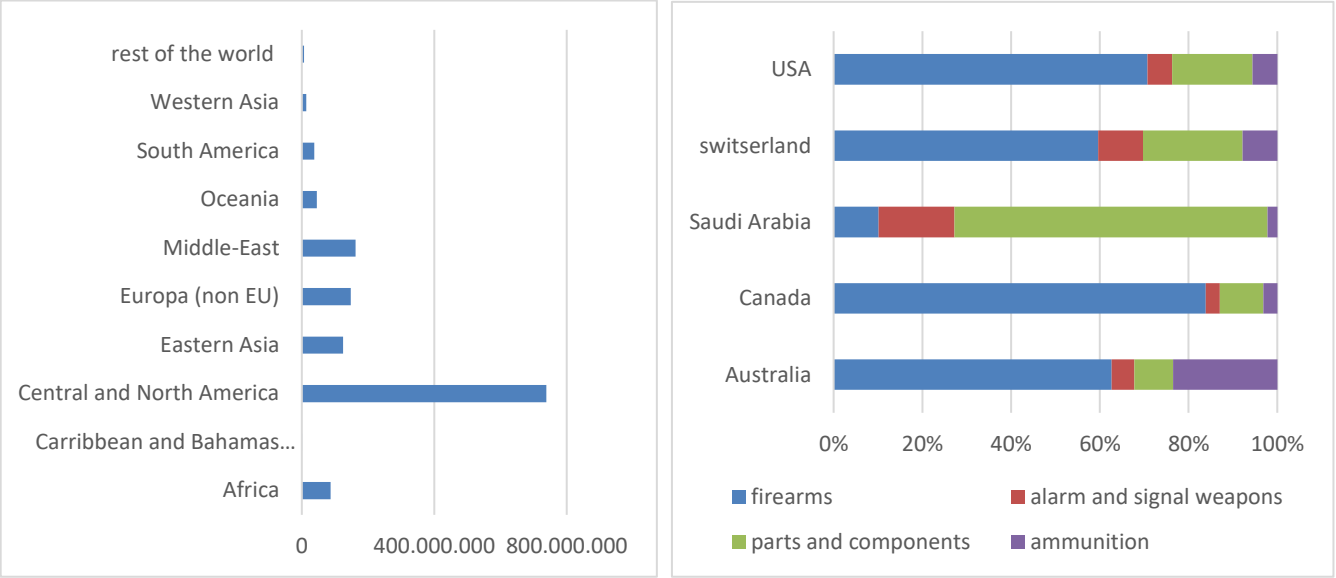
Figure 6 - Share of extra-EU exports per MS (2020)



Source: Eurostat International Trade Database

Central and North America are the main destination markets (54,18 % of the total EU27 export value in 2019 – Figure 7) with the US being the main destination country and accounting for 48 % of the total export value. This data is confirmed by the previous external studies. Furthermore, the share of Central and North America only amounted to 45,81 % in 2017. Therefore, Central and North America is becoming an increasingly important destination market. Smaller shares are represented by exports to Middle-east (12,9 %), non-EU European countries (10,84 %) and Eastern Asia (9,13 %).

Figure 7 - Destination of EU28 export of civilian firearms, alarm and signal weapons, parts and components and ammunition in 2019 (left) and share of export per main destination market (right)



Source: UN COMTRADE

Europe's world share of exports is deteriorating. Between 2007 and 2020, the EU28[146] overall share of exports of firearms, parts and components and ammunition reduced by around 11,1 percentage points moving from 42.2% in 2007 to 38.5% in 2017 to 31.1 % in 2020. The external studies contributed this decrease to a gradual loss of competitiveness of the EU compared to non-EU countries

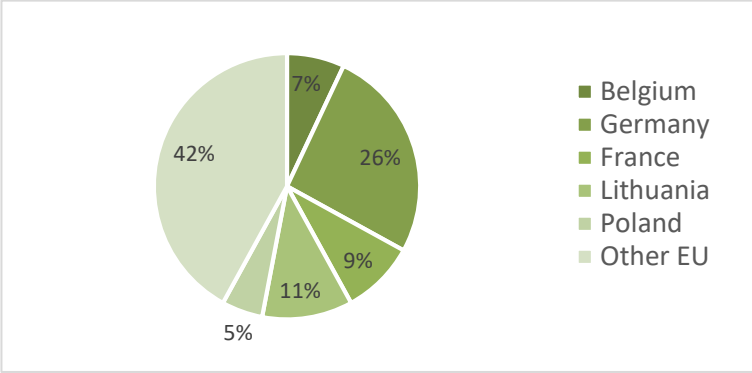
Extra-EU import

[146] The UK was added to the numbers of 2020 in order to make a comparison possible.

In terms of import, the bulk of the value is also concentrated in five Member States (Figure 8). Germany imports the largest share of the European level from extra-EU countries accounting alone to over one quarter of total import (26%).

The USA remains the main country of origin of imported firearms, alarm and signal weapons, parts and components and ammunition in the EU.

Figure 8 - share of extra-EU import per MS (2020)



Data analysis

Share of civilian firearms

The share of civilian firearms in relation to the overall turnover of firearms manufacturers (which also sell military weapons) is a central indicator, as it would reflect the actual amount of civilian firearms and therefore allow calculations on the impact of policy changes on businesses.

Each year the Council publishes an Annual report on Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment [147]. This report is based on data provided by Member States on their arms exports. In theory, this data should be should be consistent with the information on the Eurostat international trade database[148]. Table 3 proves the differences between the public data for military weapons and the data used in the annual report on Council Common Position 2008/944/CFSP. Furthermore, the data in the table also shows that the export value for civilian firearms is much higher than for military firearms. This is not what the researchers expected, as it is generally assumed that the export value of military weapons is higher than for civilian firearms.

It is possible that data of firearms for military use became mixed in with data on civilian firearms. Due to the possibility to use a single procedure (article 4 of the Regulation), military firearms in the ML1 category of the Common military list of the European Union[149] can include firearms subject to the Regulation and vice versa. Furthermore, during an informal meeting with business association

[147] Twenty-Third Annual Report according to Article 8(2) of Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment, document ST/12189/2021/INIT, *OJ C 515, 21.12.2021.*

[148] The main custom code for military firearm is 9301 (Military weapons, incl. sub-machine guns (excl. revolvers and pistols of heading 9302 and cutting and thrusting weapons of heading 9307)(2002-2500);Military weapons, incl. sub-machine guns (excl. revolvers and pistols of heading 9302 and cutting and thrusting weapons of heading 9307)(1988-2001)) together with 9305 91 (parts and accessories of military weapons of heading 9301), 9306 30 30 (cartridges and parts thereof for military weapons) and 9306 90 10 (bombs grenades, torpedos, mines, missiles and other ammunition and projectiles and parts thereof for military purposes).

[149] Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12,7 mm (calibre 0,50 inches) or less and accessories, as follows, and specially designed components

ANPAM[150], it became clear that it is sometimes the company itself, which decides whether to apply for a military or a civilian authorisation. If they had an export license for 1000 civilian firearms under Regulation 258, and get an additional order, they can ask for a military authorisation under the Common position for exactly the same type of firearm. The German national report on firearms policy of 2020 explains that the numbers for ML1 are higher than the total value of individual small arms licenses because ML1 also covers civilian firearms (revolvers, pistols) hunting and sporting weapons[151].

Furthermore, table 3 shows clear gaps in data of military weapons. For multiple Member States, data is missing. Amongst these Member States are some countries that have large firearms industries such as Germany, France, Belgium and Italy. There is more information on the value of the licenses granted for the export of ML1. However, based on the differences between the column showing the actual value of export and the value of licenses, it is clear that this last data cannot be used to calculate the total turnover. Furthermore, the German national report states that the approval values for licenses of weapons of war cannot be directly linked to the value for actual export of weapons of war. The German national report states that this is the result of the validity period of licenses, the fact that the granting of a license and the actual export may fall into a different calendar year or because despite the authorisation granted, the export does not take place.[152]

Table 3 Extra-EU Export value for the year 2020 of all EU Member States based on custom codes and on the annual report on Council Common Position 2008/944/CFSP

REPORTER/PERIOD	export value according to custom codes for military weapons	ML1 value of export	value of licenses granted for the export of ML1	export value according to custom codes for civilian firearms
European Union - 27 countries	321.191.242	487.267.833	2.148.830.533	1.342.106.983
Belgium	0	0	126.287.938	12.053.934
Bulgaria	0	42.234.210	46.902.342	0
Czechia	285.970	20.385.210	5.585.183	167.169.573
Denmark	2.470.263	0	563.399	7.488.084
Germany	0	0	141.838.116	235.164.370
Estonia	0	0	346.596	1.122.023
Ireland	50	0	49.160	189.316
Spain	175.529.010	5.321.193	12.244.606	143.892.414
France	0	0	6.211.272	78.440.802
Croatia	6.716.010	66.367.892	444.092.125	101.530.351
Italy	0	0	68.956.348	382.476.093
Cyprus	0	0	403.937	3.648.421
Latvia	8.000	0	24.000	176.816
Lithuania	2.060.180	26.516.348	567.383	3.292.970
Luxembourg	188.610	0	0	26.753

[150] Italian national association of manufacturers of sport and civilian weapons and munitions
[151] https://www.bmwi.de/Redaktion/DE/Publikationen/Aussenwirtschaft/ruestungsexporte-bmwi-070221.pdf, p Page 32
[152] Entwurf eines Dritten Gesetzes zur Änderung des Waffengesetzes und weiterer Vorschriften, p. 28

REPORTER/PERIOD	export value according to custom codes for military weapons	ML1 value of export	value of licenses granted for the export of ML1	export value according to custom codes for civilian firearms
Hungary	1.108.423	1.597.093	28.871.589	28.469.458
Malta	0	9.577	9.265	9.577
Netherlands	50.513.548	582.384	1.287.403	1.973.137
Austria	9.657.301	281.636.387	974.320.831	15.732.697
Poland	24.956.288	16.041.636	152.604.255	10.777.312
Portugal	672.121	73.779	76.279	32.706.783
Romania	0	11.625.049	7.921.489	0
Slovenia	2.962.107	2.419.955	74.390.611	7.321.030
Slovakia	26.875.895	11.282.107	37.185.006	25.264.837
Finland	1.010.396	693.106	17.534.504	52.020.060
Sweden	16.177.070	481.907	556.896	24.624.290
Greece	0	0	0	6.535.882

The lack of data could be mitigated by focusing on national reports sent to parliaments on arms import and exports. When zooming in on Belgium, it is also peculiar that this country is not included in the top five Member States for extra-EU export (as established by underneath market analysis). Belgium, specifically the Walloon region, hosts FN Herstal, which is one of the largest firearms producers in the EU. According to both the public data and the data from COARM, Belgium had zero export value of military firearms during 2020[153]. Even for the 2019 report, the focus of the published data is on the value of the licenses granted to export ML1 weapons. In order to establish the overall turnover and the share for military and civilian firearms, it is important to know the actual export. The only published numbers in this regards, is the overall export of all military firearms, so not specifically for ML1. According to the 2019 Walloon report[154], 76% of the value of the licenses is actually exported. As the Walloon region is responsible for about 90% of Belgians total export, this number can be used to extrapolate the value of ML1 for all of Belgium. This would mean that the value of Belgium ML1 export would amount to €95.978.832,88.

However, if the same exercise is done for France, a completely different picture emerges. According to the French national report[155], only 8,8% of the value of all the licenses is actually exported[156]. The French national report does not give numbers on the actual export for ML1, therefore it is not possible to calculate this number without using the overall percentage of 8,8%. Based on this, the value of France ML1 export would amount to €546.591,94.

[153] The lack of data is also reinforced by the fact that the Walloon region has not yet published their regional report on the export of arms of 2020. The situation even triggered a petition to address this alleged lack of transparency.

[154] https://dirupo.wallonie.be/files/Rapport%20armes%20annuel%202019.pdf

[155] https://www.defense.gouv.fr/fre/content/download/585007/9955311/RAP%202020-Parties%201-2-3%2Bannexes%20BD_29ao%C3%BBt20.pdf

[156] This low number could be due to the different kind of industry in France. The French defence industry's focus is not on small and light weapons. Therefore, if one order, for example for aircrafts, does not go through, the effect on the overall percentage of actual export can be high.

The German national report gives a lot of information on the licenses granted and rejected. Furthermore, there is detailed information to be found on the strict rules regarding export to third countries. However, when it comes to the value of actual exports, the same lack of transparency is notable; only the overall exports of military firearms is published. As a result of the lack of data on the actual export of ML1, the same calculation as above shows that 23,6% of the value of all licenses is actually exported. Extrapolating this percentage to the value of ML1 export, this would amount to €33.473.795,38.

If the data based on the above calculations is added to the available data on the export of ML1 weapons, the total value would amount to €617.267.052. However this still does not include the data of all Member States. The reason for such a lack of transparency by the Member States is unknown.

Another way to calculate the total amount of ML1 exported value is to focus on the data that is known from the other Member States and extrapolate this to the missing data. The percentage of actual exported ML1 weapons compared to the licenses granted ranges from 3,3% (Slovenia) to 4673,4% (Lithuania). Based on these numbers, the average would be that 383,2% of all licenses granted result in actual export. Based on the numbers in table …, this would amount to €1.808.084.528. However, the percentage of Lithuania (4673,4%) is so exceptional that it extensively influences the numbers. If this exceptionally large percentage is ignored, an average of 71,6% of licenses granted results in actual export. If this percentage is extrapolated on the missing data, the overall turnover for the export of ML1 weapons would amount to €734.059.261.

As can be seen in the table3 and with the explanation of the calculations possible to fill in the missing data, the exact calculation for the total turnover for military and civilian firearms is not possible. According to the public data using custom codes, the value of civilian firearms exports amounts to 1.342 billion euro. The value of the licenses granted for the export of ML1 weapons amounts to 2.148 billion euro. Due to the missing data, the value of the actual export of ML1 weapons ranges somewhere between 734 million and 1.808 billion euro. Therefore, based on the calculations made, this study will conclude that the share of civilian firearms compared to military firearms is about 50-50. It is important to realize, that this is not a scientifically sound way of statistical analysis, however it was the only available method due to the available data.

Administrative costs for national competent authorities, companies and citizens

Administrative costs for national competent authorities (NCA)

The "Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition" calculated that each NCA spends from 8 to 15 hours to complete all the pre-authorisation activities for each authorisation request. According to Eurostat[157], the average wage for national civil servants in the EU is 2.658 Euro/month. Based on a 38 hours workweek, this amounts to an average cost for a FTE civil servant of 25,70 euro per hour. Therefore, the cost for the pre-authorisations activities ranges between €205,6 and €385,5 for one authorisation.

[157] https://ec.europa.eu/eurostat/databrowser/view/prc_rem_avg/default/table?lang=en

Furthermore, the study of 2017 also computed that on average a NCA needs to employ between 0.55 and 0.95 FTEs to comply with all requirements of the Regulation[158] (the pre-authorisation steps and the information exchange activities).[159]

Fees

According to the "Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition" and the results of the confidential survey published in October 2021, most Member States do not charge any fees to apply for an export authorisation. However, there were some exceptions highlighted: Czech Republic (€20), Estonia (€13), Italy (€32), Lithuania (€14), Poland (€19), Portugal (at import: for private citizen €25,6/firearm, for gunsmiths €12,8/firearm; at export €3,8/firearm), Slovakia (at least €33, but normally 0,1% of the value of the products), Slovenia (€49,8) and Sweden (€120). Unified EU rules could harmonise this and reduce the costs for producers/exporters and citizens in those countries.

According to underneath table of the study[160], if the option of including a fee was abolished, this would create an overall annual benefit of €86.301,4[161] for companies.

Table 4 – Number of export authorisations of firearms, parts essential components and ammunition to third countries granted per year and number of companies registered in 2018

MS	2013	2014	2015	2016	2017	2018	average	Number of companies
AT	67	916	873	1005	969	889	786	45
BE	5	10	8	10	7	6	8	15
CY	82	532	163	223	278	190	245	3
CZ	1,142	1,569	983	797	986	801	1046	95
DE	181	771	757	746	0	0	409	207
ES	506	409	498	558	726	827	587	42
FR	0	430	491	479	511	0	318	115
HU	0	4	2	0	5	8	3	16
IE	18	9	16	27	22	19	19	0
IT	646	672	714	1,018	1,243	955	875	167
LT	0	0	5	26	16	18	11	1
MT	0	0	0	0	0	0	0	0
PL	0	0	9	22	12	14	10	50
PT	0	2,027	1,262	1,714	1,912	777	1282	10
RO	10	10	10	10	10	10	10	0
SE	17	286	353	280	310	217	244	55

[158] Annex I, p. 157
[159] Based on the average of 98 export authorisations as can be seen in table4
[160] 2019, Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition, Annex I, p. 156
[161] EE, PT and SL not included

MS	2013	2014	2015	2016	2017	2018	average	Number of companies
SK	32	46	35	36	40	61	42	26
total	**2706**	**7691**	**6179**	**6951**	**7047**	**4792**	**5895**	**847**

Source: Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition.

Administrative burden for companies

As stated above, collecting the data on the administrative burden of the EU procedures for companies has proven difficult. One business answered in the public consultation that about 10 % [162] of the value of a contract goes to the management of EU procedures. Based on the data of the market analysis and extrapolating this singular business information to all businesses this would account for around € 180.411.889.

The Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition, together with information received from ANPAM,[163] does however present a different picture. According to the study, producers/exporters indicated that it takes between 4 and 12 hours of work per authorisation request. ANPAM indicated that it takes on average about 6 hours of work. With an average costs for a FTE employee of 25,7 euro per hour. Therefore, the costs for one export authorisation request, according to the study would be between €102,8 and €308,4. According to the data of ANPAM the cost would be around €154,2.

ANPAM reported that in Italy around 1.500 export authorisations are requested each year. The external study of 2019 reported an average of 875[164] export authorisations each year. As a result, the cost of the procedure to apply for export authorisations vary between €89.950 and €462.600. If only the ANPAM data is considered, then the costs amounts to €231.300. A study from 2017 by ANPAM and the Carlo Bo University of Urbino[165], estimated that the total turnover of the Italian firearms industry in 2017 amounted for €581.022.940. Therefore, the costs of the procedure to apply for export authorisations amount to 0.04% of the total turnover.

According to the market analysis, Italian firearms industry amounts for 18% of the firearms industry in the EU. If the Italian numbers are extrapolated to the entire EU[166], this would mean that the costs for the producers of firearms to apply for export authorisations range between €499.722 and €2.570.000 per year.

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[162] ESFAM also informed the Commission that they expect the costs to be between 4 and 10 % of the total costs of their members.

[163] The Commission had an informal meeting with Italian national association of manufacturers of sport and civilian weapons and munitions (ANPAM), after which ANPAM sent data on authorisations and costs to the Commission.

[164] See table…

[165] https://a9bdafc9-266f-4ac0-bde4-ac366975cd51.filesusr.com/ugd/3fd127_38a861c3fa0a4f1297594f8ef4f1747d.pdf

[166] As Italy uses SIGMA, the extrapolation of Italian numbers might result in an underestimation. SIGMA, *Sistema Integrato di Gestione e Movimentazione Armi* (Integrated System for Arms Management and Mobilisation) is an industry-led initiative launched and developed to allow a faster, more accurate and more efficient processing of all requests for licenses (for both intra-EU and extra-EU transfers). The portal, powered by a dedicated software, was entirely developed and funded by 15 Italian industries (at a cost of about €800,000) and is accessible to relevant local (Questura) and national (Ministry of Interior) authorities to share and access information more effectively

Furthermore, the external study of 2019 estimated that on average a producer/exporter needs to employ between 0.4 and 0.9 FTEs to comply with all requirements of the Regulation[167]. The study also focused on the length of the authorisation procedure which was considered having an important negative impact on the business of companies exporting civilian firearms. It was however not possible to quantify this.

If an e-licensing system would be used to process the export authorisation requests, the time needed for manufacturers to obtain an authorisation should decrease. As Italy is already using a system and they estimate that it takes 6 hours for one export authorisation, this is a difference of 6 hours between the highest estimate of the EY study and the highest estimate from Italy. Therefore, the use of an e-licensing system could be a saving of €1.079.400 (average cost for FTE €25,7 per hour multiplied by a frequency of 7 authorisations per manufacturer, multiplied by 1.000 manufacturers in the EU).

Additionally, if implied consent of third countries for the transit of firearms is always granted after 20 days, this would decrease the costs. Not all export authorisations imply the transit of firearms through third countries, assuming that 4 out of 7 do and according to the EY study on firearms improvements, the follow up to obtain the written "no objection" to the transfer takes on average about one hour. Therefore, the savings for the 1.000 manufacturers in the EU combined would add up to €56.540.

According to table …, 847 companies handed in 5.985 authorisation request during 2018. On average, this amounts to just under 7 requests for each company. If end-user certificates would become mandatory then this would entail an extra costs for businesses. Based on the amount of hours for the whole export authorisation procedure, it is estimated that end-user certificate procedures will not take longer than 4 hours. Based on the average costs for a FTE employee of €25,7 per hour, one end-user check would cost around €102,8. If each company has to perform this on average 7 time a year and knowing that there are around 1.000 manufacturers active in the EU, this would amount to a cost of €719.600.

Furthermore, if companies would have to provide evidence of the final import certificate, this would also contain some costs. However, these certificates should already be used, the only difference would be that these certificates would be sent to a central bureau or database. Therefore, this task should not take more than one hour. Based on the same calculation as above, this would amount to a cost of €179.900.

Administrative burden for citizens

During the public consultation, citizens were asked to quantify the administrative burden they experienced when exporting or importing firearms. The general consensus was that the unharmonised rules were too complicated. Many citizens complained that it took hours to go through the whole administrative procedure. The few monetary quantifications stated that the costs amounted somewhere between €250 and €500 for one export authorisation.

Administrative burden for museums, collectors etc.

If no authorisations for specific operations, such as temporary import and export, would be needed for institutions such as museums, collectors etc. then this would decrease the costs. Such an

[167] EY (2019), not published, Annex I, p. 160

authorisations takes on average 6 hours, however the frequency is very low. The estimation is that this could concern all arms dealers however it would only happen 0.01 time a year. Therefore, abolishing the need for such authorisations, would amount to a saving of €30.840.

Administrative burden linked to import

The data for import is even more limited than for export as until now, there are hardly any provision in the Regulation. The data on the amount of import authorisations received from the Member States was linked to the import share of that Member States in order to calculate that around 3.511 import authorisations are granted each year.

Furthermore, based on the data from Eurostat, 62.099.451 pieces of firearms were imported into the EU in 2020. As there are around 20.000 dealers, this would mean an annual import of about 3.105 pieces of firearms by each dealer. All these weapons should be provided with an import marking. According to the German national impact assessment[168], an import marking takes 0,425 minutes. At an average cost for a FTE employee of €25,7 per hour, one marking would cost less than €0,43 (calculated by using 1 minute time). If all firearms receive an import marking, this would cost €26.702.763,91. However according to the EY study on firearms improvements, 19 Member States[169] are already requiring import markings. A further three Member States[170] require proof marks of a recognised Proof House. The remaining 6 Member States[171] did not provide enough information. These 6 Member States imported[172] 5.567.690 firearms during 2020. If these Member States require import marking, this would lead to an 'new' cost of €2.394.106,7.

If an e-licensing system would be used to process the import authorisation requests, the time needed for dealers to obtain an authorisation should decrease. As Italy is already using a system and they estimate that it takes 6 hours for one export authorisation, this is a difference of 6 hours between the highest estimate of the EY study and the highest estimate from Italy. As there are 20.000 dealers active in the EU and there are 3.511 import authorisation granted each year, each of these dealers only has 0.17 authorisation request each year. Therefore, the use of an e-licensing system could be a saving of €524.280 (average cost for FTE €25,7 per hour multiplied by a frequency of 0.17 multiplied by 20.000).

[168] German Bundestag, Entwurf eines Dritten Gesetzes zur Änderung des Waffengesetzes und weiterer Vorschriften, Drucksache 19/13839, 09.10.2019, p. 125, https://dserver.bundestag.de/btd/19/138/1913839.pdf
[169] BG, CY, CZ, DE, DK, EE, ES, FI, HR, HU, IT, LT, LU, PL, PT, RO, SE, SI and SK
[170] BE, FR and UK
[171] AT, EL, IE, LV, MT and NL
[172] There are 91 manufacturers in these 6 Member States.

ANNEX 5: CASE STUDIES

In order to mediate the lack of data, case studies have been added to this annex. These case studies focus on the security risks related to export and import of firearms, alarm and signal weapons and semi-finished components.

Case studies related to the export of firearms

Case-study: EU firearms in Mexico

Between 2015 and 2020, 96,948 firearms (worth $38 Mil)[173] were exported from the EU to Mexico. In addition, many EU firearms exported to the USA are re-exported or trafficked to Mexico, which estimates that half of EU firearms brands seized in Mexico were either imported or trafficked from the U.S.

During the period 2010-2020, 61,242 firearms were seized of which 2,744 were Italian, mostly Beretta pistols.[174] During the period 2015-2020, 2,749 German-made firearms were seized in Mexico, more than twice as much as the official exports to this country.

Data provided by the Mexican authorities do not enable the establishment of statistics based on tracing results. There is no data about the year of manufacture of the EU firearms seized, or about their point of diversion. It shows however that EU-made firearms (including civilian firearms) do end up in the wrong hands in high quantities, and that the current EU export control system does not prevent it.

Case-study: EU firearms in Brazil

The National Firearms Focal Point of Brazil provided the European Commission with data, according to which 65956 firearms were seized in 2018, of which 3433 (i.e 5%) were EU-made firearms, most of them from Austria –Glock- (some of them could be from EU brands manufactured in USA or exported to USA and re-exported or trafficked to Brazil). By type, 69% were pistols, 12% revolvers and 8% assault rifles.

The same year, 4826 firearms (worth $1,4 Mil) [source: https://comtrade.un.org/data/] were exported from the EU to Brazil, only 18 from Austria while the same year 1329 Austria-made firearms were seized.

During the period 2014-17 the National Firearms Focal Point traced around 11000 seized firearms, of which 950 were of Austrian manufacture, 546 from Czech Republic, 231 from Italy, 230 from Belgium, 191 from Germany, 153 from Spain, 147 from Romania, 43 from Hungary, which represented the 22,64% of total number. During that period of time, 21260 firearms (worth $5 Mil) [source: https://comtrade.un.org/data/] were exported from the EU to Brazil.

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173 https://comtrade.un.org/data/

174 http://stopusarmstomexico.org/deadly-trade/

The Firearms Focal Point obtained positive results of investigations on traceability from 1735 firearms, which mean it was possible to know the last known record of legal owner. 1480 of them (85%) where from countries neighbouring or from the same continent, including EU-made firearms.

Case study: circumvention of embargos through Moldova

The EU imposed arms embargoes on Belarus and Russia in 2011 and 2014.

Czech Republic-Moldova- Russian Federation

During 2019 and 2020 the Czech Republic exported rifles and pistols to Moldova.[175] The same year, Moldavian authorities received and authorised the request of a Moldovan company to export pistols to Russian Federation, same of them from the above import operation.

The shipment included 'CZ TSR'-model sniper rifles, which can be used for sport or by special police.[176]

Slovakia-Moldova-Belarus

On 25 September 2019, Moldavian authorities received the request to import 130.000 cartridges from Slovakia, the same day the same authorities received the request to export the same amount of cartridges to Belarus.

Case studies related to the import of firearms and semi-finished components

Case study: circumvention of embargos via Kyrgyzstan to Lithuania.[177]

On 1st of June 2021, a large-scale Russian weapons trafficking scheme was exposed and four people were detained in Vilnius (Lithuania). In addition, more than 300 SAIGA rifles and semi-automatic carbines and 12 000 pieces of ammunition were seized during raids. The total value of firearms and ammunitions has been estimated at around 335 000 EUR.

The detained individuals are suspected of creating and taking part in a scheme seeking to circumvent international sanctions imposed in 2014 on Russian arms manufacturers. As part of the scheme, brand new Russian firearms were exported via Kyrgyzstan to Lithuania and then sold both in the country and in other EU MS. Officers estimate that

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175 Meeting with Moldavian authorities. RESTRICTED

176 "EU arms firms trying to flout Belarus and Russia ban", 6.10.2021, https://euobserver.com/world/153145

177 EMPACT firearms "bulletin" newsletter number 17. October 2021. EU LIMITED.

the Lithuanian company involved in the criminal activity might have imported around 1.500 semi-automatic carbines.

Although the arms were bought in Russia, their documents stated that they were purchased from the Central Asian country in order to bypass international sanctions.

Once the arms reached Lithuania, the weapons would be legalised and sold in Lithuania as well as other EU member states, mainly Germany and Austria.[178]

Details seized weapons:

154 Shotgun “Saiga-12”, calibre 12 mm;

155 semi-automatic rifle “Saiga”, calibre 5.45 mm;

2 submachine guns “Saiga-9”, calibre 9 mm;

2 smoothbore hunting carbine “TR3”, calibre 7.62 mm;

4 semi-automatic carbines Saiga Tigr”, calibre 7.62 mm;

16 776 pieces of Tulammo ammunition, calibre 5,45x18.

Case study: imports of convertible alarm and signal weapons into the EU

Some alarm and signal weapons can easily be converted into lethal firearms with simple tools and minimum knowledge. This modus operandi was identified as a particular threat by the competent authorities of the Member States and the Commission[179]. Based on it operation CONVERSUS focus on that threat within the EMPACT firearms, focus on the traceability of imported alarm and signal weapons in EU, which have been proved that are easily converted to live firearms and used in criminal activities.

The main reasons of the threat are the following:

- Before the update of the Firearms Directive in 2017, alarm and signal weapons were not included in the scope of the Directive nor in the Regulation on import/export of civilian firearms, so not specific control of them.
- In 2018 the Implementing Directive 2019/69 on technical specifications of alarm and signal weapons entered into force, but due to the delay of transpositions, there are thousands of alarm and signal weapons with previous technical specifications already in the market.

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178 https://www.lrt.lt/en/news-in-english/19/1425297/large-scale-russian-arms-trafficking-scheme-busted-in-lithuania

179 EU SOCTA 2021: pag. 68 and operational action plans of the EMPACT FIREARMS since 2014 (EU RESTRICTED)

- The current legal framework[180] does not provide a legal basis to ensure a uniform approach to certifying the compliance of these weapons with EU standards on non-convertibility. Consequently, customs or licensing authorities of different Member States may treat differently imported alarm and signal weapons, with some considering that they are convertible into firearms, and others that they comply with EU-level standards.

From 2016 to 2020, 15 949 alarm and signal weapons were seized and contributed to EUROPOL, most of them imported from Turkey (brands Ekol and Zoraki) but also Italy-made brand Bruni. [181]

These seizures were contributed by Member States to EUROPOL, where there are some significant facts and figures[182]:

- In Denmark, converted alarm and signal weapons were in top 3 (total of 123) of seized firearms in the country in 2019.
- In Sweden, 30% of the seized weapons are converted alarm and signal weapons and 10% of the shooting recorded were made with these kind of converted weapons.
- In the Netherlands, roughly 40% of the seized weapons are converted alarm and signal weapons.

Bulgaria, Spain and Slovakia provided data to EUROPOL in the framework of operation CONVERSUS, showing gas and alarm weapons imported from Turkey and sold to individuals from 2016 to 2021:

	2021	2020	2019	2018	2017	2016	TOTAL BY MS
Bulgaria	2989	4067	375	5	1267	3197	11900
Spain	279	81	1861	3	524	395	3143
Slovakia	20	653	48	451	2088	749	4009
TOTAL BY YEARS	3288	4801	2284	459	3879	4341	**19052**

180 Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons; *OJ L 15, 17.1.2019.*

181 Source EUROPOL, reflected in the report from the Commission to the European Parliament and the Council on the application of Firearms Directive C(2021)647 final.

182 Source: data from EUROPOL (EU RESTRICTED)

The results of the operations are the following:

2016: 556 alarm and signal weapons seized and 245 arrests in a series of international actions in 10 Member States.[183]

2018: 222 alarm and signal weapons seized and 112 arrests in a series of international actions in 16 Member States.

2020: 1776 alarm and signal weapons seized and 11 arrests in a series of international actions in 25 Member States.[184]

2021: 1534 alarm and signal weapons were seized in a series of international actions in 24 Member States.[185]

Case study: import of semi-finished components

French authorities reported on the risk linked to the import of semi-finished components in the country[186].

These semi-finished components are imported from USA, particularly semi-finished frames of Glock-type semi-automatic pistols and of semi-finished lower receivers of AR-15 type rifles.

Currently semi-finished essential components of firearms are not regulated in France, so their acquisition is out of regulation of firearms.

Among many models, the POLYMER 80 kit marketed by the company of the same name is the most present on the French illegal market. The price is around 160 USD.[187]

This kit consists of (e.g. for the PF940V2 model for Glock 17 type guns):

- an integral but incomplete and non-functional frame since holes must still be made and material must be removed in certain places (1) ;
- a plastic jig with holes serving as drilling / filing guides into which the frame is inserted (2) ;
- a locking / unlocking block comprising the front breech rails, while for original Glock pistols the breech rails are integrated into the receiver (3) ;
- a removable metal block comprising the rear rails, which receives the ejector, and the rear trigger module (4) ;
- thus, due to the tools: 2 pin-pins (5) , 2 drill bits (6) and a milling cutter (7).

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[183] https://www.europol.europa.eu/media-press/newsroom/news/operation-bosphorus-against-firearms-trafficking-results-in-nearly-250-arrests-in-2016

[184] https://www.europol.europa.eu/media-press/newsroom/news/1-776-firearms-seized-in-international-sweep-against-illegal-trafficking-of-manufactured-weapons

[185] https://www.europol.europa.eu/media-press/newsroom/news/over-1-530-firearms-taken-streets-in-europol-coordinated-operation

[186] EMPACT firearms “bulletin” newsletter number 14. RESTRICTED

[187] www.polymer80.com

1

2

1 REMOVE
2 REMOVE M3
M4
P80
POLYMER80
WWW.POLYMER80.COM
3 REMOVE
M3
PF940 v2

3

4

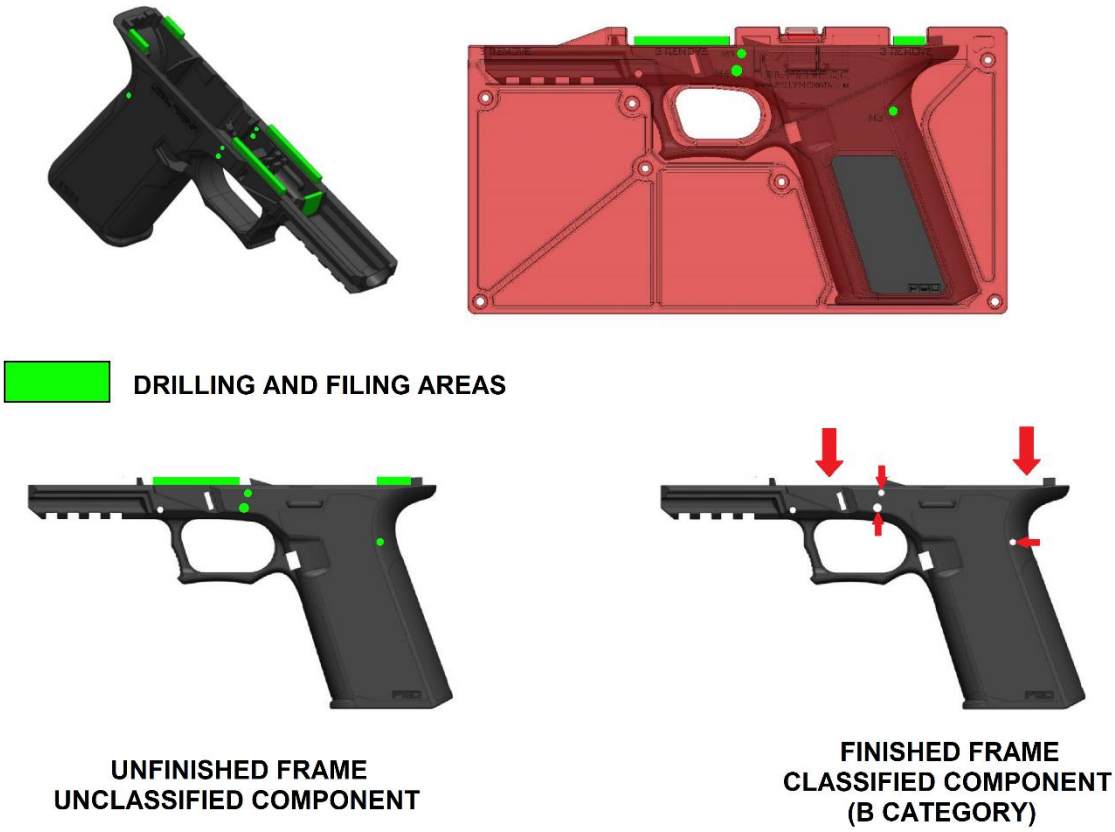
5

6

7

The user of the kit must then:

- drill 2 holes allowing the locking / unlocking unit to be fitted with the front rails;
- drill 1 hole for mounting the rear unit (rear rails, ejector, trigger module) ;
- milling material inside the frame to allow mounting of the barrel ;
- file the future location of the cylinder head rails to allow mounting of the cylinder head.



Making these “80% kits” functional is an easy operation that requires no specialized tools and can be completed in a short time. Once completed, the receiver can be assembled with generic or original cylinder heads and barrels.

According to French´s contributions to EUROPOL,[188] there is an upsurge in the seizures of Glock-type firearms, where some of them were assembled using P80-branded 80% receives, notable those commercialized in France by a specific company. The rest of essential components of these firearms where imported illegally from USA (barrels and slides) French´s contribution to EUROPOL informed of the seizure of a Glock 19-type Parabellum 9mm pistol and a Glock 35-type Smith and Wesson 40 calibre pistol

[188] French contribution to EUROPOL on 21 June 2020. CONFIDENTIAL

although other short firearms may have been assembled and sold. Other types of kits in the market are semi-finished receivers from Colt 1911 and Sig P320-type semi-automatic pistols.

Another French´s contribution to EUROPOL[189] informed of the seizured of 3 AR 15-type assault rifles in overseas territories with semi-finished lower receivers.

Lower AR-15 80% receiver can be bought online (source: www.brownells.fr)

One of the three assault rifle seized in overseas territories

[189] French contribution to EUROPOL on 22 October 2020. CONFIDENTIAL

ANNEX 6: TRACEABILITY CHECK-LIST

Article 2(16) of Regulation (EU) 258/2012 defines tracing as "the systematic tracking of firearms and, where possible, their parts and essential components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and trafficking."

One of the objectives of the Regulation and of its proposed revision is to improve the traceability of firearms and their essential components to ensure more efficient controls and avoid diversion and smuggling.

The following check-list summarizes the various measures included in the preferred option, that ensures increased firearms traceability.

In all cases (except automated verifications), the role of customs is risk-based and not systematic. Checks may be either documentary (e.g. with respect to the authorisation) or physical (e.g. with respect to the presence of the required marking).

Type of measure	**Role for licensing authorities**	**Role for customs**	**Others / comments**
Import			
Import authorisation (for finished and unfinished firearms and components)	Assess request, grant authorisation to import firearms and essential components (within 60 days)	Check the presence of the authorisation – ask the responsible authorities in case of doubt	
Firearms may not be placed on the market/released into free circulation without the appropriate marking	Ensure that all imported firearms are marked with name of the manufacturer / brand, country / place of manufacture, serial number and year of manufacture	Check the presence of the required marking – otherwise ask that the shipment be placed under another customs regime (such as warehousing)	
Alarm and signal weapons: list of non-convertibility	Create list of non-convertibility	Check the presence of alarm and signal weapon on the list – ask the responsible authorities in case of doubt	
Temporary imports	Register the temporary export and monitor its actual re-exports.	Grant the temporary import authorisation on the ATA carnet or the Single Administrative Document, provided	

		the description of the goods includes the information necessary for tracing the firearms. Inform the import licencing authority of the temporary export and about the actual re-import (after discharge on the ATA carnet or the SAD)	
Transit (between point of entry and point of import)	Competent authority of transit sends acknowledgment of receipt to the notifier and copies to other competent authorities. Competent authorities of transit ensure that the customs office of entry and the customs office of import are informed of their decisions to consent to the shipment.	As soon as the shipment has been released into free circulation, customs office of import informs the competent authority of dispatch and the import licencing authority	Copy of the movement document provided by the carrier to the customs office of entry and the customs office of import.
Release of the goods into free circulation	NA	Contact the licensing authority in case of doubt about the conformity of imported goods	
Export			
End-user certificate	Licensing authority to check the presence of the end-user certificate when assessing the application	NA	
Export licence	Issue the export licence	Check the presence of the authorisation – ask the responsible authorities in case of doubt	
In case of Global export	NA	To be determined depending on the	

authorisation		scope of a delegated or implementing act	
Temporary exports	Register the temporary export and monitor its actual re-import.	Grant the temporary export authorisation on the ATA carnet or the Single Administrative Document, provided the description of the goods includes the information necessary for tracing the firearms. Inform the export licencing authority of the temporary export and about the actual re-import (after discharge on the ATA carnet or the SAD)	
Transit (between point of export and point of exit)	Competent authority of transit sends acknowledgment of receipt to the notifier and copies to other competent authorities. Competent authorities of transit ensure that the customs office of export and the customs office of exit are informed of their decisions to consent to the shipment.	As soon as the shipment has left the Union, customs office of exit informs the competent authority of dispatch	Copy of the movement document provided by the carrier to the customs office of export and the customs office of exit.
Release of the goods for exports	NA	Inform the licensing authority that the goods have left the customs territory	
Provide evidence of final import in country of destination	Check that evidence has been provided and inform the customs offices of export and exit if it has not been	NA	Exporters to make sure that the importer provide them with the evidence
Post-shipment controls	Conduct post-shipment controls (or	NA	

	delegate this task to third parties)		
Transit in the EU of a shipment between two non-EU countries			
	The first and last competent authority of transit in the Union ensure that the customs office of entry and the customs office of exit are informed of their respective decisions to consent to the shipment	The customs office of exit, as soon as the shipment has left the Union, informs the competent authority(ies) of transit	

ANNEX 7: PUBLIC CONSULTATION AND CONFIDENTIAL CONSULTATION

1. questionnaire of the web-based public consultation

The questionnaire is structured in three main parts:

- Part I: Questions concerning current problems
- Part II: Need for EU action and possible policy options
- Part III: Evaluation of the impact of options

The table below shows the detailed list of questions included under each section with indication of the specific category of stakeholders the questions are addressed to.

	Survey question	Survey answer	Type	stakeholder[190]				
				NC	US	EC	SPE	OT
General questions								
1.	Please indicate what is your interest in this initiative		Dropdown list	x	x	x	x	x
2.	Country of origin		Dropdown list	x	x	x	x	x
Part I: Questions concerning current problems								
3.	How important it is to have common EU rules on imports of civilian	○ Not important	Multiple choice – single	x	x	x	x	x

[190] Stakeholders are : National competent authorities (NCA), Firearms users (USR), Economic operators (ECO), Firearms specialists (SPE) and Others (OTH)

	firearms from outside of the EU?	○ Slightly important ○ Moderately important ○ Important ○ Very important ○ I do not know	response					
4.	How important it is to have common EU rules on exports of civilian firearms to non-EU countries?	○ Not important ○ Slightly important ○ Moderately important ○ Important ○ Very important ○ I do not know	Multiple choice – single response	x	x	x	x	x
5.	How important is the current administrative burden created for you personally by current EU rules on exports of civilian firearms?	○ Non-existent ○ Slight ○ Moderate ○ Important ○ Very important ○ I do not know	Multiple choice – single response	x	x	x		
6.	If you have replied "important" or "very important", can you quantify this impact (in monthly full-time equivalent and costs)?		Open	x	x	x		
7.	Please explain the extent of the risks of firearms trafficking for each of the following types of movements (do not include in your assessment transfers of firearms within the European Union)? - Import (entry and release in	○ No risk ○ Small risk ○ Moderate risk ○ High risk ○ Very high risk ○ I do not know	Multiple choice – single response	x			x	

	free circulation) - Export (release of the goods and exit) - Transit (and transshipments) inside the EU[191] - Transit (and transshipments) outside the EU[192]							
8.	The Commission has preliminarily identified a number of challenges that could hamper the legal movement of civilian firearms. For each of them, can you mention to what extent, in your view, they create a burden for legal movements of civilian firearms? - Non uniform rules on **<u>exports</u>** - Non uniform rules on **<u>imports</u>** - Lack of a clear distinction between civilian and military firearms (and lack of clarity about the applicable procedure) - Single market rules apply to	○ Not at all ○ Small extent ○ Moderate extent ○ High extent ○ Very high extent ○ I do not know	Multiple choice – single response	x	x	x	x	x

[191] Movement of EU or non-EU goods on the EU customs territory, in line with **<u>articles 226 to 236 of Regulation (EU) nr 952/2013</u>**

[192] Movement of goods leaving the customs territory of the EU across a non-EU country before reaching the destination in another non-EU country.

	more goods (e.g. deactivated firearms, automatic firearms) and persons (brokers, collectors) than import/export rules - The need to have the express prior authorisation of transit countries before granting an **export** licence - Insufficient unified EU rules for simplified procedures (hunters, sport shooters, repair, exhibition, etc.) - Paper-based procedures - Obligation to submit translations of supporting documents - Fees for **export** authorisations or transit inside the EU - No use of the global **export** authorisation							
9.	If you see additional challenges that may hamper legal movements of civilian firearms, can you please describe them here along with their relative importance?		Open	x	x	x	x	x
10.	Without further EU intervention, how do you think the legal movements of civilian firearms will	○ The situation will improve: the current framework will be enough to ensure seamless legal	Multiple choice – single	x	x	x	x	x

	develop in the next 5-10 years?	movement of firearms, and increased cooperation and exchanges of best practices will bring more consistency in the application of the rules. ○ The situation will remain unchanged: the current framework will be enough to ensure legal movement of firearms, but current difficulties will not be overcome. ○ The situation will deteriorate: economic operators and legitimate firearms owners will be faced with increasingly heterogeneous national rules and procedures. ○ I don't know	response					
11.	The Commission has preliminarily identified a number of aspects which could create risks of firearms trafficking. For each of them, can you mention to what extent they increase those risks? - **<u>Imports</u>** into the EU of unmarked signal and alarm weapons - Lack of marking identifying the first country of **<u>import</u>** into the EU - **<u>Imports</u>** into the EU of unmarked semi-finished essential components of firearms	○ Not at all ○ Small extent ○ Moderate extent ○ High extent ○ Very high extent ○ I do not know	Multiple choice – single response	x			x	

	- Risk of **export** of firearms used in crimes - Inadequate controls of the actual end-use of **exported** firearms - Available statistical data does not enable evidence-based detection of trends - Poor coordination amongst **export** licensing authorities (possibility to grant export licences when similar transactions where authorised) - Poor coordination between customs and licensing authorities							
12.	If you see additional challenges that could increase risks of firearms trafficking, can you please describe them here along with their relative importance?		Open	x			x	
13.	Without further EU intervention, how do you think firearms trafficking will develop in the next 5-10 years?	○ The situation will improve: the current framework will be enough to ensure increased cooperation amongst law-enforcement agencies, more intelligence gathering, and increased detection of smuggling of firearms. ○ The situation will remain unchanged: the current framework	Multiple choice – single response	x	x	x	x	x

		will be enough to ensure proper law enforcement cooperation, but intelligence-based targeted checks at import and export will remain defective. ○ The situation will deteriorate: exports (or diversion) of firearms to conflict zones and dictatorships, and smuggling of firearms and convertible weapons into the EU will increase. ○ I don't know						
14.	Is there anything else you would wish to add or mention on the problems regarding imports and exports of civilian firearms to and from the European Union?		Open	x	x	x	x	x
Part II: Need for EU action and possible policy options								
15.	In your view, is there a need for EU intervention on current rules on import, export and transit of civilian firearms?	○ Yes ○ No ○ I don't know	Multiple choice – single response	x	x	x	x	x
16.	Do you see the need for new tools to improve current rules on import, export and transit of civilian firearms?	○ Yes ○ No ○ I don't know	Multiple choice – single response	x	x	x	x	x
17.	For the two previous questions, please provide more detailed		Open	x	x	x	x	x

	considerations							
18.	If EU intervention was considered necessary, what should be its main focus? - Non-legislative measures (guidelines, recommendations) - Clarification of existing legislation - New legislative provisions - Other - I do not know	o Uniform import/export procedures o Tracing of firearms o Exchange of information o Trade facilitation o Other	Multiple choice – single response	x	x	x	x	x
19.	If you selected other, please explain		Open	x	x	x	x	x
20.	To what extent do you think the following measures could contribute to improved legal import, export and transit of civilian firearms? - Clarifying the distinction between military and civilian firearms - Having for civilian firearms the same licensing procedure as for military ones - Digital import and export licenses - Set out clear rules for “simplified procedures”	o Not at all o Small extent o Moderate extent o High extent o Very high extent o I do not know	Multiple choice – single response	x	x	x	x	x

	- Linking simplified procedures to the status of Authorised Economic Operator Safety/Security - Replace the global authorisation by a general **export** authorisation for specific countries and exporters (authorised economic operators) - Systematically assuming the agreement of non-EU country of **transit** in the absence of a reply - Removing the obligation to provide translations of supporting documents - Publishing a list of competent authorities (including in non-EU countries) - No fees for authorisations and transit - Other							
21.	Please explain why		Open	x	x	x	x	x
22.	To what extent do you think the following measures could contribute to improved fight against trafficking of firearms?	○ Not at all ○ Small extent ○ Moderate extent ○ High extent	Multiple choice – single response	x			x	

	- Ensuring that convertible alarm and signal weapons are always classified as firearms at **import** - Ensuring tracing of deactivated or converted firearms, regulating the activities of brokers - Homogenising the processing of requests for **imports** licenses - Homogenising the processing of requests for **exports** licenses - Systematic check of criminal records in other EU Member States before granting an import/export licence - Exchange of information on refusals to grant import or export authorisations - Computerised data-filing systems of import or export authorisations (and exchange of information) - Imposing marking of the first country of **import** - Limiting imports of unmarked semi-finished essential components	○ Very high extent ○ I do not know						

	- Sharing and analysing general statistics on imports, exports and seizures of firearms - Clarifying the role of customs authorities - Clarifying the roles of competent authorities - Requiring end-use certificates at **export** - Stepping up post-shipment controls at **export** - National inspection systems to check whether the conditions of an **export** licence continue to be met - Other							
23.	Please explain why		Open	x			x	
Part III: Evaluation of the impact of options								
24.	For each of the measures mentioned below, please indicate how they would affect, for you personally, the administrative burden. - Clarifying the distinction between military and civilian firearms - Having for civilian firearms the same licensing procedure	○ Very negative impact ○ Negative impact ○ No impact ○ Positive impact ○ Very positive impact ○ I do not know	Multiple choice – single response	x	x	x		

	as for military ones - Digital import and export licences - Set out clear rules for “simplified procedures” - Linking simplified procedures to the status of Authorised Economic Operator Safety/Security - Replace the global authorisation by a general **export** authorisation for specific countries and exporters (authorised economic operators) - Systematically assuming the agreement of non-EU country of **transit** in the absence of a reply - Removing the obligation to provide translations of supporting documents - Publishing a list of competent authorities (including in non-EU countries) - No fees for authorisations and transit - Ensuring that convertible alarm and signal weapons are							

	always classified as firearms at **import** - Ensuring tracing of deactivated or converted firearms, regulating the activities of brokers - Homogenising the processing of requests for **imports** licenses - Homogenising the processing of requests for **exports** licenses - Systematic check of criminal records in other EU Member States before granting an import/export licence - Exchange of information on refusals to grant import or export authorisations - Computerised data-filing systems of import or export authorisations (and exchange of information) - Imposing marking of the first country of **import** - Limiting **imports** of unmarked semi-finished essential components - Sharing and analysing general statistics on imports,							

	exports and seizures of firearms - Clarifying the role of customs authorities - Clarifying the roles of competent authorities - Requiring end-use certificates at **export** - Stepping up post-shipment controls - National inspection systems to check whether the conditions of an **export** licence continue to be met							
25.	Where possible, for the above measures, could you provide a quantitative estimate of the impact on administrative burden (average monthly full-time equivalent, costs)?		Open	x	x	x	x	x
26.	If you wish to add further information — within the scope of this questionnaire — please feel free to do so here.		Open	x	x	x	x	x
27.	Please indicate here whether you would agree to be contacted to discuss your answers and provide more detailed replies	- Yes - No	Multiple choice – single response	x	x	x	x	x

28.	Please feel free to upload a concise document, such as a position paper.		Open	x	x	x	x	x

2. Questionnaire of the confidential consultation

	Survey question	Survey answer	Type
1.	What body do you represent?	- Police - Customs - Ministery of foreign affairs - Ministery of trade - Ministry of justice or home affairs - Other export licensing authority - other	Multiple choice – single response
2.	Country of origin		Dropdown list
3.	How do you mark firearms at import?	- with the unique marking of Directive (EU) 2021/55 (the Firearms Directive) only - with an import marking enabling the identification of the country of import and the year of import - other - NA (eg; I only deal with exports)	Multiple choice – single response
4.	Please explain and indicate the relevant legislation		Open question

5.	What form of import authorisation do you have?	- The standard authorisation to acquire or transfer a firearm under Directive (EU) 2021/555? - A specific import authorisation - A mere customs declaration - I do not know	Multiple choice – single response
6.	Please explain		Open question
7.	Please upload a template of your import authorisation		Uploaded document
8.	What is the maximum time between a request and an import authorisation		Open question
9.	At import, who checks compliance of alarm and signal weapons (CN Code 9304) with EU standards on non-convertibility of Implementing Directive 2019/69 before release into free circulation?	- Customs - Ballistic laboratory - Test bench - Nobody - Other - NA (eg. I only deal with export)	Multiple choice – single response
10.	How do you regulate imports of unmarked P80-branded “80%” receivers (e.g.Glock-type semi-automatic pistols, or lower receivers of AR-15-type assault rifles)?	- Need to be declared as firearms parts (CN code 9305) but not marked - Need to be declared as firearms essential components (CN code 9305) and marked accordingly - Not considered as firearms parts - no specific declaration - NA (eg. I only deal with exports)	Multiple choice – single response

11.	Are you aware of a risk of firearms being legally exported from third countries into the EU, but kept undeclared at arrival in hold luggage?	- Yes - No - NA (eg. I only deal with exports)	Multiple choice – single response
12.	How do you regulate/check imports of firearms in hold luggage?	- We request a entry summary declaration - We demand a standard import authorisation but no advance notification of customs - Other - We don't - I do not know	Multiple choice – single response
13.	Please explain		Open question
14.	Will the Import Control System 2 (ICS 2) make a difference?	- Yes a big one - Yes, a bit - No difference - I do not know	Multiple choice – single response
15.	Please explain		Open question
16.	How do you share data at EU level in relation to smuggling of firearms into the EU?	- Systematic SIENA message - Occasional SIENA message - Systematic Risk Information Fiches (RIF) in the Customs Risk Management System (CRMS) - Occasional RIF in CRMS - Regular sharing with Europol of general seizure data - Regular sharing with Europol of detailed seizure statistics (by CN code, type of	Multiple choice – single response

		misdeclaration, country of origin, category of firearms etc.) - Regular sharing with European Commission (DG TAXUD) of general seizure data - Regular sharing with European Commission (DG TAXUD) of detailed seizure statistics (by CN code, type of misdeclaration, country of origin, category of firearms etc.) - Mere bilateral exchanges with Member States concerned - Other - NA (eg. I only deal with exports)	
17.	Please explain		Open question
18.	When establishing risk profiles to check firearms imports, do you take into consideration for your assessment imports and smuggling statistics into the EU?	- We use our own national statistics - We rely on experience shared in CRMS (Risk Information Fiches) - We use SIENA-based information - We use other sources of intelligence - We have EU-level statistics on which to base our risk assessment - NA (eg. I only deal with exports)	Multiple choice – single response
19.	Please explain		Open question
20.	What would be the impact of subjecting firearms to Surveillance (article 55 of Implementing Regulation (EU) 2015/2447)?	- Very positive impact - Slightly positive impact - No impact - Slightly negative impact - Very negative impact	Multiple choice – single response

		- I do not know	
21.	Please explain		Open question
22.	Do you have simplified procedures for temporary imports, or re-imports following temporary exports?	- No - they are subject to standard import authorisations - Yes, for sport shooters - Yes, for hunters - Yes, for exhibition purposes - Yes, for repair purposes - Yes, for imports from specific (non-EU) countries - Yes, for Authorised Economic Operators – safety and security - Yes, other - NA (eg. I only deal with exports)	Multiple choice – multiple response
23.	Please explain		Open question
24.	For Export authorisations, do you use the model established in the annex of Regulation 258?	- Yes - No - NA (eg. not involved in granting export authorisations)	Multiple choice – single response
25.	Please upload a template of the export authorisations you use		Upload document
26.	Before granting an export authorisations, do you:	- systematically check the criminal record of the applicant in your national database - systematically check the criminal record of the applicant in European Criminal Records	Multiple choice – single response

		Information System (ECRIS) - your national criminal record system does automatic searches in the European Criminal Records Information System (ECRIS) - request the applicant to submit a copy of his/her criminal record in your country - request the applicant to submit a copy of the national criminal record of another relevant country (country of residence or of nationality) - check in the Schengen Information System (SIS) if the firearms concerned are sought for seizure elsewhere in the EU - systematically check if the applicant is involved in any present or past criminal investigation - NA (eg. not involved in granting export authorisations)	
27.	Similar transactions, do you	- Systematically check the COARM system to see if similar transactions have been refused/revoked/modified in other Member States - Occasionally check the COARM system to see if similar transactions have been refused/revoked/modified in other Member States - Always ask another authority (Ministry of Foreign Affairs) to check in COARM - Sometimes ask another authority (Ministry of Foreign Affairs) to check in COARM	Multiple choice – single response

		- Never check in COARM - NA (eg. not involved in granting export authorisations)	
28.	For refusals (or withdrawal of export authorisations), do you:	- Always upload them (or have them uploaded) in COARM - Sometimes upload them (or have them uploaded) in COARM - Never upload them (or have them uploaded) in COARM - NA (eg. not involved in granting export authorisations)	Multiple choice – single response
29.	After having granted an export authorisation, do you:	- regularly check the criminal record of the person concerned? - conduct reviews of existing authorisations to check if conditions are still met? - reassess/withdraw authorisations in the light of new risks of diversion? - always request the exporter to confirm import in the country of destination? - conduct regular post-shipment checks to verify the weapon have not been illicitely re-exported or diverted? - NA (not involved in the export authorisation process)	Multiple choice – single response
30.	Please explain		Open question
31.	How do you control exported	- They are not subject to any specific rule at export	Multiple choice –

	deactivated firearms?	- They must be marked in accordance with Regulation (EU) 2015/2403 and accompanied with a deactivation certificate even if deactivated before 8 April 2016 - They must be marked in accordance with Regulation (EU) 2015/2403 and accompanied with a deactivation certificate only when deactivated after 8 April 2016 - Other - I do not know	single response
32.	Please explain		Open question
33.	How do you control exported signal and alarm weapons?	- They are not subject to any specific rule at export - They are considered as firearms under national legislation and are subject to the same rules - They must comply with Commission Implementing Directive (EU) 2019/69 to avoid being subject to export authorisations - Other - I do not know	Multiple choice – single response
34.	Please explain		Open question
35.	Please explain how you organize the national control system and which designated national authority chairs the national control system pursuant to		Open question

	article 5 of the Arms Trade Treaty.		
36.	Please explain which are the designated national competent authorities and if all of them are involved in the national control system pursuant to article 5 of the Arms Trade Treaty.		Open question
37.	Do you apply a Single Procedure for firearms covered both by Regulation (EU) 2012/258 and Common Position 2008/944/CFSP?	- Yes: the same procedure is applied to all firearms - Yes: mere consultation of the ministries responsible (foreign affairs/defence) - Yes: single form/website for the application, but different types of licences - Yes: other - No - I don't know	Multiple choice – single response
38.	Please explain		Open question
39.	Please explain the difference between the two		Open question
40.	Do you have simplified procedures for temporary exports, or re-exports following temporary imports?	- Yes, for sport shooters and hunters (as required by Reg. 258) - Yes, for exhibition purposes (temporary exports) - Yes, for repair purposes (temporary exports) - Yes, for exports to specific (non-EU) countries	Multiple choice – multiple response

		- Yes, for Authorised Economic Operators – safety and security - Yes for re-exports after temporary admission - Yes, other - NA (eg. I only deal with exports)	
41.	Please explain		Open question
42.	Do you have electronic import and export authorisation processes?	- electronic import processes - paper-based import processes - electronic export processes - paper-based export processes - I don't know	Multiple choice – multiple response
43.	Do you have a computerised data-filing system for record-keeping of import and export authorisations?	- Yes, for import - Yes, for export - Yes, also for refusals - No - I do not know	Multiple choice – multiple response
44.	Do import and export licensing authorities have access to the EU Customs Information System?	- Yes, at import (they are customs authorities) - Yes, at import (non-customs authorities) - Yes, at export (they are customs authorities) - Yes, at export (non-customs authorities) - No - I do not know	Multiple choice - - single response
45.	When your customs authorities discover an illicit movement, please explain how they communicate with the competent authority which granted		Open question

	the export authorisation (in your country or in other Member States)		
46.	If an export authorisation is withdrawn, suspended, modified or revoked, does your export licencing authority inform the customs administration?	- Yes, within the same Member State - Yes, to the authorities of the Member State of exit - Other - No - I don't know	Multiple choice - - single response
47.	Please explain		Open question
48.	Do you impose fees for import and export authorisations?	- Yes, for import authorisations - Yes, for export authorisations - Yes, for transit inside the EU - Yes, escorting fees only - Other - No. None of the above	Multiple choice - multiple response
49.	How much? (indicate price per authorisation, or according to the quantities concerned)		Open question
50.	In your view, how important it is to have common EU rules on imports of civilian firearms from outside of the EU?	- Not important - Slightly important - Moderately important - Important - Very important - I do not know	Multiple choice - single response

51.	In your view, how important it is to have common EU rules on exports of civilian firearms outside of the EU?	- Not important - Slightly important - Moderately important - Important - Very important - I do not know	Multiple choice - single response
52.	How important is the current administrative burden created for you personally by current EU rules on exports of civilian firearms?	- Non-existent - Slight - Moderate - Important - Very important - I do not know	Multiple choice - single response
53.	If you have replied “important” or “very important”, can you quantify this impact (in monthly full-time equivalent and costs)?		Open question
54.	The Commission has preliminarily identified a number of challenges that could hamper the legal movement of civilian firearms. For each of them, can you mention to what extent, in your view, they create a burden for legal movements of civilian firearms?: - Non uniform rules on exports - Non uniform rules on imports - Lack of a clear distinction between civilian and military	- not at all - small extent - moderate extent - high extent - very high extent - I do not know	Multiple choice - single response

	firearms (and lack of clarity about the applicable procedure) - Single market rules apply to more goods (e.g. deactivated firearms, automatic firearms) and persons (brokers, collectors) than import/export rules - The need to have the express prior authorisation of transit countries before granting an export licence - Different national rules for simplified procedures (hunters, sport shooters, repair, exhibition, etc.) - Paper-based procedures - Obligation to submit translations of supporting documents - Fees for export authorisations or transit inside the EU - No use of the global export authorisation		
55.	If you see additional challenges that may hamper legal movements of civilian firearms, can you please describe them here along with their relative importance?		Open question

56.	Without further EU intervention, how do you think the legal movements of civilian firearms will develop in the next 5-10 years?	- The situation will improve: the current framework will be enough to ensure seamless legal movement of firearms, and increased cooperation and exchanges of best practices will bring more consistency in the application of the rules. - The situation will remain unchanged: the current framework will be enough to ensure legal movement of firearms, but current difficulties will not be overcome. - The situation will deteriorate: economic operators and legitimate firearms owners will be faced with increasingly heterogeneous national rules and procedures. - I do not know	Multiple choice – single response
57.	Please explain the extent of the risks of firearms trafficking for each of the following types of movements (do not include in your assessment transfers of firearms within the European Union).: - Import (entry and release in free circulation) - Export (release of the goods and exit) - Transit (and transshipments) inside the EU - Transit (and transshipments) outside the EU	- no risk - small risk - moderate risk - high risk - very high risk - I do not know	Multiple choice – single response

58.	The Commission has preliminarily identified a number of aspects which could create risks of firearms trafficking. For each of them, can you mention to what extent they increase those risks?: - Imports into the EU of unmarked signal and alarm weapons - Lack of marking identifying the first country of import into the EU - Imports into the EU of unmarked semi-finished essential components of firearms - Risk of export of firearms used in crimes - Inadequate controls of the actual end-use of exported firearms - Available statistical data does not enable evidence-based detection of trends - Poor coordination amongst export licensing authorities (possibility to grant export licences when similar	- not at all - small extent - moderate extent - high extent - very high extent - I do not know	Multiple choice – single response

	transactions where authorised) - Poor coordination between customs and licensing authorities		
59.	If you see additional challenges that could increase risks of firearms trafficking, can you please describe them here along with their relative importance?		Open question
60.	Without further EU intervention, how do you think firearms trafficking will develop in the next 5-10 years?	- The situation will improve: the current framework will be enough to ensure increased cooperation amongst law-enforcement agencies, more intelligence gathering, and increased detection of smuggling of firearms. - The situation will remain unchanged: the current framework will be enough to ensure proper law enforcement cooperation, but intelligence-based targeted checks at import and export will remain defective. - The situation will deteriorate: exports (or diversion) of firearms to conflict zones and dictatorships, and smuggling of firearms, their components, and convertible weapons into the EU will increase. - I do not know	Multiple choice – single response
61.	Is there anything else you would wish to add or mention on the problems regarding imports and exports of		Open question

	civilian firearms to and from the European Union?		
62.	In your view, is there a need for EU intervention on current rules on import, export and transit of civilian firearms?	- Yes - No - I do not know	Multiple choice – single response
63.	Do you see the need for new tools to improve current rules on import, export and transit of civilian firearms?	- Yes - No - I do not know	Multiple choice – single response
64.	For the two previous questions, please provide more detailed considerations		Open question
65.	If EU intervention was considered necessary, what should be its main focus?: - Non-legislative measures (guidelines, recommendations) - Clarification of existing legislation - New legislative provisions - Other - I do not know	- Uniform import / export procedures - Tracing of firearms - Exchange of information - Trade facilitation - Other	Multiple choice – single response
66.	Please explain		Open question
67.	To what extent do you think the following measures could contribute to improved legal import, export and	- not at all - small extent - moderate extent	Multiple choice – single response

	transit of civilian firearms?: - Clarifying the distinction between military and civilian firearms - Having for civilian firearms the same licensing procedure as for military ones - Digital import and export licences - Set out clear rules for “simplified procedures” - Linking simplified procedures to the status of Authorised Economic Operator Safety/Security - Replace the global authorisation by a general export authorisation for specific countries and exporters (authorised economic operators) - Systematically assuming the agreement of non-EU country of transit in the absence of a reply - Removing the obligation to provide translations of supporting documents - Publishing a list of competent authorities (including in non-	- high extent - very high extent - I do not know	

	EU countries) - No fees for authorisations and transit - Ensuring that convertible alarm and signal weapons are always classified as firearms at import - Ensuring tracing of deactivated or converted firearms, regulating the activities of brokers - Homogenising the processing of requests for import licenses - Homogenising the processing of requests for export licenses - Systematic check of criminal records in other EU Member States before granting an import/export licence - Exchange of information on refusals to grant import or export authorisations - Computerised data-filing systems of import or export authorisations (and exchange of information) - Imposing marking of the first country of import - Limiting imports of unmarked semi-finished essential		

	components - Sharing and analysing general statistics on imports, exports and seizures of firearms - Clarifying the role of customs authorities - Clarifying the roles of competent authorities - Requiring end-use certificates at export - Stepping up post-shipment controls at export - National inspection systems to check whether the conditions of an export licence continue to be met - Other		
68.	Please explain why		Open question
69.	For each of the measures mentioned below, please indicate how they would affect, for you personally, the administrative burden.: - Clarifying the distinction between military and civilian firearms - Having for civilian firearms the same licensing procedure as for military ones - Digital import and export	- very negative impact - negative impact - no impact - positive impact - very positive impact - I do not know	Multiple choice – single repsonse

	licences - Set out clear rules for “simplified procedures” - Linking simplified procedures to the status of Authorised Economic Operator Safety/Security - Replace the global authorisation by a general export authorisation for specific countries and exporters (authorised economic operators) - Systematically assuming the agreement of non-EU country of transit in the absence of a reply - Removing the obligation to provide translations of supporting documents - Publishing a list of competent authorities (including in non-EU countries) - No fees for authorisations and transit - Ensuring that convertible alarm and signal weapons are always classified as firearms at import - Ensuring tracing of deactivated		

	or converted firearms, regulating the activities of brokers - Homogenising the processing of requests for import licenses - Homogenising the processing of requests for export licenses - Systematic check of criminal records in other EU Member States before granting an import/export licence - Exchange of information on refusals to grant import or export authorisations - Computerised data-filing systems of import or export authorisations (and exchange of information) - Imposing marking of the first country of import - Limiting imports of unmarked semi-finished essential components - Sharing and analysing general statistics on imports, exports and seizures of firearms - Clarifying the role of customs authorities - Clarifying the roles of competent authorities		

	- Requiring end-use certificates at export - Stepping up post-shipment controls at export - National inspection systems to check whether the conditions of an export licence continue to be met - Other		
70.	Where possible, for the above measures, could you provide a quantitative estimate of the impact on administrative burden (average monthly full-time equivalent, costs)?		Open question
71.	If you wish to add further information — within the scope of this questionnaire — please feel free to do so here.		Open question
72	Free text question		Open question or upload a document