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PROPOSAL

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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2022) 480 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on import, export and transit measures for firearms, their essential components and ammunition, implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol) (recast)

Delegations will find attached document COM(2022) 480 final.

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Brussels, 27.10.2022
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2022/0288 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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{SEC(2022) 330 final} - {SWD(2022) 298 final} - {SWD(2022) 299 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Illicit flows of firearms facilitate serious and organised crime, including terrorism, by enabling violent approaches towards achieving criminal goals, supporting illicit businesses, and protecting them from competition. Illicit firearms also affect other areas of organised crime, such as trafficking in drugs and human beings. It is estimated that 35 million illicit firearms were owned by civilians in the EU in 2017 (56% of the estimated total of firearms).[1] According to those estimates, illicit firearms outnumber legally-held firearms in 12 EU Member States[2].

The current EU rules on import, export and transit of firearms are contained in Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 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 (hereinafter 'UN Firearms Protocol'), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (hereinafter 'the Firearms Regulation'). The Regulation aimed to address key challenges related to the tracing and illicit trafficking of civilian firearms by setting common definitions, rules and principles for export, import and transit procedures. Its overall strategic objective was to reduce the risk of illicit trafficking in firearms for civilian use by ensuring coherence across Member States in rules on external trade in line with Article 10 of the UN Firearms Protocol.

The Firearms Regulation defines the requirements for legal export procedures and for the tracing of firearms during international transports to be horizontally implemented across EU Member States. Therefore, being addressed to individuals and businesses operating in the legal market, the Firearms Regulation was intended to have an indirect impact on illicit trafficking. Specifically, the Firearms Regulation regulates the export authorisation for civilian firearms as well as the transit and import of these firearms. It also establishes customs formalities, simplified procedures for export, penalties, record-keeping obligations and the obligation to share information and administrative cooperation.

The 2021 Serious and Organised Crime Threat Assessment, published by the European Union Agency for Law Enforcement Cooperation (Europol), pointed out that illegal firearms originate from within the EU but also from weapon stocks outside the EU.[3] The project "Studying the Acquisition of Illicit Firearms by Terrorists in Europe" (SAFTE) found that in the EU, external supply channels are more important than internal ones in fuelling illicit

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1 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-BPCivilian-held-firearms-annexe.pdf.

2 These Member States include: Austria, Belgium, Germany, France, Hungary, Italy, Lithuania, Latvia, the Netherlands, Poland, Romania, and Slovenia.

3 The European Union Serious and Organised Crime Threat Assessment (SOCTA) 2021: p. 57.

firearms markets. Cross-border trafficking of firearms from non-EU countries was considered the most important supply mechanism.[4] 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.[5]

A recent study from the United Nations Office on Drugs and Crime (UNODC) also shows that the traditional closed character of the illicit firearms market in the EU is eroding due to continuing cross-border trafficking 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.[6]

Furthermore, the circumvention of rules and diversion of firearms contribute to the trafficking of firearms, their essential components and ammunition. One of the recent trends in firearms trafficking by criminals is searching for markets with less restrictive legislation, inside and outside of the EU, towards firearms possession. They acquire firearms legally in one country in order to transport them illegally to other countries for their own criminal purposes or further redistribution.[7]

As stated above, trafficking of firearms into the EU from post-conflict countries is one of the main supply chains. Legacy weapons from the armed conflicts in the Western Balkans are the largest source for cross-border trafficking of firearms into the EU.

The consequences of Russia's unprovoked and unjustified military aggression against Ukraine have a significant impact beyond Ukraine, on our neighbourhood and the EU internal security. While there is no direct link between the proposal and the export of firearms for military purposes to Ukraine, the revised Firearms Regulation, when it enters into force, will reduce the risk of circumvention of embargos in the case of exports of firearms for civilian use and will increase the controls of the import of civilian firearms from non-EU countries (including post-conflict ones), which will have to be properly traced.

The proposal aims at combating and preventing firearms trafficking into and from the EU, including by addressing the risks at import and at export. At import, the two main risks are linked to the circumvention of unclear rules that enable the import of "semi-finished" firearms and components. These semi-finished firearms and components can be used to manufacture firearms at home, which are not correctly marked and registered (so-called "ghost guns"). Furthermore, alarm and signal weapons that are convertible into lethal firearms are used all over the EU in criminal contexts. At export, the main risk lies in the diversion of civilian firearms shipped to a non-EU country and being re-exported to countries subject to arms embargoes or sold to criminals and armed forces due to lack of controls and supervision before and after the export process. Once diverted, those firearms may contribute to a destabilisation near the EU borders or be eventually trafficked back into the EU.

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

5 Mancuso (M) and Savona (E) ed. (2017), Final report of Project FIRE – Fighting Illicit firearms trafficking Routes and actors at European level, p.21 (link).

6 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.

7 FRONTEX (2021), Handbook on firearms for border guards and customs,

Therefore, this proposal aims to enable coordinated controls between Member States and to ensure the traceability of firearms. Notably, the proposal provides for the proper recording of firearms-related information, responds to the need of improving the work of customs authorities in detection of illicit firearms, their components and ammunition, and limits the import of semi-finished firearms and essential components to arms dealers and brokers only, which is a key novelty. Furthermore, this proposal aims at clarifying the role of the licencing authorities. It also aims to improve cooperation between law enforcement authorities (including customs) and licensing authorities, in both import and export, in order to improve the traceability of firearms, their components and ammunition.

Furthermore, the proposal aims to improve the systematic data collection on international movements of firearms for civilian use, as well as data on seized firearms. The absence of centralised data at national level and the lack of transparency due to the sensitivity of the data are hindering the collection of qualitative data. In turn, the lack of data hinders the development of targeted policies and research in the field of firearms trafficking. Therefore, the proposal focuses on receiving annual data by Member States on the number of authorisations and refusals for authorisation as well as the quantities and values of civilian firearms imports and exports, by origin and destination. Additionally, the systematic collection of seizure data is necessary to create targeted policies to prevent and tackle firearms trafficking.

In addition, the proposal aims to balance, on the one hand, the need for increased security and, on the other hand, the facilitation of the legal trade of firearms. In this context, the proposal aims to ensure a level playing field and to reduce the administrative burden placed on economic operators and firearms owners, since economic operators continue to face different national rules, procedures and practices when trying to obtain an export or import authorisation. Furthermore, EU businesses are subject to different requirements and administrative procedures, and therefore bear different costs, depending on the Member State in which they operate. Furthermore, they are faced with burdensome paper-based procedures. The proposal therefore aims to address these challenges by creating a clear legal framework, focusing on digitalisation of procedures, and increasing the cooperation between customs and licensing authorities to facilitate the import, export and transit procedures. Concerning firearms owners, the relevant provisions facilitate temporary movements of firearms without being subject to lengthy authorisation procedures, namely by providing in certain cases exemptions from import and export authorisations for hunters, sport shooters and collectors.

Finally, this proposal aims to solve the existing grey area and address the overlap between the scope of the Firearms Regulation and the scope of the Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (hereinafter: 'the Common Position'). This overlap leaves room for divergent interpretations and inconsistencies in the application of the correct (military or civilian) export regime to items that fall in this area. Furthermore, the lack of clear objective criteria set in both the Firearms Regulation and the Common Position to establish whether firearms or ammunition are military or civilian is problematic. In this context, the scope of this proposal is fully aligned with the scope of 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 (hereafter 'the Firearms Directive') (including the category A of most dangerous firearms). State-to-State (i.e. government-to-government) transactions as well as direct sales to the armed forces, the police or public authorities will remain excluded from the scope of this initiative and will continue to be subject to the Common Position. All other transactions are

considered of civilian nature and therefore subject only to the rules and procedures provided for in this proposal.

- **Consistency with existing policy provisions in the policy area**

This proposal is consistent with the priorities of the Commission's EU Security Union Strategy[8], which calls for an assessment of whether the rules on export authorisation and import and transit measures for firearms are still fit for purpose. The focus remains towards the improvement of the traceability of weapons and to ensure information exchange between licensing and law enforcement authorities.

This proposal also reflects the priorities of the Commission's EU Strategy to tackle Organised Crime[9], which identifies firearms as a key enabler of the increasing violence by criminal groups, allowing them to intimidate their opponents and exert control over their members and markets.

In addition, this proposal follows-up on the implementation of the 2020-2025 EU Action Plan on firearms trafficking[10]. This action plan has four main priorities, which this proposal also contributes to: safeguarding the licit market and limiting diversion, building a better intelligence picture, increasing pressure on criminal markets, stepping up international cooperation.

More specifically, Action 1.4 of the action plan requires that "*The Commission will conduct an impact assessment on the EU legislation on controls for imports and exports of civilian firearms, to examine ways to improve traceability (harmonised import markings), to exchange of information between national authorities to avoid circumvention of export prohibitions, and to increase the security of export and import control procedures of firearms (more clarity in simplified procedures). It will examine how to ensure consistency between Regulation No 258/2012 and the Firearms Directive, for instance, to better address the imports of easily convertible alarm and signal weapons, or to apply export controls to all weapons regulated by the Directive. To ensure robust enforcement of its rules, the Commission also intends to make applicable the whistle-blower-protection regime put in place with Directive (EU) No 2019/1937 to persons who report breaches of Regulation No 258/2012 as amended*." This proposal addresses all of these points.

- **Consistency with other Union policies**

This proposal also takes into account relevant EU policies that have been adopted or launched since the entry into force of the Firearms Regulation. This includes the Union Customs Code (hereinafter UCC) Regulation (EU) No 952/2013, which was also amended multiple times; the Delegated Regulation (EU) 2015/2446 supplementing the UCC Regulation; and the Implementing Regulation (EU) 2015/2447 laying down details rules for implementation of the UCC. The proposal is also in line with the transition of the UCC to a fully electronic customs.

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8 Communication from the Commission on the EU Security Union Strategy. COM(2020) 605

9 Communication from the Commission on the EU Strategy to tackle Organised Crime 2021-2025 (2021) 170 final.

10 Communication from the Commission on 2020-2025 EU action plan on firearms trafficking COM(2020) 608.

As regards EU customs policy, this proposal takes into account the EU Customs Action Plan[11], supporting the EU customs to protect revenues, prosperity and security. Furthermore, this initiative also subscribes to the EU's priorities and strategy on customs risk management[12]. Some of its key objectives, such as improved data quality, information sharing, efficient controls and risk-mitigation and interagency cooperation, are extremely valuable for this proposal.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The legal basis of this proposal is Article 207 of the Treaty on the Functioning of the European Union (TFEU) related to the EU's common commercial policy. Legislation adopted in the area of the EU's common commercial policy falls under the exclusive competence of the EU. Article 207 TFEU refers to measures defining the framework for implementing the common commercial policy, which shall be based on uniform principles, particularly with regard to changes in tariff rates, the conclusion of tariff and trade agreements relating to trade in goods and services, and the commercial aspects of intellectual property, foreign direct investment, the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in the event of dumping or subsidies. Article 207 TFEU was also the legal basis for the Firearms Regulation.

In addition to Article 207 TFEU, this proposal also has as legal basis Article 33 TFEU, since it addresses aspects related to exchange of information and cooperation between customs authorities, between customs and competent licensing authorities, and between those authorities and the Commission.

• Subsidiarity (for non-exclusive competence)

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 facilitates the diversion of the EU import, export and transit legislation concerning firearms, essential components and ammunition.

• Proportionality

The proposal is proportionate in relation to the stated overarching objectives. While the obligations on Member States may in certain cases entail some additional administrative burden (e.g. where Member States need to develop a centralised computer-filling system, systematically check if deactivated firearms are properly marked and accompanied by a deactivation certificate or when declaring semi-finished firearms and essential components), these are anticipated to be generally limited in numbers or be one-off investments. In this regard, it should be noted that many Member States already have existing practices in place and some of the obligations provided in the proposal already exist for transfers within the EU.

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[11] Communication from the Commission taking the Customs Union to the Next level: a Plan for Action COM(2020) 581

[12] COM(2014) 527 final

As regards specific provisions of the proposal, such as listing the firearms that should be traced and recorded at export, they would have no significant impact on licensing authorities and therefore would not be disproportionate, 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.

As all exports are matched by a corresponding import in a non-EU country, providing a copy of the import declaration would not create an 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 creating an administrative burden for national administrations or for economic operators.

Concerning exchange of information, compared to the absence of notification, providing for a compulsory exchange of information about denials in a common database may 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 annually). If this system is the same as the one currently used for dual-use goods (DUeS), the additional burden would be very low, since most export licensing authorities already have access to DUeS. Therefore, this provision would not be disproportionate compared to the pursued objective.

As regards the obligation for export licensing authorities to check in the Schengen Information System (SIS) whether exported firearms were reported lost or stolen in another Member State, such an obligation is also proportionate, since it would only apply in suspicious cases and not in the case of weapons registered in the data-filing system of the Member State of export, or for newly-manufactured firearms. Limiting the import of semi-finished firearms and essential components to licensed arms dealers and brokers only (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.

Overall, the simplifications introduced by this proposal (e.g. connection to the EU Single Window Environment for customs, clarification of the scope, further simplified procedures, including with respect to the Authorised Economic Operators, temporary exports) will have a positive effect not only on the correct and complete implementation of the Firearms Regulation but also on the administrative burden of economic operators and firearms owners. The investments and administrative work to create the digitalised procedures and the interconnection between systems are one-off and proportionate considering their very positive effects.

- **Choice of the instrument**

Given that this proposal will recast the Firearms Regulation, the recast has to take the same form of a Regulation. The reason for this recast is the large number of new provisions that this legislative proposal is introducing. The recast will allow for a readable and logical structure of the text. Annex V contains a table of correspondence.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

In 2017, the Firearms Regulation was subject to an evaluation aimed at assessing its implementation in terms of its relevance, coherence, effectiveness, efficiency, EU added value and sustainability.[13]

The evaluation identified loopholes due to a lack of homogeneous implementation. In particular, the evaluation stressed that the Firearms Regulation's added value was limited by the absence of a genuine harmonisation of national rules and processes. Furthermore, the Firearms Regulation was ineffective in distinguishing between military and civilian firearms, in ensuring the full traceability of weapons, and in ensuring proper exchanges of information between Member States (notably of refusals to grant export authorisations). The evaluation report also found that the Firearms Regulation was inefficient in terms of reduction of administrative costs for companies. Furthermore, the evaluation considered that the Firearms Regulation lacked consistency with other relevant EU legislation, notably the revised Firearms Directive and the EU Common Position.

The evaluation was followed by a Commission Recommendation issued in April 2018 that called 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.[14]

- **Stakeholder consultations**

In developing this proposal, the Commission consulted a wide variety of stakeholders, including: the competent authorities in Member State, such as administrative bodies in charge of import and export licences and law enforcement authorities (police and customs), firearms owners (in particular sport shooters, hunters and collectors), and economic operators (notably arms dealers, including manufacturers and brokers).

Stakeholders were consulted through a variety of means, including: a public feedback opportunity regarding the Inception Impact Assessment[15] for this proposal, bilateral exchanges, a public consultation[16] and a confidential survey. Moreover, the external contractor responsible for the feasibility study that supported the development of the impact assessment carried out consultations with many stakeholders through, e.g. an online questionnaire with additional written contributions and one-on-one meetings.

These consultations allowed the Commission to assess the effectiveness, efficiency, relevance, coherence and EU added value of the existing procedures on import, export and transit of civilian firearms (i.e. the baseline situation), existing gaps and challenges, different policy options that might be considered in addressing these problems, and the specific impacts that these options might be expected to have. Overall, there was a consensus among

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

14 C(2018)2197,https://home-affairs.ec.europa.eu/system/files/2018-04/20180417_commission-recommendation-immediate-steps-improve-security-firearms-ammunition_en.pdf

15 The Inception Impact Assessment consultations are available here.

16 See DG HOME weOnlibiste

stakeholders concerning areas that require improvement, notably the need for greater harmonisation of EU rules and a growing need for digitalisation of procedures.

The vast majority of respondents in the public consultation agreed that the challenges identified by the Commission created a high to very high burden for the legal movement of civilian firearms. 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, clear rules for simplified procedures and publishing a list of competent authorities 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. The Commission took this concern into account by limiting the legislative proposal to civilian firearms only. The respondents to the public consultation were also concerned about limiting the sale of semi-finished components. However, this initiative limits the sale of these to licenced firearms dealers. Sport shooters and hunters will therefore still be able to buy spare parts through licenced firearms dealers in the EU.

The confidential survey allowed for more detailed question than the public one, specifically focusing on the trafficking of firearms. The answers also confirmed the challenges of the non-harmonised import and export procedures voiced in the public consultation. The confidential survey confirmed that the exchange of information was not sufficient, especially regarding the systematic use of Europol's Secure Information Exchange Network Application (SIENA)[17], communication on refusals, creation of Risk Information Fiches and use of Customs Risk Management System. The confidential survey also confirmed the loopholes regarding alarm and signal weapons, checks of criminal records, deactivated firearms and semi-finished components. The majority of the respondents indicated that the policy options, identified by the Commission and proposed in this initiative, would have a high to very high impact on the fight against firearms trafficking.

The bilateral consultations with Member States and economic operators focused on the answers from both consultations. The various options and comments were discussed in order to get a thorough understanding of the needs and responsibilities of the various actors.

- **Collection and use of expertise**

As mentioned in the preceding section, the Commission had drawn on external expertise in the context of consultations with, e.g. the Member States, economic operators and individual firearms owners.

- **Impact assessment**

The impact assessment that supported the development of this proposal explored different policy options to address the general and specific problems described earlier. Besides the baseline situation, which would entail no change over the current situation, these options included:

[17] The Secure Information Exchange Network Application (SIENA) is a platform that meets the communication needs of EU law enforcement. The platform enables the swift and user-friendly exchange of operational and strategic crime-related information

Option 1: soft-law approach. The focus would be on fully implementing the 2018 Recommendation of the Commission on immediate steps to improve security of export, import and transit measure for firearms, their parts and essential components and ammunition by creating specific guidance and recommendations.

Option 2: clarification of the existing legal framework. The clarification 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), a 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, and aligning the scope of the Regulation with intra-EU rules (same weapon categories, same economic operators). This option would essentially translate most of the measures mentioned in option 1 in the text of the Regulation.

Option 3: new legislative provisions. This option would build on and complement option 2, and would add to it new legislative provisions. It would ensure the full traceability of imported and exported firearms, such as compulsory import marking, limiting imports of semi-finished components to dealers, computerised data-filing, end-user certificates for the export of firearms which are prohibited or subject to authorisation (categories A and B) and post-shipment checks. It would require national authorities to share statistics and improve exchanges of information between licencing and customs authorities. It would also establish new simplifications (temporary imports, general export authorisation, e-procedures), and remove the scope overlaps with EU rules on exports of military equipment (Common Position) by applying exclusively to all civilian-to-civilian transactions.

Option 3 bis: new legislative provisions without a change to the interplay with the Common Position. This option 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 Firearms Regulation would maintain the reference to "firearms specifically designed for military use". This 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.

In light of the various economic, social and environmental impacts associated with each of the options, but also their value in terms of effectiveness, efficiency and proportionality, the impact assessment found that the preferred option was Option 3. While Options 1 and 2 would not deliver the changes needed to address the problem, Option 3 would have the highest EU added value. The full alignment of the scope with that of the firearms Directive (codified in 2021) 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 (arms retailers, manufacturers, hunters and sport shooters) to alleviate their administrative burden and provide a uniform EU approach. Option 3 bis was not considered effective and feasible as the establishment of a list of military firearms could give rise to legal disputes.

The impact assessment was subject to scrutiny by the Regulatory Scrutiny Board (hereinafter 'the Board'), which issued a positive opinion with comments on 8 April 2022. The Board

pointed to a number of elements of the impact assessment that should be addressed. Specifically, the Board requested to add the lack of reliable data as a fully-fledged problem to be addressed, to better describe the expected evolution of the problems, to further clarify the role of the Common Position and to clarify the added value of the soft-law option (option 1). Furthermore, the Board saw the need to further develop the section on future monitoring and evaluation, specifically by adding indicators of the data to be collected. Additionally, the Board requested to further clarify the estimates of the administrative costs and savings for businesses and citizens. Finally, as regards to the comparing of options, the Board sought additional clarifications in terms of effectiveness, efficiency and coherence. These and other more detailed comments provided by the Board have been addressed in the final version of the impact assessment. The Board's comments have also been accounted for in this proposal.

- **Regulatory fitness and simplification**

In line with the Commission's Regulatory Fitness and Performance Programme (REFIT), all initiatives aimed at changing existing EU legislation should seek to simplify and deliver stated policy objectives more efficiently. 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 (ECRIS), reply to a request for an import authorisation within a set deadline of 60 days (exceptionally 90 days), and submit annual statistics.

Besides, the proposal 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 for such simple movements; introduction of an EU certificate 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, which will remove the need for manual entries and checks of paper requests.

Overall, simplification is one of the main objectives of the proposal. The focus is not only on digitalisation but also on creating a simpler and more unified regulatory framework, specifically by addressing the grey zone between the civilian firearms of the Regulation and the firearms "specifically designed for military use" subject to the procedures of the Common Position.

This proposal is applicable for small operators, which constitute 90% of the total number of the economic operators involved. However, 82% of the total manufactured turnover of firearms is made by large companies, so SMEs would only be marginally affected by the proposition.

- **Fundamental rights**

By addressing the threat of firearms trafficking, all envisaged options will have a positive impact on the right to security enshrined in article 6 of the Charter of Fundamental Rights. Article 16 of the Charter recognises the freedom to conduct a business "in accordance with Union law and national laws and practices." This proposal 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).

Additionally, 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.

Finally, any processing of personal data will always be subject to compliance with Union rules on the protection of personal data, including the General Data Protection Regulation[18].

4. BUDGETARY IMPLICATIONS

The legislative proposal has implications for the Union budget. The total financial resources necessary to support the implementation of this proposal are estimated to be EUR 4.654 million for the period 2022-2027, of which EUR 2.904 million for administrative expenditure to cover among other things 4 additional FTEs needed for the overall MFF period.

More detailed information is available in the Legislative Financial Statement that accompanies this proposal.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The implementation of the proposed Regulation will be reviewed first through an interim application report within 5 years after its entry into force. This report will assess the extent to which the Member States have taken the necessary measures to comply with the Regulation. 10 years after the entry into force, a full report will be sent to the EU Parliament and the Council of the EU. These two reports are taking into account the time needed to full roll-out of the digitalisation of procedures and the interconnection with the EU Single Window Environment for Customs. These reports will include a specific stakeholder consultation to

[18] 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.

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.

- **Detailed explanation of the specific provisions of the proposal**

Chapter I: Subject, definitions and scope (Articles 1-3)

Article 1 sets out the subject matter and the purpose of the Regulation, which is focused on the implementation of 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.

Article 2 provides a list of definitions that apply for the purpose of the Regulation.

Article 3 sets the scope of the Regulation by providing what is excluded from such scope, i.e. State to State transactions or State transfers; firearms, their essential components and ammunition when destined for the armed forces, the police, or the public authorities, and antique firearms and their replicas as defined in the article. This resolves the grey area between the scope of the Firearms Regulation and the scope of the Common Position.

Chapter II: Entry and import requirements (Articles 4-11)

All articles in this chapter are added through this legislative proposal.

Article 4 establishes derogations from Union customs simplifications and reduced datasets for the firearms, their essential components and ammunition listed in Annex I to this Regulation. As firearms are sensitive items, customs procedures should be as thorough as possible in order to increase the possibility for risk assessments. Therefore, there is a need to derogate from the simplifications applicable.

Article 5 establishes the tasks of economic operators at import. Economic operators are responsible for a number of tasks, such as verifying the imported products, keeping all certificates and documentation, and cooperating with the authorities in case of suspicion or when requested. Clearly establishing the tasks and roles is important to facilitate the understanding of the responsibilities of the different actors in the import procedures.

Article 6 stipulates that each firearm, including deactivated ones, has to be marked according to the EU Firearms Directive before being imported into the EU. Furthermore, if a firearm is marked according to the UN Protocol, but not according to the Firearms Directive, the firearm can be re-exported or placed under a customs regime. If a firearm does not have marking in line with either the EU Firearms Directive or the UN Protocol, it should be seized and destroyed. This provision ensures the correct marking of a firearm before being imported in the EU and it also prevents the further distribution of firearms which are incorrectly or not marked according to the UN Protocol. The ultimate goal is to improve the traceability of firearms.

Article 7 stipulates that each deactivated firearm has to be accompanied by the deactivation certificate as established by the Firearms Directive. If the deactivation certificate does not accompany a deactivated firearm, the deactivated firearm can be placed under a customs

regime or be imported as a firearm. This provision prevents the import of wrongly deactivated firearms. This is a threat because of the possible reactivation of these deactivated firearms.

Article 8 establishes the import rules regarding alarm and signal weapons, such as the obligation to indicate their non-convertibility on the import authorisation, following the compliance with Implementing Directive (EU) 2019/69. It also regulates the information exchange between the Commission and the Member States regarding non-convertible alarm and signal weapons. This provision is important to prevent the import of convertible alarm and signal weapons without them being authorised as a firearm.

Article 9 defines who can ask for an import authorisation. Furthermore, it also determines how Member States need to process the applications, the reasons for refusals and the necessity to check the applicant in the European Criminal Record Information System to prevent convicted persons from importing firearms. Additionally, it limits the import of semi-finished firearms and essential components to licensed dealers and brokers only, which is a key novelty significantly reducing the threat of home manufactured firearms without marking or registration ("ghost guns"). Furthermore, it also states that no fees shall be charged for the submission and processing of an import authorisation. This provision will facilitate the harmonisation of rules on import authorisations in the EU.

Article 10 establishes the administrative simplification for import authorisations, setting out the import procedures where no prior import authorisation is required, and the subsequent procedure linked to the customs declaration. This means that for a number of reasons, such as hunting expeditions, sport shooting events and firearms exhibitions, firearms owners will be exempt from import authorisations and will not need to pre-register temporary movements or ask for a prior agreement to conduct such movements as long as these movements do not exceed 24 months. Such firearms owners will only need to comply with the relevant customs procedures, which will allow customs authorities to check if the amount and type of firearms that was temporarily exported from the EU are the same as the ones that are re-imported. This new provision is introduced to facilitate the harmonisation of rules on administrative simplifications in the EU. This will contribute to decreasing the administrative burden for hunters, sport shooters, collectors or movements linked to exhibitions.

Finally, Article 11 establishes the possibility to confirm the receipt of imported firearms, their essential components and ammunition as listed in Annex I to this Regulation. This provision allows third countries of export to check the actual import of the firearms in order to detect diversion in case of lack of import.

Chapter III: Transit requirements (Articles 12-13)

Article 12 establishes the procedures to follow and the documents to be exchanged for intra-EU transit. This provision increases the harmonisation of procedures of firearms movements in the EU and allows customs and competent authorities to trace all firearms movements before the actual import into the EU. Once the firearms are imported, movements of firearms are regulated by the Firearms Directive.

Article 13 establishes the procedures to follow and the documents to be exchanged for external-transit[19]. Furthermore, it also states that Member States need to take the national foreign and security policy and those covered by the Common Position into account. This provision increases the harmonisation of procedures of firearms movements in the EU and allows customs and competent authorities to trace all firearms movements, even though these firearms are never actually imported in the EU.

Chapter IV: Export requirements (Articles 14-21)

Article 14 defines who can ask for an export authorisation. It also determines the added task that an end-user certificate is needed for firearms of categories A and B of Annex I, part I and states the information that needs to be included. It also states the procedure if the to-be exported goods are located in one or more Member States other than the one where the application for the export authorisation was made. This provision will facilitate the harmonisation of rules on export authorisations in the EU. Furthermore, it also introduces the end-user certificate as a preventive manner regarding the diversion of firearms at or after export. The requirement to provide the end-user certificate will not be applicable to firearms owners benefitting from the administrative simplifications provided for in Articles 10 and 17, such as hunters, sport shooters and collectors falling under the exemption from import and export authorisations.

Article 15 states what Member States need to verify before issuing an export authorisation: the deadlines for the procedure, the rules regarding the validity of a single, multiple and Union general export authorisation, and the obligation to use an electronic process. It also states that the exporter needs to supply the necessary documents to the Member States and that no fees shall be charged for the submission and processing of an export authorisation. Furthermore, it also states that the Commission shall adopt a delegated act to establish a Union general export authorisation. This provision increases the harmonisation of rules in the EU.

Article 16 states which information must be included in the export authorisation and the import authorisation issued by the importing third country. Furthermore, it also lists the obligation for the marking of firearms, their essential components and ammunition before export. This provision aims at increasing the traceability of firearms.

Article 17 establishes the administrative simplification for export authorisations, setting out the export procedures where no prior export authorisation is required, and the subsequent procedure linked to the export declaration. This offers simplifications in export procedures analogous to those described above in Article 10 concerning import procedures, i.e. in certain cases, firearms owners will be exempt from export authorisations and will only need to comply with relevant customs procedures without having to pre-register temporary movements or ask for a prior agreement to conduct such movements as long as these movements do not exceed 24 months. It establishes the obligation to use a European Firearms Pass according to the Firearms Directive. Firearms owners operating in the EU already have to comply with the requirements of the Firearms Directive and therefore this provision will not result in any additional obligations on them. Instead, it will ensure greater coherence between the Firearms Regulation and the Firearms Directive bringing in return more clarity

[19] 'external transit' means the operation of transporting of firearms, their essential components and ammunition listed in Annex I from a third country, passing through the customs territory of the Union to a final destination in a third country, without the actual import of these goods

for firearms owners. Furthermore, it also states that a Member State can suspend the process of export and the deadline to receive objections for transit by third countries. While administrative simplifications in the export procedures already exist under the current Regulation, this provision introduces the harmonisation of rules on administrative simplifications in the EU. This will contribute to decreasing the administrative burden for hunters, sport shooters, collectors or movements linked to exhibitions.

Article 18 states that Member States need to take all relevant considerations and obligations into account when deciding whether to grant an export authorisation. This is aimed to prevent the circumvention of arms embargos and other security concerns.

Article 19 establishes the grounds for a Member States to refuse an export authorisation, the requirement to check ECRIS and the Schengen Information System, the obligation to communicate refusals using the system mentioned in Article 30 and the obligation to check this same system before granting an export authorisation. Furthermore, it also establishes that Member States need to annually check the conditions of authorisations. This provision aims to prevent the misuse of export authorisations.

Article 20 states that exporters need to provide proof of the receipt of the dispatched shipment within two months and states, which steps need to be taken when these documents are absent. This provision is introduced to check if an export was indeed imported in the country as declared on the export authorisation. This is aimed to deter diversion of firearms.

Article 21 states that Member States will carry out post-shipment checks in case of suspicion and that these checks may be carried out by a third party. This provision addresses the risk of diversion after export.

Chapter V: Supervision and controls (Articles 22 – 25)

This chapter introduces many new provisions. Article 22 focuses on competences and responsibilities for the implementation of the Regulation. It establishes that the overall enforcement is the responsibility of the competent authorities and that customs authorities are responsible for controls based on risk analysis. This provision clarifies the different roles of the competent national authorities in implementing the Regulation.

Article 23 establishes the exchange of information and cooperation among the different authorities. This provision aims to establish a better link between customs and competent licensing authorities.

Article 24 states the obligations for the importer or exporter to provide proof of authorisation when completing customs formalities. Furthermore, it also states that Member States can suspend the process of import or export for a period of 10 working days. This provision aims to facilitate the customs checks and the risk assessment.

Article 25 describes the requirements of customs following the results of controls. When an illegal shipment is discovered, it states that customs must inform the competent authorities. It states which information needs to be shared through Europol's Secure Information Exchange Network Application (SIENA), in case of suspicion of trafficking and seizures. This provision is important to facilitate the exchange of information regarding seizures of firearms related to import and export.

Chapter VI: Digitalisation and administrative cooperation (Articles 26-29)

The legislative proposal increases the digitalisation and administrative cooperation substantially. Article 26 establishes the obligation for Member States to keep the information relating to firearms, their essential components and ammunition for not less than 20 years. This is designed to facilitate the traceability of firearms.

Article 27 states that Member States need to submit annual statistics to the Commission, and it establishes the content of this data. This provision will allow for a constant follow-up of the trends regarding import and export. In the long term this will allow for the detection of threats and will support policy development.

Article 28 states the creation of an electronic licensing system and its interconnection to the EU Single Window Environment for Customs in order to facilitate the exchange of information between customs and competent authorities but also to facilitate the procedure to apply for an import or export authorisation. This provision establishes the digitalisation of the procedures, which will decrease the administrative burden for economic operators and competent national authorities. The registration of economic operators and natural persons in the electronic licensing system will be required only in case they need to request import or export authorisations. Consequently, individual firearms owners benefitting from administrative simplifications provided for in Articles 10 and 17, such as hunters, sport shooters or collectors falling under the exemption from import and export authorisations, will not be required to register in the system.

Article 29 describes the creation of a secure system to exchange information about refusals to grant an import or export authorisation. This provision will allow competent licensing authorities to detect individuals shopping around in the EU for an import or export authorisation.

Chapter VII: General and final provisions (Articles 29-40)

Article 30 states that Member States shall take measures to ensure that their authorisation procedures are secure.

Article 31 states that Member States shall take necessary measures to enable their competent authorities to gather information and establish import and export controls in order to ensure proper application of the Regulation.

Article 32 states that Member States shall lay down rules on penalties applicable to infringements of this Regulation.

Article 33 establishes the Imports and Exports Coordination Group, and states who needs to be represented and the tasks of this Group.

Article 34 states the obligations of the Member States in informing the Commission of the adoption measures for this Regulation and in informing the other Member States and the Commission on the responsible competent national authorities responsible. It also establishes the timing for the review of the implementation of the Regulation.

Article 35 empowers the Commission to adopt delegated acts for a number of topics. Article 36 sets the procedures for the adoption of these delegated acts. Article 37 sets the procedures for the adoption of the implementing acts.

Article 38 sets out the obligations during the transitional period before the electronic licensing system referred to in Article 28 and the system to exchange information on refusals to grant import and export authorisation referred to in Article 29 are established.

Article 39 establishes the repeal of Regulation (EU) 258/2012 and Article 40 establishes the entry into force of the Regulation.

Annexes to this Regulation.

Annex I lists the firearms, their essential components, ammunition and alarm and signal weapons together with the combined nomenclature (CN) codes of goods[20] which are subject to this Regulation. Annex II provides the template for the import authorisation form. Annex III provides the template for the export authorisation form. Annex IV lists the information which needs to be contained in the end-user certificate, and Annex V contains a correlation table.

[20] The Combined Nomenclature of goods as laid down in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff.

↓ (EU) No 258/2012 (adapted)
⇨ new

2022/0288 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

⇨ on import, export and transit measures for firearms, their essential components and ammunition, ⇦ implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol)~~, and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition~~ (recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles ⇨ 33 and ⇦ 207 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

⇩ new

(1) A number of amendments are to be made to Regulation (EU) No 258/2012 of the European Parliament and of the Council[1]. In the interests of clarity, that Regulation should be recast.

[1] Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 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), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.3.2012, p. 1).

↓ (EU) No 258/2012 recital 1 (adapted)

(2) In accordance with Council Decision 2001/748/EC ~~of 16 October 2001 concerning the signing on behalf of the European Community of the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, annexed to the Convention against transnational organised crime~~[2]~~,~~ the Commission signed ~~that~~ ⌦ the United Nations ⌫ Protocol ⌦ ~~on~~ against the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, annexed to the Convention against transnational organised crime ⌫ (~~hereinafter referred to as the~~ 'UN Firearms Protocol') on behalf of the ~~Community~~ European Union on 16 January 2002.

↓ (EU) No 258/2012 recital 2 ⇨ new

(3) The UN Firearms Protocol, the purpose of which is to promote, facilitate and strengthen cooperation among Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their ~~parts and~~ ⇨ essential ⇦ components and ammunition, entered into force on 3 July 2005.

↓ (EU) No 258/2012 recital 5 (adapted)

~~In its Communication of 18 July 2005 on measures to ensure greater security in explosives, detonators, bomb-making equipment and firearms (5), the Commission announced its intention to implement Article 10 of the UN Firearms Protocol as part of the measures which need to be taken in order for the Union to be in a position to conclude that Protocol.~~

[2] Council Decision 2001/748/EC of 16 October 2001 concerning the signing on behalf of the European Community of the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, annexed to the Convention against transnational organised crime (OJ L 280, 24.10.2001, p. 5).

⇩ new

(4) In order to implement the UN Firearms Protocol, the Union adopted Regulation (EU) No 258/2012. The UN Firearms Protocol was ratified by the Union by Council Decision 2014/164/EU[3].

🡻 (EU) No 258/2012 recital 6

(5) The UN Firearms Protocol requires Parties to put in place or improve administrative procedures or systems to exercise effective control over the manufacturing, marking, import and export of firearms.

🡻 (EU) No 258/2012 recital 8
⇨ new

(6) This Regulation should not apply to ⇨ transactions of ⇦ firearms, their ~~parts and~~ essential components or ammunition that are ~~intended specifically for military purposes~~ ⇨ destined for the armed forces ⇦. The measures to meet the requirements of Article 10 of the UN Firearms Protocol should be adapted to provide for simplified procedures for firearms for civilian use. Consequently, some facilitation with regard to authorisation for multiple shipments, transit measures and temporary ⇨ admission and ⇦ exports for lawful purposes should be ensured.

🡻 (EU) No 258/2012 recital 9 (adapted)

(7) This Regulation does not affect the application of Article 346 of the Treaty on the Functioning of the European Union, which refers to essential interests of the security of the Member States, nor has this Regulation any impact on Directive 2009/43/EC of the European Parliament and of the Council ~~of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community~~[4]~~, or on Council Directive 91/477/EEC of 18 June 1991~~ ⌦ or Directive (EU) 2021/555 ⌫ ~~on control of the acquisition and possession of weapons~~. Moreover, the UN Firearms Protocol, and consequently this Regulation, do not apply to State-to-State transactions or to State transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

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[3] 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)

[4] ~~Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community (OJ L 146, 10.6.2009, p. 1).~~

↓ (EU) No 258/2012 recital 10
⇨ new

(8) Directive ~~91/477/ECC~~ ⌦ EU 2021/555 ⌫ addresses transfers of firearms for civilian use within the territory of the Union, while this Regulation focuses on measures in respect of ⇨ import and ⇦ export from the customs territory of the Union to or through third countries.

↓ (EU) No 258/2012 recital 11 (adapted)
⇨ new

(9) Firearms, their ~~parts and~~ essential components, ammunition ⇨ and alarm and signal weapons ⇦ when imported from third countries are subject to Union law and, in particular, to the requirements of Directive ~~91/477/ECC~~ (EU) ⌦ EU 2021/555. ⌫

↓ (EU) No 258/2012 recital 17 (adapted)

(10) This Regulation is without prejudice to the Union regime for the control of exports, transfer, brokering and transit of dual-use items established by ~~Council Regulation (EC) No 428/2009~~ ⌦ Regulation (EU) 2021/821 of the European Parliament and of the Council[5] ⌫ .

↓ (EU) No 258/2012 recital 18 (adapted)
⇨ new

(11) This Regulation ~~is~~ ⌦ should be ⌫ consistent with the other relevant provisions on firearms, their parts, essential components and ammunition for military use, security strategies, illicit trafficking in small arms and light weapons and exports of military technology, including Council Common Position 2008/944/CFSP ~~of 8 December 2008 defining common rules governing control of exports of military technology and equipment~~[6] ⇨ and Council Decision (CFSP) 2021/38[7]. ⇦

[5] 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, p. 1).

[6] Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

[7] Council Decision (CFSP) 2021/38 of 15 January 2021 establishing a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition (OJ L 14, 18.1.2021, p. 4)

↓ (EU) No 258/2012 recital 15 (adapted)

(12) The Union has adopted a body of customs rules, contained in ~~Council~~ Regulation ~~(EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code~~ (EU) No 952/2013 and in ~~its implementing provisions as laid down in Commission Regulation (EEC) No 2454/93~~ the Commission Delegated Regulation (EU) 2015/2446[8], ~~Consideration should also be given to Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code),~~ whose provisions are applicable in different phases according to Article ~~188~~ 288 ~~thereof~~ of Regulation (EU) No 952/2013. Nothing in this Regulation constrains any powers under and pursuant to the ~~Community Customs Code and its implementing provisions~~ ⌦ Regulation (EU) No 952/2013 and Commission Delegated Regulation (EU) 2015/2446 ⌫ .

⇩ new

(13) Multiple definitions are directly copied from Directive (EU) 2021/555 of the European Parliament and the Council[9] or from Regulation (EU) No 952/2013 of the European Parliament and of the Council[10].

⇩ new

(14) An oral declaration of a firearm is not possible in accordance with applicable customs legislation.

(15) The competent authorities should receive information on the use of ATA Carnet. The ATA is a system allowing the free movement of goods across frontiers and their temporary admission into a Customs territory with relief from duties and taxes. The goods are covered by a single document known as the ATA carnet that is secured by an international guarantee system. This simplification of customs formalities should not prevent transparency.

⇩ new

(16) Firearms, their essential components and ammunition should only be released for free circulation if they are properly marked pursuant to the Firearms Directive. Pending

[8] Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

[9] 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, p. 1).

[10] Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

this marking, importers should place the firearms under another customs regime, such as customs warehousing or free zones, during which they may implement the marking requirement, be it in their own premises or in other authorised premises, such as national test-benches or proof-houses, in line with Union customs legislation.

(17) When firearms and their essential components are not properly marked according to Article 8 of the UN Firearms Protocol or pursuant to the Firearms Directive, Member States may decide to destroy seized firearms at the expense of the importer.

(18) Deactivated firearms should only be released for free circulation if they are accompanied by the deactivation certificate and are marked pursuant to Article 5 of Implementing Regulation (EU) 2015/2403. Pending the reception of this certificate or correct marking, importers should place the deactivated firearms under another customs regime, such as customs warehousing or free zones, during which they may request the verifying authorities as appointed according to Article 15 of Directive (EU) 2021/555 to verify the deactivation and issue the certificate in accordance with Article 3 of Commission Implementing Regulation (EU) 2015/2403[11].

(19) Only alarm and signal weapons complying with the standards of Commission Implementing Directive (EU) 2019/69[12] could be considered as alarm and signal weapons and not firearms. Devices, which may be easily converted into firearms should always be classified as firearms in accordance with customs nomenclature and dealt with as firearms by customs authorities. To avoid risks of diversion, it is necessary to ensure the consistency of the practices of national customs authorities in the classification of devices declared as alarm and signal weapons upon import.

(20) Due to the high risk of illicit manufacturing of firearms from imported unfinished and unmarked products, only duly licensed arms dealers and brokers should be authorised to import semi-finished firearms and essential components.

(21) The checks of the criminal record of the applicant for import authorisations in the European Criminal Records Information System (ECRIS) established by Council Framework Decision 2009/315/JHA[13] should be as stringent as for export authorisations. Competent authorities should notably check whether the imported firearms are registered as lost, stolen or otherwise sought for seizure in the Schengen Information System and in Interpol's iARMS database.

(22) A criminal record concerning conduct constituting an offence listed in Article 2(2) of Council Framework Decision 2002/584/JHA[14] should be a reason to prohibit the import of firearms, their essential components and ammunition

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[11] Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable (OJ L 333 19.12.2015, p. 62).

[12] 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, p. 22).

[13] Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93, 7.4.2009, p. 23).

[14] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

(23) The information related to firearms declared for temporary admission should be clearly spelled out, to enable customs and competent authorities to proceed efficiently with the discharge and limit the risk of firearms remaining illegally on the customs territory of the Union.

(24) In order to facilitate administrative facilitation, the customs declaration for temporary admission and re-export or temporary export and re-import should serve as an import or export authorisation for temporary admission and re-export or re-import. Consequently, firearms owners benefitting in specific cases from administrative simplifications will be exempt from import and export authorisations.

(25) Due to the risks of diversion of firearms during the external transit in the Union, their essential components, ammunition or alarm and signal weapons originating from non-EU countries and destined to another non-EU country, customs authorities and competent authorities should expressly authorise such external transit on the customs territory of the Union before they take place on the customs territory of the Union.

(26) In order to improve legal certainty and predictability, the consent of the third country of transit, should be considered as given, if no objections to the transit have been received within 20 working days. The decision of Member States to require express consent should be transparent for all economic operators.

(27) It is necessary to unify the rules on evidence of import in the third country of destination. Therefore, exporters should have to provide to competent authority, which delivered the export authorisation, proof of the receipt of the dispatched shipment of firearms, essential components or ammunition in the third country of import, which should notably be ensured by producing the relevant customs importation documents.

(28) Exporters should be able to benefit from an export authorisation valid for a maximum of three years, including if it is covered by several successive short-term import authorisations issued by importing non-EU countries.

(29) It is necessary to ensure that the conditions of export authorisations continue to be met throughout the duration of the authorisation, as it is the case for authorisations to possess or acquire a firearm inside the European Union pursuant to Directive (EU) 2021/555.

(30) To avoid risks of diversion while limiting the administrative burden, it is necessary to investigate suspicious situations in which Member States should request confirmation of receipt by the authorities of the third country of destination.

(31) It is necessary to clarify the responsibilities of competent authorities with respect to post-shipment checks. The administrative burden created by such checks for Member States may justify the application of article 20 of Council Regulation (EC) No 515/97[15]. It also requires the possibility to entrust third parties to carry out the post-

[15] 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 (OJ L 82, 22.3.1997, p. 1).

shipment checks in their name, notably through the implementation of Council Decision (CFSP) 2019/2191[16].

(32) Member States should provide access to the European Criminal Records Information System (ECRIS) to the competent authorities for the purpose of the implementation of this Regulation.

(33) Article 47 of Regulation (EU) No 2018/1862 of the European Parliament and the Council[17] establishes the access of registration services for firearms to the Second Generation Schengen Information System (SIS II). For the purpose of the implementation of this Regulation, customs authorities should be considered as registration services for firearms.

(34) In order to ensure the traceability of firearms, their essential components and ammunition, it is of the utmost importance that customs are granted access to the secure information exchange network application (SIENA) of Europol. Member States that apply the Regulation (EU) 2016/794 of the European Parliament and the Council[18] should grant this access.

(35) To enable the risk-based approach referred to in Article 22(6) for the firearms, their essential components, ammunition, and alarm and signal weapons listed in Annex I entering or leaving the Union market, and to ensure that checks are effective and performed in accordance with the requirements of this Regulation, the Commission, competent authorities and customs authorities shall cooperate closely and exchange information.

🡻 (EU) No 258/2012 recital 3

(36) In order to facilitate the tracing of firearms and efficiently combat ~~illicit~~ trafficking in firearms, their ~~parts and~~ essential components and ammunition, it is necessary to improve the exchange of information between Member States, in particular through the better use of existing communication channels

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⇩ new

(37) Pursuant to Article 128 of Regulation (EU) No 952/2013, the customs office of first entry should, before arrival of the firearms, their essential components, ammunition

[16] 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 (iTrace IV) (OJ L 330, 20.12.2019, p. 53)

[17] Council Regulation (EU) 2018/1862 of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (*OJ L 312, 7.12.2018, p. 56–106)*

[18] Council Regulation (EU) 2016/794 of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (*OJ L 135, 24.5.2016, p. 53–114)*

and alarm and signal weapons, ensure that a risk analysis is carried out for security and safety purposes, on the basis of the entry summary declaration, and should take the necessary measures based on the results of that risk analysis.

↓ (EU) No 258/2012 recital 4

(38) Personal data ~~must~~ is to be processed in accordance with the rules laid down in ~~Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (3) and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (4)~~ Regulation (EU) 2016/679 of the European Parliament and of the Council[19] and Regulation (EU) 2018/1725 of the European Parliament and of the Council[20].

↓ (EU) No 258/2012 recital 12

(39) Consistency should be ensured with regard to record-keeping provisions in force under Union law.

⇩ new

(40) To guarantee the effective flow of information, competent authorities should all be connected to the Customs Information System (the 'CIS') established by Regulation (EC) No 515/97, and the data produced or exchanged by competent authorities should be compatible and comparable.

(41) The Schengen Acquis notably includes a Decision of the Executive Committee of 28 April 1999 on the illegal trade in firearms (SCH/Com-ex (99) 10)[21], pursuant to which Member States are to submit each year by 31 July their national annual data for the preceding year on illegal trade in firearms, on the basis of the joint table for compiling statistics. In addition, the Commission recommended in the 2018 that Member States should collect detailed statistics of the preceding year about the number of authorisations, refusals, the quantities and values

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[19] 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 (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

[20] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

[21] OJ L 239, 22.9.2000, p. 469–473

of firearms exports and imports, by origin or destination, and submit these statistics to the Commission[22].

(42) The overall enforcement of this Regulation will be facilitated by the interconnection between the electronic licensing system established by this Regulation and the EU Single Window Environment for Customs established by *[insert corresponding title and all the information in the footnote as soon as it is adopted]*. The electronic licencing system will provide for a number of features, including registration of economic operators and natural persons, who are authorised according to the Firearms Directive to manufacture, acquire, possess or trade firearms, their essential components, ammunition or alarm and signal weapons. They will need to register before they request import or export authorisations. Consequently, firearms owners benefitting from administrative simplifications will not be required to register in the system.

🡻 (EU) No 258/2012 recital 13

(43) In order to ensure that this Regulation is properly applied, Member States should take measures giving the competent authorities appropriate powers.

🡻 (EU) No 258/2012 recital 7

(44) Compliance with the UN Firearms Protocol also requires that illicit manufacture of or trafficking in firearms, their ~~parts and~~ essential components and ammunition be established as criminal offences, and that measures be taken to enable the confiscation of items so manufactured or trafficked.

🡻 (EU) No 258/2012 recital 16

(45) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

⇩ new

(46) The whistle-blower-protection regime put in place with Directive (EU) 2019/1937 of the European Parliament and of the Council[23], should also apply to persons who report breaches of rules linked to imports and exports of firearms.

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[22] Commission recommendation (2018) 2197 final of 17.4.2018 on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition

[23] Directive (EU) 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 L 305, 26.11.2019, p. 17).

↓ (EU) No 258/2012 recital 14 (adapted)
⇨ new

(47) In order ⇨ to set out the technical characteristics of semi-finished firearms and essential components, to amend Annex II and III to this Regulation and ⇦ to maintain the list of firearms, their ~~parts and~~ essential components ~~and~~, ammunition ⇨ and alarm and signal weapons ⇦ for which an authorisation is required under this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union, in respect of aligning Annex I to this Regulation to Annex I to Council Regulation (EEC) No 2658/87[24] ~~of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff,~~ and to Annex I to Directive ~~91/477/EEC~~ (EU) 2021/555 ⇨and of setting out the technical characteristics of semi-finished firearms and essential components and of adapting Annex II and III to this Regulation to the digitalisation and changes in customs procedures ⇦ should be delegated to the Commission. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level ⇨ and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[25]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ⇦

⇩ new

(48) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers in accordance with Article 291 of the Treaty on the Functioning of the European Union should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[26]

↓ (EU) No 258/2012 recital 19

(49) The Commission and the Member States should inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation.

[24] Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).

[25] OJ L 123, 12.5.2016, p. 1.

[26] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

↓ (EU) No 258/2012 recital 20 (adapted)

(50) This Regulation ~~does~~ ⌦ should ⌫ not prevent the Member States from applying their constitutional rules relating to public access to official documents, taking into account Regulation (EC) No 1049/2001 of the European Parliament and of the Council ~~of 30 May 2001 regarding public access to European Parliament, Council and Commission documents~~[27].

↓ (EU) No 258/2012 (adapted)
⇨ new

HAVE ADOPTED THIS REGULATION:

[27] Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

CHAPTER I
SUBJECT ⌦ MATTER ⌫ , DEFINITIONS AND SCOPE

Article 1
⌦ subject matter ⌫

This Regulation lays down rules governing ⇨ import and ⇦ export authorisation, and import, ⇨ export ⇦ and transit measures for firearms, their ~~parts and~~ essential components ~~and~~, ammunition ⇨ and alarm and signal weapons ⇦ , for the purpose of implementing Article 10 of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime (the 'UN Firearms Protocol').

Article 2
⌦ Definitions ⌫

For the purposes of this Regulation ⌦, the following definitions shall apply ⌫ :

1. 'firearm' means any portable barrelled weapon that expels, is designed to expel or may be converted to expel, a shot, bullet or projectile by the action of a combustible propellant as referred to in Annex I;

   An object is considered as capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if:

   (a) it has the appearance of a firearm, and

   (b) as a result of its construction or the material from which it is made, it can be so converted;

~~(2) 'parts' means any element or replacement element as referred to in Annex I specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;~~

⇩ new

2. 'identical weapons' means weapons with identical technical characteristics with respect to manufacturer, brand or make, type, model, material, calibre and operation;

↓ (EU) No 258/2012
⇨ new

3. ‘essential components’ means ~~the breech closing mechanism, the chamber and~~ the barrel, ⇨ the frame, the receiver, whether an upper or lower receiver, where applicable, the slide, the cylinder, the bolt or the breech block ⇦ , which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;

⇩ new

4. ‘semi-finished firearms’ mean firearms that are not ready for direct use and have the approximate shape or outline of the finished firearms, and which can only be used, other than in exceptional cases, for completion into the finished firearm;

5. ‘semi-finished essential components’ mean essential components that are not ready for direct use and have the approximate shape or outline of the finished essential component, and which can only be used, other than in exceptional cases, for completion into the finished essential component;

↓ (EU) No 258/2012
⇨ new

6~~4.~~ ‘ammunition’ means the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles that are used in a firearm, as referred to in Annex I, provided that those components are themselves subject to authorisation in the relevant Member State;

7~~5.~~ ‘deactivated firearms’ means objects otherwise corresponding to the definition of a firearm which have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or modification that would permit the firearm to be reactivated in any way, ⇨ in accordance with Implementing Regulation (EU) 2015/2403 ⇦ ~~Member States shall make arrangements for these deactivation measures to be verified by a competent authority. Member States shall, in the context of that verification, provide for the issue of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm~~;

⇩ new

8. ‘alarm and signal weapons’ means devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant;

↓ (EU) No 258/2012

9~~7.~~ ‘person’ means a natural person, a legal person and, where the possibility is provided for under the rules in force, an association of persons recognised as having the capacity to perform legal acts but lacking the legal status of a legal person;

10~~9.~~ ‘customs territory of the Union’ means the territory within the meaning of Article 4 ~~3~~ of Regulation ~~(EEC) No 2913/92~~ (EU) No 952/2013;

⇩ new

11. ‘Union goods’ means goods which fall into any of the following categories:

    (a) goods wholly obtained in the customs territory of the Union and not incorporating goods imported from countries or territories outside the customs territory of the Union;

    (b) goods brought into the customs territory of the Union from countries or territories outside that territory and released for free circulation;

    (c) goods obtained or produced in the customs territory of the Union, either solely from goods referred to in point (b) or from goods referred to in points (a) and (b);

12. ‘non-Union goods’ means goods other than those referred to in Article 5(23) of Regulation (EU) 952/2013 or which have lost their customs status as Union goods;

13. ‘customs authorities’ means the administrations and authorities referred to in Article 5, point 1, of Regulation (EU) No 952/2013;

14. ‘customs office’ means any office at which all or some of the formalities laid down by customs legislation may be completed;

15. ‘customs legislation’ means the body of legislation referred to in Article 5, point 2, of Regulation (EU) No 952/2013;

16. ‘customs formalities’ means all the operations, which must be carried out by a person and by the customs authorities in order to comply with the customs legislation;

17. ‘customs controls’ means specific acts performed by the customs authorities in order to ensure compliance with the customs legislation and other legislation governing the entry, exit, transit, movement, storage and end-use of goods moved between the customs territory of the Union and countries or territories outside that territory, and the presence and movement within the customs territory of the Union of non-Union goods and goods placed under the end-use procedure;

18. ‘customs declaration’ means the act whereby a person indicates, in the prescribed form and manner, a wish to place goods under a given customs procedure, with an indication, where appropriate, of any specific arrangements to be applied;

19. ‘import declaration’ means the act whereby a person indicates in the prescribed form and manner their intention to place firearms, their essential components, and ammunition under the import procedure;

↓ (EU) No 258/2012

20~~10~~. ‘export declaration’ means the act whereby a person indicates in the prescribed form and manner his intention to place firearms, their ~~parts and~~ essential components, and ammunition under the export procedure;

⇩ new

21. ‘entry’ means the introduction of non-union goods into the customs territory of the Union under an entry summary declaration, and with a view to their release into free circulation or placing under special procedures, in accordance with the Regulation (EU) No 952/2013;

22. ‘import’ means the placing of goods under release for free circulation as laid down in Article 201 of Regulation (EU) No 952/2013 or a re-import following the temporary export of Union goods as laid down in Article 259 of Regulation (EU) 952/2013;

23. ‘importer’ means any person, established in the customs territory of the Union, who makes a declaration for an import or temporary admission on its own behalf, or on whose behalf the said declaration is made;

↓ (EU) No 258/2012

24~~6~~. ‘export’ means:

(a) an export procedure within the meaning of Article ~~161~~ 269 of Regulation ~~(EEC) No 2913/92~~ (EU) No 952/2013;

(b) a re-export within the meaning of Article ~~182~~ 270 of Regulation ~~No 2913/92 but not including goods moving under the external transit procedure, as referred to in Article 91 of that Regulation where no re-export formalities as referred to in Article 182(2) thereof have been fulfilled~~ (EU) No 952/2013;

⇩ new

25. ‘exit’ means the leaving of goods from the customs territory of the European Union;

↓ (EU) No 258/2012 (adapted)
⇨ new

26~~8~~. ‘exporter’ means any person, established in the ⇨ customs territory of ⇦ Union, who makes ~~or on whose behalf~~ a ~~export~~ declaration ⌦ for export or temporary export on its own behalf, or on whose behalf the said declaration ⌫ is made~~, that is to say the person who, at the time when the declaration is accepted, holds the contract with the consignee in the third country and has the power for determining the sending of the item out of the customs territory of the Union. If no export contract has been concluded or if the holder of the contract does not act on its own behalf, the exporter shall mean the person who has the power for determining the sending of the item out of the customs territory of the Union~~;

⇩ new

27. ‘economic operator’ means:

(a) a manufacturer, arms dealer or broker established in the customs territory of the Union;

(b) an importer, where the manufacturer is not established in the customs territory of the Union;

(c) an authorised representative who has a written mandate from the manufacturer designating the authorised representative to perform the tasks set out in Article 5(2) on the manufacturer's behalf;

28. ‘declarant’ means the person lodging an import, transit, export, or re-export declaration in his or her name or the person in whose name such a declaration is lodged.

29. ‘dealer’ means any person whose trade or business consists wholly or partly of either of the following:

(a) the manufacture, trade, exchange, hiring out, repair, modification or conversion of firearms or essential components;

(b) the manufacture, trade, exchange, modification or conversion of ammunition;

30. ‘broker’ means any person, other than a dealer, whose trade or business consists wholly or partly of either of the following:

(a) the negotiation or arrangement of transactions for the purchase, sale or supply of firearms, essential components or ammunition;

(b) arranging the transfer of firearms, essential components or ammunition within a Member State, from one Member State to another Member State, from a Member State to a third country or from a third country to a Member State;

31. ‘import authorisation’ means:

(a) a single authorisation granted to one specific importer or declarant for special customs procedures referred to in Article 210 Regulation (EU) No 952/2013, for one shipment of one or more firearms, their essential components and ammunition to one identified final recipient or consignee in the customs territory of the Union;

(b) a multiple authorisation granted to one specific importer for multiple shipments of one or more firearms, their essential components and ammunition to one identified final recipient or consignee in the customs territory of the Union;

(c) an Union general import authorisation for importers to the customs territory of the Union that is available to all importers who respect the conditions and requirements listed in chapter II of this Regulation and in the implementing act referred to in Article 9(8) of this Regulation;

🡻 (EU) No 258/2012 (adapted)
⇨ new

32~~14~~. ‘export authorisation’ means:

(a) a single authorisation ~~or licence~~ granted to one specific exporter for one shipment of one or more firearms, their ~~parts and~~ essential components and ammunition to one identified final recipient or consignee in a third country; or

(b) a multiple authorisation ~~or licence~~ granted to one specific exporter for multiple shipments of one or more firearms, their ~~parts and~~ essential components and ammunition to one identified final recipient or consignee in a third country; or

(c) a ~~global~~ ⇨ Union general export ⇦ authorisation ~~or licence granted to one specific exporter for multiple shipments of one or more firearms, their parts and essential components and ammunition to several identified final recipients or consignees in one or several third countries~~ ⇨ for exports to certain countries of destination that is available to all exporters who respect the conditions and requirements listed in chapter III of this Regulation and in the implementing act referred to in Article 15(7) ⇦ ;

33~~11~~. ‘temporary export’ means the movement of firearms, ⇨ their essential components , ammunition and alarm and signal weapons ⇦ leaving the customs territory of the Union and intended for re-import within a period not exceeding 24 months;

⇩ new

34. ‘temporary import’ means the movement of firearms, their essential components, ammunition and alarm and signal weapons entering the customs territory of the Union and inteded for re-exprt within a period not exceeding 24 months;

35. ‘outward processing’ means a temporary export within the meaning of Article 259 of Regulation (EU) No 952/2013;

36. ‘inward processing’ means the procedure granting non-Union goods intended for re-export access to the customs territory of the Union;

🡻 (EU) No 258/2012

~~12. ‘transit’ means the operation of transport of goods leaving the customs territory of the Union and passing through the territory of one or more third countries with final destination in another third country;~~

⇩ new

37. ‘intra-EU transit’ means:

(a) the operation of transporting of non-Union firearms, their essential components and ammunition listed in Annex I entering the customs territory of the Union and passing through the territory of one or more EU Member States with final destination in another EU Member State; or

(b) the operation of transporting of Union firearms, their essential components and ammunition listed in Annex I being exported from one EU Member State and passing through the territory of one or more EU Member States before leaving the customs territory of the Union;

38. ‘external transit’ means the operation of transporting of firearms, their essential components and ammunition listed in Annex I from a third country, passing through the customs territory of the Union to a final destination in a third country, without the actual import of these goods;

39. ‘temporary admission’ means the procedure granting non-Union goods, in this case firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I intended for re-export, access to the customs territory of the Union;

🡻 (EU) No 258/2012
⇨ new

40~~13~~. ‘transhipment’ means transit involving the physical operation of unloading ~~goods~~ firearms, their essential components and ammunition from the importing means of transport followed by reloading, for the purpose of re-exportation, generally onto another means of transport;

41~~15~~. ‘~~illicit~~ trafficking’ means the import, export, sale, delivery, movement or transfer of firearms, their ~~parts and~~ essential components or ammunition from or across the territory of one Member State to that of a third country, if any of the following applies:

(a) the Member State concerned does not authorise it in accordance with the terms of this Regulation;

(b) the firearms, ⇨ their essential components and ammunitions ⇦ are not marked in accordance with Article 4, points (1) and (2) of Directive ~~91/477/EEC~~ (EU) 2021/555;

(c) ~~the imported firearms are not marked at the time of import at least with a simple marking permitting identification of the first country of import within the European Union, or, where the firearms do not bear such a marking, a unique marking identifying the imported firearms;~~

42~~16~~. 'tracing' 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;

⇩ new

43. 'Union firearms legislation' means all Union legislation related to firearms, their essential components and ammunition, in particular Directive (EU) 2021/555 and the legal acts based on that Directive;

44. 'competent authority' means the national authorities as understood in Article 34 of this Regulation;

45. 'competent authority of dispatch' means the competent authority for the area from which the shipment is planned to be initiated or is initiated;

46. 'competent authority of destination' means the competent authority for the area to which the shipment is planned, imported or takes place;

47. 'competent authority of transit' means the competent authority for any country, other than that of the competent authority of dispatch or destination, through which the shipment is planned or takes place;

48. 'illicit shipment' means any shipment that does not comply with any obligations set in this Regulation or Regulation (EU) No 952/2013;

49. 'integrated dataset' means the integrated dataset referred to in Article 38(3) of Regulation *[EU Single Window Environment for Customs]*, comprising all data required by competent authorities and by customs authorities to place firearms, their essential components, ammunition and alarm and signal weapons under a specific customs procedure or to re-export.

Article 3
Scope

1. This Regulation shall not apply to:

(a) State to State transactions or State transfers;

(b) firearms, their parts and essential components and ammunition if specially designed for military use and, in any case, firearms of the fully automatic firing type;

(be) firearms, their parts and essential components and ammunition when destined for the armed forces, the police, or the public authorities of the Member States;

(d) collectors and bodies concerned with cultural and historical aspects of firearms, their parts and essential components and ammunition and recognised as such for the purpose of this Regulation by the Member State in whose territory they are established, provided that tracing measures are ensured;

(e) deactivated firearms;

(cf) antique firearms and their replicas as defined in accordance with national legislation, provided that antique firearms do not include firearms manufactured after 1899.

2. This Regulation is without prejudice to Regulation (EEC) No 2913/92 (Community Customs Code), Regulation (EEC) No 2454/93 (implementing provisions of the Community Customs Code), Regulation (EC) No 450/2008 (Modernised Customs Code), and to the regime for the control of exports, transfer, brokering and transit of dual-use items established by Regulation (EC) No 428/2009 (Dual Use Regulation).

CHAPTER II

~~EXPORT AUTHORISATION, PROCEDURES AND CONTROLS AND IMPORT AND TRANSIT MEASURES~~
⌦ ENTRY AND IMPORT REQUIREMENTS ⌫

⇩ new

Article 4
Derogations to Union customs procedures

1. Firearms, their essential components and ammunition listed in Annex I to this Regulation shall not:

   (a) be placed under a customs procedure based on a simplified declaration established under Article 166 of Regulation (EU) No 952/2013;

   (b) be subject to an entry in the declarant's record pursuant to Article 182 of Regulation (EU) No 952/2013;

   (c) be subject to self-assessment pursuant to Article 185 of Regulation (EU) No 952/2013;

   (d) be declared with a customs declaration containing the specific dataset referred to in Article 143 (a) of Delegated Regulation (EU) 2015/2446;

   (e) be declared with a customs declaration containing the reduced dataset referred to in Article 144 of Delegated Regulation (EU) 2015/2446.

2. With respect to single authorisations for simplified procedures still valid pursuant to Article 345 (4) of Implementing Regulation (EU) 2015/2447 paragraph 1, points (a) and (b) of this Article shall not apply to firearms, their essential components and ammunition listed in Annex I to this Regulation.

3. For firearms, their essential components and ammunition an authorisation in accordance with Article 12 and 13 of this Regulation shall be required for an intra-EU and external transit procedure set out in Article 226 of Regulation (EU) No 952/2013.

Article 5
Tasks of economic operators at import

1. Economic operators established in the customs territory of the Union shall only import a firearm, their essential components, ammunition and alarm and signal

weapons as listed in Annex I, if they comply with the obligations set out in paragraph 2.

2. The economic operator shall:

(a) verify that the imported firearms, their essential components, ammunition and alarm and signal weapon comply with

(a) the rules on marking referred to in Article 4 of Directive (EU) 2021/555**;**

(b) the rules on non-convertibility referred to in Article 14(3) of Directive (EU) 2021/555;

(c) the rules on deactivation referred to in Article 15(3) of Directive (EU) 2021/555;

(b) keep all certificates according to paragraph 2 point (a) of this Article and relevant documentation according to Articles 9 and 10 of this Regulation at the disposal of the authorities referred to in Article 34(2) of this Regulation and ensuring that the technical documentation shall be made available to those authorities upon request;

(c) further to a reasoned request from an authority referred to in Article 34(2) provide that authority with all information and documentation necessary to demonstrate the conformity of the firearms, their essential components, ammunition and alarm and signal weapons in a language, which can be easily understood by that authority;

(d) when having reason to believe that a firearm, their essential components, ammunition and alarm and signal weapons in question may not comply with the Union firearms legislation, inform the authorities referred to in Article 34(2) of this Regulation thereof;

(e) cooperate with the authorities referred to in Article 34(2) of this Regulation, including following a reasoned request making sure that the immediate, necessary, corrective action is taken to remedy any case of non-compliance with the requirements set out in Union firearms legislation.

3. Obligations under paragraph 2 shall not affect any obligations of economic operators under the applicable Union firearms legislation.

Article 6
Marking at import

1. Firearms or their essential components shall be imported provided that they are marked in accordance with Article 4 of Directive (EU) 2021/555.

2. In the absence of the required marking according to paragraph 1 of this Article, the firearms or their essential components shall be placed under another customs procedure.

3. In accordance with Article 8 of the United Nations Protocol, all firearms and their essential components shall be marked with a unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or with any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification of the country of manufacture.

4. In the absence of a marking in accordance with paragraph 3, the re-export shall be prohibited and the firearms and their essential components shall be seized and destroyed.

Article 7
Deactivated firearms

1. Deactivated firearms shall be imported provided that they are accompanied by import authorisation referred to in Article 9 of this Regulation and the deactivation certificate referred to in Article 15 of Directive (EU) 2021/555.

2. In the absence of the deactivation certificate, the deactivated firearm shall be placed under another customs procedure or declared as a firearm.

Article 8
Alarm and signal weapons

1. Alarm and signal weapons shall be imported as alarm and signal weapons provided that it is indicated in the import authorisation referred to in Article 9 that they are non-convertible and declared as such by the authorities referred to in paragraph 3 of this Article. This import authorisation shall be issued without the conditions as referred to in Article 9(2).

2. Upon entry into the customs territory of the Union, alarm and signal weapons which do not comply with the technical specifications referred to in Article 14 of Directive (EU) 2021/555 shall be classified as firearms pursuant to Annex I to this Regulation.

3. Member States shall communicate on 1 January and 1 July of each year to the Commission a report on the alarm and signal weapons classified as non-convertible. Those reports shall be discussed within the Coordination Group referred to in Article 33 of this Regulation.

4. In case of diverging national practices, the Commission shall adopt implementing acts establishing a list of non-convertible alarm and signal weapons. Those implementing acts shall be adopted in accordance with the committee procedure referred to in Article 37.

Article 9
Import authorisation

1. Import authorisation shall be necessary for the import of a firearm, an essential component, ammunition and alarm and signal weapons into the customs territory of the Union. Such import authorisation shall be established in accordance with the form set out in Annex II, part I. Such authorisation shall be granted by the competent authorities of the Member State where the importer is established and shall be issued by electronic means, through the electronic licensing system referred to in Article 28.

2. Any person entitled, pursuant to Directive (EU) 2021/555, to manufacture, acquire, possess, hold or trade firearms, their essential components and ammunition as listed in Annex I to this Regulation, may apply for an import authorisation.

3. Only arms dealers and brokers shall be authorised to import semi-finished firearms and semi-finished essential components.

4. Competent authorities shall process applications for import authorisations within a period of time, which shall not exceed 60 working days, from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended to 90 working days.

5. Competent authorities shall refuse to grant an import authorisation if

(a) the applicant has not been granted an authorisation to acquire and possess a firearm, its essential components or ammunition, or has been precluded from doing so, pursuant to Article 6 of Directive (EU) 2021/555;

(b) the applicant has a criminal record concerning conduct constituting an offence listed in Article 2(2) of Council Framework Decision 2002/584/JHA, or concerning any other conduct provided that it constituted an offence punishable by a maximum penalty of at least four years of imprisonment;

(c) the firearm to be imported was declared lost, stolen or otherwise sought for seizure in the relevant EU, national or international databases.

The first subparagraph is without prejudice to stricter rules under national legislation.

6. Competent authorities shall annul, suspend, modify or revoke an import authorisation if the conditions for granting it are not met or are no longer met. Where competent authorities take these decisions, they shall make this information available to the customs authorities through the electronic licensing system referred to in Article 28.

7. For the purpose of the paragraph 5, Member States shall check the absence of a criminal record in the European Criminal Record Information System 'ECRIS' and if the firearm is reported as lost, stolen or under investigation in the relevant EU, national or international databases.

8. The Commission shall adopt an implementing act to establish an Union general import authorisation and setting out the conditions for the import of firearms, their essential components and ammunitions by authorised economic operators for

security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013.Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

9. The importer shall not be required to pay a fee or charge for the application for an import authorisation, except for escorting fees.

Article 10
Administrative simplifications

1. Notwithstanding other provisions of this Regulation and of Directive (EU) 2021/555, no import authorisation shall be required for:

(a) the temporary admission for evaluation or exhibition without sale, or inward processing for repair, provided that the firearms, their essential components , ammunition and alarm and signal weapons as listed in Annex I remain the property of a person established outside the customs territory of the Union and the firearms, their essential components, ammunition and alarm and signal weapons are re-exported to that person;

(b) the import following temporary export for the purpose of evaluation and repair and exhibition without sale, under the outward processing or temporary exportation customs procedures, this includes as well the import with an European Firearms Pass as referred to in Article 1 of Directive (EU) 2021/555;

(c) the temporary admission by hunters or sport shooters as part of their accompanied personal effects, provided that they substantiate to the customs authorities the reasons for the journey, in particular by producing an invitation or other proof of the hunting or sport shooting activities in the European Union, of:

(a) one or more firearms,

(b) their essential components, if marked,

(c) their related ammunition, limited to a maximum of 800 rounds for hunters and a maximum of 1 200 rounds for sport shooters,

(d) one or more alarm and signal weapons.

2. Importers shall indicate in an integrated dataset, indicating for which of the three categories mentioned in paragraph 1 they are claiming the benefit of the administrative simplification. They must present any supporting document to the customs authorities upon request.

3. The customs authorities responsible for the implementation of paragraph 1 of this Article, shall be the supervising custom offices as referred to in Article 1(36) point (a) of Commission Delegated Regulation (EU) 2015/2446.

4. National Single Window Environments for Customs shall provide the integrated dataset referred to in paragraph 2 to the electronic licensing system referred to in

Article 28. Annex II part II lists the required information that shall be included in the import declaration:

(a) With respect to paragraph 1, point b, of this Article the importer shall mention the reference number of the temporary export declaration in the import declaration.

(b) When a firearms, their essential components ,ammunition and alarm and signal weapons listed in Annex I is placed under the temporary admission procedure using the ATA carnet set out in Appendix 1 to Annex A to Convention relating to temporary admission[28], the customs authorities shall inform the competent authority through the electronic means established at national level.

Article 11
Confirmation of Receipt

Upon request of a third country of export, which is a Party to the UN Firearms Protocol at the time of the export, Member States shall confirm the receipt within the customs territory of the Union of the dispatched shipment of firearms, their essential components or ammunition, which shall be ensured by producing the relevant customs import documents.

[28] OJ L 130, 27.5.1993, p. 4

CHAPTER III
TRANSIT REQUIREMENTS

Article 12
Procedures for intra-EU transit

1. For intra-EU transit only the import or export authorisation referred to in Article 9 and 14 shall be required. The import or export authorisations shall indicate the planned transit movements. Changes in the planned transit movement planning shall be notified by the economic operator to the competent authorities and these authorities shall amend the relevant authorisation accordingly.

2. The declarant shall mention the reference number of the import authorisation in the transit declaration.

3. The declarant shall provide a copy of the transit declaration to the competent authorities of dispatch or destination, via the electronic licensing system referred to in Article 28.

4. As soon as the shipment of firearms, their essential components, ammunition or alarm and signal weapons listed in Annex I has been imported or has been exported from the customs territory of the Union, the customs office of import or of export shall inform the competent authority of dispatch or destination in the customs territory of the Union of the completion of the intra-EU transit procedure, via the electronic licensing system referred to in Article 28.

Article 13
Procedures for external-transit

1. For external-transit only the import authorisation referred to in Article 9 shall be required. The import authorisations shall indicate the planned transit movements. In case of changes in the planned transit movement or if the firearms, their essential components, ammunition and alarm and signal weapons as listed in Annex I subject to the authorisation are to be imported, these changes shall be notified to the competent authorities and these authorities shall amend the relevant authorisation accordingly.

2. The declarant shall mention the reference number of the import authorisation to the customs declaration for transit.

3. In deciding whether to grant an import authorisation for external-transit under this Regulation, Member States shall take into account all relevant considerations including, where appropriate considerations of national foreign and security policy, including those covered by Common Position 2008/944/CFSP.

4. The declarant shall provide a copy of the customs declaration for transit to the competent authorities of dispatch and destination, via the electronic licensing system referred to in Article 28.

5. As soon as the shipment of firearms, their essential components, ammunition or alarm and signal weapons has entered or has exited the customs territory of the Union, the customs office responsible for the place of entry or exit shall inform the competent authority of dispatch or destination in the Union of the completion of the external transit procedure, via the electronic licensing system referred to in Article 28.

CHAPTER IV
EXPORT REQUIREMENTS

↓ (EU) No 258/2012 (adapted)
⇨ new

Article 14~~4~~
⌦ Export authorisation ⌫

1. ⇨ Any person authorised, pursuant to Directive (EU) No 2021/555, to manufacture, acquire, possess or trade firearms, their essential components or ammunition listed in Annex I to this Regulation may request an export authorisation.⇦ ~~An export~~ ⌦ Such ⌫ authorisation shall be established in accordance with the form set out in Annex III~~II~~, part I to this Regulation ~~shall be required for the export of firearms, their parts and essential components and ammunition listed in Annex I~~. ~~Such~~ ⌦ The ⌫ authorisation shall be granted by the competent authorities of the Member State where the exporter is established and shall be issued ~~in writing or by electronic means~~ ⇨ via the electronic licensing system referred to in Article 28 of this Regulation ⇦ .

~~2. Where the export of firearms, their parts, essential components and ammunition requires an export authorisation pursuant to this Regulation and that export is also subject to authorisation requirements in accordance with Common Position 2008/944/CFSP, Member States may use a single procedure to carry out the obligations imposed on them by this Regulation and by that Common Position.~~

⇩ new

2. Competent authorities may only grant export authorisations for firearms of categories A and B of Annex I if the application for such authorisation is accompanied by an end-user certificate delivered by the authorities of the country of final destination. Annex IV establishes the content of the end-user certificate.

3. The Commission shall adopt an implementing act to establish an uniform end-user certificate. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

↓ (EU) No 258/2012 (adapted)

4. If the firearms, their ~~parts and~~ essential components and ammunition are located in one or more Member States other than the one where the application for export authorisation has been made, that fact shall be indicated on that application. The competent authorities of the Member State to which the application for export authorisation has been made shall immediately consult the competent authorities of the Member State or States in question and provide the relevant information. The

Member State or States consulted shall make known within 10 working days any objections it or they may have to the granting of such an authorisation, which shall bind the Member State in which the application has been made.

Article 15~~7~~
⌦ Export authorisation procedure ⌫

1. Before issuing an export authorisation for firearms, their ~~parts and~~ essential components and ammunition, the ~~Member State~~ ⌦ competent authorities ⌫ concerned shall verify that:

   (a) the importing third country has authorised the relevant import; and

   (b) the third countries of transit, if any, ~~have given notice in writing – and at the latest prior to the shipment – that they~~ have no objection to the transit. This provision does not apply:

      (a) to shipments by sea or air and through ports or airports of third countries provided that that there is no transhipment or change of means of transport;

      (b) in the case of temporary exports for verifiable lawful purposes, which include hunting, sport shooting, evaluation, exhibitions without sale, and repair.

   ~~2. Member States may decide that, if no objections to the transit are received within 20 working days from the day of the written request for no objection to the transit submitted by the exporter, the consulted third country of transit shall be regarded as having no objection to the transit~~

2~~3~~. The exporter shall supply the competent authority of the Member State responsible for issuing the export authorisation with the necessary documents proving that the importing third country has authorised the import and that the third country of transit had no objection to the transit.

⇩ new

3. With respect to deactivated firearms , the exporter shall supply the deactivation certificate referred to in Article 15 of Directive (EU) 2021/555 to the competent authorities of the Member States responsible for issuing the export authorisation.

🡻 (EU) No 258/2012 (adapted)
⇨ new

4. Member States shall process applications for export authorisations within a period of time ~~to be determined by national law or practice~~, which shall not exceed 60 working days, from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified

reasons, that period may be extended ⇨ by the competent authorities ⇦ to 90 working days.

5. The period of validity of ~~an~~ ⌦ a single ⌫ export authorisation shall not exceed the period of validity of the import authorisation. ⇨ Without prejudice to paragraph 1, point (a), the period of validity of a multiple or a Union general export authorisation shall not exceed three years. ⇦ Where the import authorisation does not specify a period of validity, except under exceptional circumstances and for duly justified reasons, the period of validity of an export authorisation shall be at least nine months.

6. Member States ~~may decide to~~ ⇨ shall ⇦ make use of electronic documents for the purpose of processing the applications for export authorisation.

⇩ new

7. The Commission shall adopt an implementing act to establish an Union general export authorisation and setting out the conditions for the export of firearms, their essential components and ammunitions by authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37.

8. The exporter shall not be required to pay a fee or charge for the application for an export or intra-EU transit authorisation, except for escorting fees.

🡻 (EU) No 258/2012 (adapted)
⇨ new

Article 16~~8~~
⌦ Traceability of firearms ⌫

1. For the purpose of tracing, the export authorisation ~~and the import licence~~ or import authorisation issued by the importing third country and the accompanying documentation shall together contain information that includes:

(a) the dates of issue and expiry;

(b) the place of issue;

(c) the country of export;

(d) the country of import;

(e) whenever applicable, the third country or countries of transit;

(f) the consignee;

(g) the final recipient, if known at the time of the shipment;

(h) particulars enabling the identification of the firearms, their ~~parts and~~ essential components and ammunition, and the quantity thereof including, at the latest prior to the shipment, the marking applied to the firearms ⇨ or to essential components ⇦ .

2. The information referred to in paragraph 1, if contained in the ~~import license or~~ import authorisation ⌦ issued by the importing third country ⌫ , shall be provided by the exporter in advance to the third countries of transit, at the latest prior to the shipment.

⇩ new

3. Firearms, their essential components and ammunition shall be exported provided that they are marked in accordance with Article 4 of Directive (EU) 2021/555.

🡻 (EU) No 258/2012 (adapted)
⇨ new

Article 17~~9~~
⌦ Administrative simplifications ⌫

1. Simplified ⌦ administrative ⌫ procedures for the temporary export or the re-export of firearms, their ~~parts,~~ essential components and ammunition shall apply as follows:

(a) no export authorisation shall be required for

(i) the temporary export by hunters or sport shooters as part of their accompanied personal effects, during a journey to a third country, provided that they substantiate to the competent ⌦ customs ⌫ authorities the reasons for the journey, in particular by producing an invitation or other proof of the hunting or sport shooting activities in the third country of destination, of:

– one or more firearms,

– their essential components, if marked, ~~as well as parts,~~

– their related ammunition, limited to a maximum of 800 rounds for hunters and a maximum of 1 200 rounds for sport shooters;

(ii) The re-export by hunters or sport shooters as part of their accompanied personal effects following temporary admission for hunting or sport shooting activities, provided that the firearms remain the

property of a person established outside the customs territory of the Union and the firearms are re-exported to that person.

(b) When leaving the customs territory of the Union through a Member State other than the Member State of their residence, hunters and sport shooters shall produce to the competent authorities a European Firearms Pass ~~as provided for~~ ⌦ referred to ⌫ in ⌦ Article 17 ⌫ ~~Articles 1 and 12~~ of Directive ~~91/477/EEC~~ (EU) No 2021/555. In the case of travel by air, the European Firearms Pass shall be produced to the competent authorities where the relevant items are handed over to the airline for transport out of the customs territory of the Union. ~~When leaving the customs territory of the Union through the Member State of their residence, hunters and sport shooters may, instead of a European Firearms Pass, choose to produce another document considered valid for this purpose by the competent authorities of that Member State.~~

(c) The competent authorities of a Member State shall, for a period not exceeding 10 ⇨ working ⇦ days, suspend the process of export or, if necessary, otherwise prevent firearms, their ~~parts and~~ essential components or ammunition from leaving the customs territory of the Union through that Member State, where they have grounds for suspicion that the reasons substantiated by hunters or sport shooters are not in conformity with the relevant considerations and the obligations laid down in Article ~~10~~ 18 of this Regulation. In exceptional circumstances and for duly justified reasons, the period referred to in this point may be extended by the competent authorities to 30 ⇨ working ⇦ days.

2. ~~Member States shall, in accordance with national law, establish simplified procedures for~~ ⇨ Notwithstanding Articles 14, 15 and 16 of this Regulation, no export authorisation shall be required for ⇦ :

(a) the re-export of firearms following temporary admission for evaluation or exhibition without sale, or inward processing for repair, provided that the firearms remain the property of a person established outside the customs territory of the Union and the firearms are re-exported to that person;

(b) the re-export of firearms, their ~~parts and~~ essential components and ammunition if they are held in temporary storage from the moment they enter the customs territory of the Union until their exit;

(c) the temporary export of firearms for the purpose of evaluation and repair and exhibition without sale, provided that the exporter substantiates the lawful possession of these firearms and exports them under the outward processing or temporary exportation customs procedures.

⇩ new

3. Exporters shall indicate in the integrated dataset for which of the three categories mentioned in this paragraph 2 of this Article they are claiming the benefit of the administrative simplification. They shall present any supporting document to the customs authorities upon request. National Single Window Environments for Customs shall provide that integrated dataset to the electronic licensing system

referred to in Article 28. Annex III part II lists the required information that shall be included in the export declaration.

4. With respect to paragraph 2 point (a) and (b) of this Article, the exporter shall mention the reference number of the declaration for temporary admission or inward processing in the export declaration.

5. Notwithstanding Article 15, if no objections to the transit by third countries of transit are received within 20 working days from the day of the written request for no objection to the external transit submitted by the exporter, the consulted third country of external transit shall be regarded as having no objection to the transit.

↓ (EU) No 258/2012 (adapted)
⇨ new

Article 18~~10~~
⌦ Obligations of Member States ⌫

1. In deciding whether to grant an export authorisation under this Regulation, Member States shall take into account all relevant considerations including, where appropriate:

   (a) their obligations and commitments as parties to the relevant international export control arrangements or relevant international treaties;

   (b) considerations of national foreign and security policy, including those covered by Common Position 2008/944/CFSP;

   (c) considerations as to intended end use, consignee, identified final recipient and the risk of diversion.

2. In addition to the relevant considerations set out in paragraph 1, when assessing an application for an export authorisation, Member States shall take into account the application by the exporter of proportionate and adequate means and procedures to ensure compliance with the provisions and objectives of this Regulation and with the terms and conditions of the authorisation.

3. In deciding whether to grant an export authorisation under this Regulation, Member States shall respect their obligations with regard to sanctions imposed by decisions adopted by the Council or by a decision of the Organisation for Security and Cooperation in Europe (OSCE) or by a binding resolution of the Security Council of the United Nations, in particular as regards arms embargoes.

Article 19~~11~~
⌦ Refusals to grant export authorisations ⌫

1. Member States shall:

   (a) refuse to grant an export authorisation if

(i) the applicant has a criminal record concerning conduct constituting an offence listed in Article 2(2) of ~~Council~~ Framework Decision 2002/584/JHA ~~of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States~~, or concerning any other conduct provided that it constituted an offence punishable by a maximum ~~deprivation of liberty~~ ⇨ penalty ⇦ of at least four years ⇨ of imprisonment ⇦ ~~or a more serious penalty~~;

⇩ new

(ii) the firearms as described in Annex I to this Regulation were declared lost, stolen or otherwise sought for seizure in the Schengen Information System, or in any other national or international database.

🡻 (EU) No 258/2012 (adapted)

(b) annul, suspend, modify or revoke an export authorisation if the conditions for granting it are not met or are no longer met.

~~This paragraph~~ ⌦ The first subparagraph ⌫ ~~is without prejudice to~~ ⌦ shall not affect ⌫ stricter rules under national legislation.

⇩ new

2. For the purpose of paragraph 1 of this Article, competent authorities shall check the absence of a criminal record in the European Criminal Record Information System 'ECRIS' and the absence of the firearm in the Schengen Information System.

🡻 (EU) No 258/2012 (adapted)
⇨ new

3~~2~~. Where ~~Member States~~ ⌦ competent authorities ⌫ refuse, annul, suspend, modify or revoke an export authorisation, they shall ~~notify~~ ⌦ make this information available to ⌫ the ~~competent~~ ⌦ customs ⌫ authorities~~ of the other Member States thereof and share the relevant information with them. Where the competent authorities of a Member State have suspended an export authorisation, their final assessment shall be communicated to the other Member States at the end of the period of suspension.~~ ⇨ through the electronic licensing system referred to in Article 28. ⇦

⇩ new

4. Where the competent authorities have suspended an export authorisation, their final assessment shall be communicated to the other Member States at the end of the

period of suspension, through the electronic licensing system as referred to in Article 28.

5. Where the competent authorities have refused to grant an export authorisation, their final assessment shall be registered in the system referred to in Article 29.

🡻 (EU) No 258/2012 (adapted)
⇨ new

6~~3~~. Before the competent authorities ~~of a Member State~~ grant an export authorisation under this Regulation, they shall take into account all refusals under this Regulation of which they have been notified, ⇨ in the system referred to in Article 29 of this Regulation ⇦ in order to ascertain whether an authorisation has been refused by the competent authorities of another Member State or Member States for an essentially identical transaction (concerning an item with essentially identical parameters or technical characteristics and in respect of the same importer or consignee).

They may first consult the competent authorities of the Member State or Member States which issued refusals, annulments, suspensions, modifications or revocations under paragraphs 1 ~~and 2~~, ⌦ 3 ⌫ ⇨ and 5 ⇦ . If, following such consultation, the competent authorities of the Member State decide to grant an authorisation, they shall notify the competent authorities of the other Member States, providing all relevant information to explain the decision.

7~~4~~. All information shared in accordance with the provisions of this Article shall be in compliance with the provisions of Article ~~19(2)~~ ⇨ 23 ⇦ concerning its confidentiality.

⇩ new

8. The competent authorities shall check annually that the conditions of authorisation are met throughout the duration of the authorisation. Such checks may be based on representative samples of all authorisations in force. Each export authorisation shall be individually verified at least every three years by the competent authorities. Member States shall report to the Coordination Group on the results of the checks and verifications. The reports shall be discussed in the Coordination Group established by Article 33.

↓ (EU) No 258/2012 (adapted)

Article 20~~13~~
⌦ Proof of receipt ⌫

⇩ new

1. Within two months after the exit of the customs territory of the Union, the exporter shall provide to competent authority that delivered the export authorisation, proof of the receipt of the dispatched shipment of firearms, essential components or ammunition in the third country of import, which shall notably be ensured by producing the relevant customs import documents.

↓ (EU) No 258/2012 (adapted)
⇨ new

2~~1~~. ⇨ In the absence of such a proof of receipt of the dispatched shipments as referred to in paragraph 1 of this Article within two months after the exit of the customs territory of the Union, or in case of suspicion, Member States' competent authority shall immediately request from the customs authorities of export to confirm that the export declaration has been lodged and that firearms, their essential components and ammunition as listed in Annex I have exited the customs territory of the Union, and ⇦ ~~Member States shall, in case of suspicion~~, request the importing third country to confirm receipt of the dispatched shipment of firearms, their ~~parts and~~ essential components or ammunition.

~~2. Upon request of a third country of export which is a Party to the UN Firearms Protocol at the time of the export, Member States shall confirm the receipt within the customs territory of the Union of the dispatched shipment of firearms, their parts and essential components or ammunition, which shall be ensured in principle by producing the relevant customs importation documents~~

~~3. Member States shall comply with paragraphs 1 and 2 in accordance with their national law or practice in force. In particular, with regard to exports, the competent authority of the Member State may decide either to address the exporter or to contact the importing third country directly.~~

⇩ new

Article 21
Post-shipment checks

1. The Commission and competent authorities granting the export authorisation, in case of suspicion, shall carry out post-shipment checks to ensure that the exported firearms, their essential components and ammunition are in line with the commitments made in the end-user certificate as set out in Annex IV.

2. For the purposes of the previous paragraph, post-shipment checks may be carried by any third party expressly mandated for that purpose by the Commission or by the Member States concerned.

CHAPTER V
SUPERVISION AND CONTROLS

↓ (EU) No 258/2012 (adapted)

Article 22~~18~~
⌦ Competences and responsibilities ⌫

⇩ new

1. Firearms, their essential components, ammunition or alarm and signal weapons as listed in Annex I to this Regulation entering, leaving, or transiting through the customs territory of the Union shall be subject to the controls and measures laid down in this Chapter. The application of this Chapter shall not affect other provisions of this Regulation and other Union legislation governing the import or export of goods, in particular Articles 46, 47, 134 and 267 of Regulation (EU) No 952/2013. In accordance with Article 2(2) of Regulation (EU) No. 2019/1020, Articles 25 to 28 of that Regulation shall not apply to controls on firearms, their essential components and ammunition entering the Union market.

↓ (EU) No 258/2012 (adapted)
⇨ new

2~~1~~. Member States may provide that customs formalities, ⇨ such as customs declarations ⇦ for the ⇨ import or ⇦ export of firearms, their ~~parts and~~ essential components or ammunition can be completed only at customs authorities designated to that end.

3~~2~~. Member States availing themselves of the option set out in paragraph 2~~1~~ shall ⇨ publish this information on the portal where authorisations may be claimed from competent authorities as well as ⇦ inform the Commission of the ~~duly empowered~~ ⇨ designated ⇦ customs ~~offices~~ ⌦ authorities ⌫ or of subsequent changes thereto. The Commission shall publish and update that information on a yearly basis in the C series of the Official Journal of the European Union ⇨ and on its Internet webpages ⇦ .

⇩ new

4. The custom authorities shall have the necessary powers and resources for the proper performance of their tasks under this Regulation.

5. Competent authorities shall be responsible for the overall enforcement of this Regulation with regard to the firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I entering, leaving, or transiting through the customs territory of the Union.

6. Without prejudice to paragraph 5 of this Article, customs authorities shall carry out controls on the customs declaration lodged in relation to the firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I to this Regulation entering, leaving or transiting through the customs territory of the Union. Such controls shall be based primarily on risk analysis, as established in Article 46(2) of Regulation (EU) No 952/2013.

↓ (EU) No 258/2012 (adapted)

Article 23~~19~~

⌦ Exchange of information and cooperation between authorities ⌫

~~1. Member States shall, in cooperation with the Commission and in accordance with Article 21(2), take all appropriate measures to establish direct cooperation and exchange of information between competent authorities with a view to enhancing the efficiency of the measures established by this Regulation. Such information may include:~~

~~(a) details of exporters whose application for an authorisation is refused, or of exporters who are the subject of decisions taken by Member States pursuant to Article 11;~~

~~(b) data on consignees or other actors involved in suspicious activities, and, where available, routes taken.~~

⇩ new

1. The Commission, competent authorities and customs authorities shall cooperate closely and exchange information.

2. The risk information, including risk analysis and control results, relevant for the enforcement of this Regulation and, in particular, in relation to suspicion of trafficking of firearms, their essential components, ammunition and alarm and signal weapons shall be exchanged and processed between customs authorities and the Commission in accordance with: Between customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013; and

(a) Between customs authorities and the Commission in accordance with Article 16(1) of Regulation (EU) No 952/2013;

(b) By means of the system established by Article 36 of Implementing Regulation (EU) 2015/2447.

3. Where in relation to firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I that are either in temporary storage or placed under any customs procedure, customs authorities have reason to believe that those products are not compliant, they shall in addition to taking the necessary measures as described in Article 22 transmit all relevant information to the competent authorities.

↓ (EU) No 258/2012 (adapted)
⇨ new

4~~2~~. ~~Council~~ Regulation (EC) No 515/97 ~~on mutual assistance, and in particular the provisions thereof as to the confidentiality of information,~~ shall apply mutatis mutandis to measures under this Article~~,~~ ~~without prejudice to Article 20 of this Regulation~~.

Article 24~~17~~
⌦ Procedures at import and export ⌫

1. When completing customs formalities for the ⇨ import or ⇦ export of firearms, their ~~parts and~~ essential components or ammunition at the customs office of ⇨ import or ⇦ export, ⇨ the importer or ⇦ the exporter shall ~~furnish proof that any necessary export authorisation has been obtained~~ ⇨ make the reference number of the import or export authorisation available to customs authorities when lodging the customs declaration. As may be the case, when a multiple import or export authorisation is used, the importer or exporter shall submit a copy of all previous import or export declarations linked to the multiple import or export authorisation, via the electronic licensing system referred to in Article 28. ⇦

2. The ⇨ importer or the ⇦ exporter may be required to provide a translation into an official language of the Member State where the ~~export~~ ⇨ customs ⇦ declaration is presented, of any documents furnished as proof.

⇩ new

3. Upon receipt of a customs declaration for import or export of firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I, customs authorities shall verify the validity of the authorisation using the electronic licensing system referred to in Article 28. Where all requirements and formalities under Union or national law relating to the import or export have been fulfilled, customs authorities shall allow the firearms, their essential components ammunition or alarm and signal weapons to be imported or exported.

↓ (EU) No 258/2012 (adapted)
⇨ new

4~~3~~. Without prejudice to any powers conferred on them under Regulation ~~(EEC) No 2913/92~~ (EU) No 952/2013, ~~Member States~~ ⌦ customs authorities ⌫ shall, for a

period not exceeding 10 ⇨ working ⇦ days, suspend the process of ⇨ import to or ⇦ export from their territory or, if necessary, otherwise prevent firearms, their ~~parts and~~ essential components or ammunition which are covered by a valid ⇨ import or ⇦ export authorisation from leaving ⇨ or entering ⇦ the customs territory of the Union through their territory, where they have grounds for suspicion that:

(a) relevant information was not taken into account when the authorisation was granted; or

(b) circumstances have materially changed since the authorisation was granted.

In exceptional circumstances and for duly substantiated reasons, that period may be extended to 30 ⇨ working ⇦ days.

⇩ new

Customs authorities may suspend the import of the goods for the customs procedure concerned, if they have certain doubts and in such a case, they shall inform through electronic means the competent national authority, which shall take the decision on the treatment of the goods. If the national competent authority does not reply to the customs authority within 10 working days, then the customs authority shall release the goods.

🡻 (EU) No 258/2012 (adapted)

5~~4~~. Within the period or extended period referred to in paragraph 4~~3~~, Member States shall either import the firearms, their ~~parts and~~ essential components or ammunition, or take action pursuant to Article ⌦ 19 ⌫ ~~11~~ (1), point (b).

⇩ new

Article 25
Results of controls

1. Where customs authorities discovers an illicit shipment of firearms, their components, ammunition or alarm and signal weapons, they shall without delay inform the competent authority in the country of the customs authority thereof. That competent authority shall:

(a) without delay, inform the competent authority of destination in the customs territory of the Union of the illegal shipment of firearms, their components, ammunition or alarm and signal weapons;

(b) in case of intra-EU transit or external-transit, without delay inform the competent authority of dispatch in the customs territory of the Union of the

illegal shipment of firearms, their components, ammunition or alarm and signal weapons.

The customs authorities, which discovered the illicit shipment of firearms, their components and ammunition, shall seize the firearms, their essential components, ammunition or alarm and signal weapons until the competent authority of destination in the customs territory of the Union has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs authority in which the illegal shipment of firearms, their components, ammunition or alarm and signal weapons is detained.

2. In case of suspicion of trafficking of firearms, their essential components, ammunition or alarm and signal weapons, the information related to firearms, their essential components and ammunition seized during customs controls shall be shared by the customs authority with the competent authorities referred to in Article 34(2) of this Regulation through Europol's Secure Information Exchange Network Application.

3. Seizure data shall include, if available, the following information:

(a) the particulars of the firearm, including the name of the manufacturer or brand, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number, and the model where feasible, as well as the quantities;

(b) the category of the firearm, in line with Annex I;

(c) information about manufacture: including the reactivation of deactivated firearms, the conversion of alarm and signal weapons, hand-made firearms manufactured by additive manufacturing or any other information of interest;

(d) the country of origin;

(e) the country of provenance;

(f) the country of destination;

(g) the means of transport and the nationality of the transportation company or person, including as the case may be 'container', 'lorry or van', 'personal vehicle', 'bus or coach', 'train', 'commercial aviation', 'general aviation' or 'postal freight and parcels';

(h) the place and type of the seizure, including as the case may be 'inland', 'border crossing point', 'land border', 'airport' or 'maritime port'.

4. Customs authorities shall, by any electronic means established for that purpose in accordance with applicable customs legislation, share the appropriate risk information and risk analysis results in relation to trafficking of firearms, their essential components and ammunition, in accordance with obligations set in Article 46 (5) of Regulation (EU) No 952/2013.

CHAPTER VI
DIGITALISATION AND ADMINISTRATIVE COOPERATION

↓ (EU) No 258/2012 (adapted)
⇨ new

Article 26~~12~~
⌦ Information storage for import and export ⌫

1. In accordance with their national law or practice in force, Member States shall keep, for not less than 20 years, all information relating to firearms and, ~~where appropriate and feasible,~~ their ~~parts and~~ essential components and ammunition, which is necessary to trace and identify those firearms, their ~~parts and~~ essential components and ammunition, and to prevent and detect ~~illicit~~ trafficking therein. That information shall include the place, dates of issue and expiry of the export authorisation; the country of export; the country of import; where applicable, the third country of transit; the consignee; the final recipient if known at the time of export; and the description and quantity of the items, including ~~any markings applied to them~~ ⇨ the unique marking referred to in Article 4 of Directive (EU) 2021/555 ⇦ .

2. ~~This Article~~ ⌦ Paragraph 1 ⌫ shall not apply to ⇨ imports and ⇦ exports as referred to in Article ⇨ 10 and ⇦ ~~9~~ ⌦ 17 ⌫.

⇩ new

Article 27
Statistics

1. Member States shall confidentially submit via email to the Commission each year by 31 July, their national annual data for the preceding year on:

(a) the number of authorisations and refusals, the quantities and values of actual imports and exports of firearms, their essential components and ammunition, by category and sub-category as listed in Annex I, by origin and by destination;

(b) the information on firearms, essential components, ammunition and alarm and signal weapons seizures listed in Article 25(3).

2. Those statistics shall not include any personal data.

3. The Commission shall adopt implementing acts establishing the rules and format to be used by Member States for providing the Commission with anonymised statistical data as referred to in paragraph 1 and 2 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37.

Article 28
Electronic licensing system

1. The Commission shall establish and maintain an electronic licensing system for import and export authorisations and decisions related to them pursuant to Articles 9 and 14 of this Regulation.

   The electronic licensing system shall provide at least for the following functionalities:

   (a) registration of economic operators and natural persons authorised, pursuant to Directive (EU) No 2021/555, to manufacture, acquire, possess or trade firearms, their essential components, ammunition or alarm and signal weapons listed in Annex I to this Regulation before placing firearms, their essential components, ammunition or alarm and signal weapons listed in Annex I to this Regulation under the customs procedure 'import' or 'export'; inclusion of the Economic Operators Registration and Identification (EORI) number as assigned by the customs authority upon registration for customs purposes in accordance with Article 9 of Regulation (EU) No 952/2013, shall be included in their registration profile;

   (b) allow for the electronic procedure to request, grant and issue an import and export authorisation;

   (c) interconnection with national customs authorities via the EU Customs Single Window Environment for Customs, referred in Article 4 of the Regulation *[Single Window Regulation - insert the number and a footnote; this Regulation is not yet adopted and can be inserted only after adoption by the co-legislators]*;

   (d) allow the risk profiling by competent authorities, customs authorities and the Commission of economic operators, which are person authorised, pursuant to Directive (EU) No 2021/555, to manufacture, acquire, possess or trade firearms, their essential components or ammunition listed in Annex I to this Regulation and risk profiling of firearms, their essential components, ammunition and alarm and signal weapons for the purpose of identifying high risk consignments according to the risk analysis in Article 25 of this Regulation;

   (e) allow administrative assistance and cooperation between competent authorities and the Commission to exchange information and statistics regarding the use of the electronic licensing system;

   (f) allow communication between competent authorities, economic operators and person authorised, pursuant to Directive (EU) No 2021/555, to manufacture, acquire, possess or trade firearms, their essential components, ammunition or alarm and signal weapons listed in Annex I to this Regulation for the purposes of implementation of this Regulation.

2. The Commission shall, by means of implementing acts, establish rules for the functioning of the electronic licensing system, including rules relating to processing of personal data and exchange of data with other IT systems. Those implementing

acts shall be adopted in accordance with the advisory procedure referred to in Article 37.

3. The Commission shall provide access to the electronic licensing system to customs authorities, competent authorities, economic operators and person authorised, pursuant to Directive (EU) No 2021/555, to manufacture, acquire, possess or trade firearms, their essential components, ammunition or alarm and signal weapons listed in Annex I to the extend depending on their respective obligations under this Regulation.

4. The Commission shall provide for interconnection between the electronic licensing system and the electronic national licencing systems, if established.

Article 29

Exchange of information regarding refusals to grant import or export authorisations

1. The Commission, in consultation with the Coordination Group established by Article 33, shall develop or chose a secure and encrypted system to support direct cooperation and the exchange of information between Member States regarding refusals to grant import or export authorisations.

2. All information shared in accordance with the provisions of this Article shall be in compliance with the provisions of Article 23 concerning its confidentiality.

3. The Commission shall, by means of implementing acts, establish rules for the functioning of the exchange of information between Member States regarding refusals to grant import or export authorisations. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2) of this Regulation.

🡻 (EU) No 258/2012 (adapted)
⇨ new

CHAPTER VII~~V~~
GENERAL AND FINAL PROVISIONS

Article 30~~14~~
⌦ Secure procedures ⌫

1. Member States shall take such measures as may be necessary to ensure that their authorisation procedures are secure and that the authenticity of authorisation documents can be verified or validated.

2. Verification and validation may also, where appropriate, be ensured by means of diplomatic channels.

Article 31~~15~~
⌦ Tasks for competent authorities ⌫

1. In order to ensure that this Regulation is properly applied, Member States shall take necessary and proportionate measures to enable their competent authorities to:

   (a) gather information on any order or transaction involving firearms, their ~~parts and~~ essential components and ammunition; and

   (b) establish that the ⇨ import and ⇦ export control measures are being properly applied, which may, in particular, include the power to enter the premises of persons with an interest in an export transaction.

Article 32~~16~~
⌦ Enforcement of the Regulation ⌫

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

⇩ new

2. The whistle-blower-protection regime established by Directive (EU) No 2019/1937 shall apply to persons who report breaches of this Regulation.

↓ (EU) No 258/2012 (adapted)
⇨ new

Article 33~~20~~
⌦ Coordination group ⌫

1. A Firearms ⇨ Imports and ⇦ Exports Coordination Group (the 'Coordination Group') chaired by a representative of the Commission shall be set up. ~~Each Member State shall appoint a representative to it~~ ⇨ It shall be composed of representatives of the authorities referred to in Article 34(2), point (a). ⇦

2. The Coordination Group shall examine any question concerning the application of this Regulation which may be raised either by the Chair or by a representative of ~~a Member State~~ ⇨ the authorities referred to in Article 34(2), point (a) ⇦ . It shall be bound by the ~~confidentiality~~ rules of Regulation (EC) No 515/97.

3. The Chair of the Coordination Group or the Coordination Group shall, whenever necessary, consult any relevant stakeholders concerned by this Regulation.

Article 34~~21~~
⌦ Implementation tasks ⌫

1. Each Member State shall inform the Commission of the laws, regulations and administrative provisions adopted in implementation of this Regulation, including the measures referred to in Article 33~~16~~.

2. ⇨ By six months after the entry into force of this Regulation at the latest**,** ⇦ ~~By 19 April 2012,~~ each Member State shall inform the other Member States and the Commission of ~~the national authorities competent for implementing Articles 7, 9, 11 and 17.~~

⇩ new

(a) the national authority in every Member State responsible of the integral control of firearms and the coordination of the different authorities with competences in the fight against firearms trafficking (national firearms focal points);

(b) in case they are not the same, the national authorities competent for implementing Articles 9, 10, 12, 13, 14, 15, 17 and 19.

↓ (EU) No 258/2012 (adapted)
⇨ new

Based on that information, the Commission shall publish and update ⇨ on its website ⇦ a list of those authorities on a yearly basis, ~~in the C series of the *Official Journal of the European Union*~~

3. ~~By 19 April 2017, and thereafter~~ Upon request of the Coordination Group and in any event every 10 years, the Commission shall review the implementation of this Regulation and present a report to the European Parliament and the Council on its application, which may include proposals for its amendment. Member States shall provide the Commission with all appropriate information for the preparation of the report~~, including information about the use of the single procedure provided for in Article 4(2)~~. ⇨ The Commission shall publish a first interim application report by 5 years after the entry into force of this Regulation ⇦.

Article 35~~5~~
⌦ Delegated acts ⌫

1. The Commission ~~shall be~~ ⌦ is ⌫ empowered to adopt delegated acts in accordance with Article 36~~6~~ ⌦ to this Regulation ⌫ to

(a) amend Annex I ⌦ to this Regulation ⌫ on the basis of the amendments to Annex I to Regulation (EEC) No 2658/87, and on the basis of the amendments to Annex I to Directive ~~91/477/EEC~~ (EU) 2021/555;

⇩ new

(b) setting out the technical characteristics of semi-finished firearms and essential components, in accordance with Article 9(3) to this Regulation;

(c) amend Annex II and III to this Regulation;

🡻 (EU) No 258/2012 (adapted)

Article 36~~6~~
⌦ Power to adopt delegated acts ⌫

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 35~~5~~ shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of power referred to in Article 35~~5~~ may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 35~~5~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

⇩ new

Article 37
Committee procedure

The Commission shall be assisted by a committee. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Where reference is made to this paragraph Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 38

Transitional period

1. Until the functionalities of the electronic licensing system referred to in Article 28(1), point (a) and (b) are established, the following provisions shall apply:

   (a) for the implementation of Article 9(1) the national import authorisation systems shall remain in place;

   (b) for the implementation of Article 12(3), a copy of the customs declaration for transit shall be provided to the competent authorities through electronic means established at national level;

   (c) for the implementation of Article 13(4) a copy of the customs declaration for transit shall be provided to the competent authorities through electronic means established at national level;

   (d) for the implementation of Article 14(1) and 15(6) the previous national export authorisation systems shall remain in place;

2. Until the functionality of the electronic licensing system referred to in Article 28(1), point (c) is established, the following provisions shall apply

   (a) for the implementation of Article 9(6) the exchange of information shall be conducted through electronic means established at national level;

   (b) for the implementation of Article 10(4) customs authorities shall provide a copy of the customs declaration by electronic means established at national

level to the competent authorities which shall make it available to the electronic licensing system referred to in Article 28.

(c) for the implementation of Article 10(4), first subparagraph, the importer shall annex a copy of the temporary export declaration to the import declaration.

(d) for the implementation of Article 12(2), the declarant shall annex a copy of the import authorisation to the customs declaration;

(e) for the implementation of Article 12(4) the exchange of information shall take place through electronic means, established at national level;

(f) for the implementation of Article 13(2) the declarant shall annex a copy of the import authorisation to the customs declaration

(g) for the implementation of Article 13(5) the exchange of information shall take place through electronic means, established at national level;

(h) for the implementation of Article 17(3) customs authorities shall provide a copy of the customs declaration by electronic means established at national level to the competent authorities which shall make it available to the electronic licensing system referred to in Article 28.

(i) for the implementation of Article 17(4), the exporter shall annex a copy of the temporary import declaration to the export declaration;

(j) for the implementation of Article 19(3) the exchange of information shall be conducted through electronic means established at national level;

(k) for the implementation of Article 24(1) the importer or exporter shall annex a copy of the import or export authorisation to the import or export declaration;

(l) for the implementation of Article 24(3), customs authorities shall check the copies referred to in paragraph 2, point (k) of this Article before they allow the firearms, their essential components or ammunition listed in Annex I to be imported or exported.

3. When the functionality of the electronic licensing system referred to in Article 28(1), point (c) is established, with the exception of the additional digital cooperation referred to in Article 12 of Regulation *[Single Window Regulation]* the following provision shall apply:

(a) For the implementation of Article 17(4), point (a), the exporter shall annex a copy of the temporary import declaration to the export declaration.

4. Until the system to exchange information between Member States regarding refusals to grant import or export authorisations referred to in Article 29 is established, Article 19(5) and (6) shall not be implemented.

Article 39

Repeal

Regulation (EU) No 258/2012 is repealed

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V to this Regulation.

↓ (EU) No 258/2012 (adapted)

Article 40~~22~~
⌦ Final provisions ⌫

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

~~It shall apply from 30 September 2013. However, paragraphs 1 and 2 of Article 13 shall apply from the 30th day after the date on which the UN Firearms Protocol enters into force in the European Union, following its conclusion pursuant to Article 218 of the Treaty on the Functioning of the European Union.~~

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

LEGISLATIVE FINANCIAL STATEMENT

FRAMEWORK OF THE PROPOSAL/INITIATIVE

Title of the proposal/initiative

Regulation of the European Parliament and of the Council on import, export and transit measures for firearms, their essential components and ammunition, implementing article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and repealing Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012.

Policy area(s) concerned

Security

The proposal/initiative relates to:

☐ **a new action**

☐ **a new action following a pilot project/preparatory action**[49]

☑ **the extension of an existing action**

☐ **a merger or redirection of one or more actions towards another/a new action**

Objective(s)

General objective(s)

Existing rules on firearms are circumvented, which leads to firearms being trafficked into the EU. These illicit firearms are 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. At import, there is a risk of convertible alarm and signal weapons, deactivated firearms and semi-finished components being imported without the proper authorisations Furthermore, the evaluation of the Regulation stressed that the Regulation's added value was limited by the absence of a genuine harmonisation of national rules and processes. Economic operators continue to face an administrative burden in the imports and exports of civilian firearms.

The general objective of the proposal is to harmonise the national rules on import and export authorisations and transit of firearms, their parts and components and ammunition in civilian transactions, in order to decrease the administrative burden of economic operators and to facilitate the tracing of firearms and combat trafficking in firearms, their parts and essential components and ammunition.

[49] As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

Specific objective(s)

The initiative aims to adress the following specific objectives:

- The first objective is to improve and 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 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 such firearms, 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 to reduce the administrative burden placed on economic operators and firearms owners. Here, the focus is on ensuring a uniform application of EU law and of the UN Firearms Protocol, as opposed to 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." They are also in line with the approach taken in the modernisation of the export control mechanism for dual-use goods under Regulation (EU) No 2021/821.

Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

The initiative is expected to decrease, by harmonising national rules on import and export authorisations of firearms, the administrative burden of economic operators. Furthermore, this initiative is expected to strengthen the capacity of competent authorities in the prevention and fight of the trafficking and diversion of firearms.

Indicators of performance

Specify the indicators for monitoring progress and achievements.

The Commission shall establish and maintain, by the date established in the implementing regulation as referred in the proposal of this Regulation, a registry information system which shall contain all the required authorisations made available pursuant corresponded Articles of the proposal of this Regulation.

The following main indicators will allow the monitoring of the implementation and performance of the specific objectives:

- 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)
- number of temporary import and export declarations granted (objective 3)
- number of operators benefiting from a general export authorisation (objective 3)

Grounds for the proposal/initiative

Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

The implementation of the Regulation will require that a number of detailed issues are adopted through implementing or delegated acts within 2 to 5 years from the date of application of the Regulation. In addition, the Commission will need take on a more important role in monitoring the implementation the new Regulation, to ensure that its objectives are met.

The Commission shall be empowered to adopt the following delegated acts:

- setting out the technical characteristics of semi-finished firearms and essential components, in accordance with Article 9 of this Regulation;

- amend annex I to this Regulation on the basis of the amendments to Annex I to Regulation (EEC) No 2685/87, and on the basis of the amendments to Annex I to Directive (EU) 2021/555.

- amend Annex II and III to this Regulation

The Commission shall be empowered to adopt the following implementing acts:

- establish a list of non-convertible alarm and signal weapons in accordance with Article 8 of this Regulation;

- Establish an Union general import and export authorisation and setting out the conditions for the import and export of firearms, their essential components and ammunition by authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013.

- establish or choose the secure and encrypted system in accordance with Article 28 of this Regulation and setting the conditions and timeframe for its use;

- establish uniform rules and forms for end-user certificates in accordance with Article 14(2) of this Regulation;

- establish or choose the secure and encrypted system in accordance with Article 29 of this Regulation;

- establish the criteria for a common risk management framework and, more specifically, the risk criteria, standards, and priority control areas, based on the information exchanged pursuant to this Regulation, and Union and international policies and best practice;

- establish the technical rules for the effective exchange of information via the Customs Information System established by Article 23 of Regulation (EC) No 515/97;

- establish the rules and the format to be used by Member States for providing the Commission with anonymised statistical information on declarations and infractions pursuant to Article 27 of this Regulation.

Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.

Reasons for action at European level (ex-ante)

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 essential at EU level. Addressing the issues mentioned can only be done at EU level, as the diversity of national legislations directly affects the effectiveness and uniform interpretation of internal EU law (i.e. the Firearms Directive). Regulatory divergences can also create legal loopholes, which criminals avail themselves of.

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.

As a summary, the impact assessment identified three main problems: absence of centralised data at national level, the threat of firearms trafficking into and from the EU and the administrative burden of economic operators in the operations of export and import of civilian firearms.

Expected generated Union added value (ex-post)

The add value of Union would be 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.

Per specific objectives, the add value would be:

First specific objective (data collection): high added value due to compulsory data collection and digitalisation.

Second specific objective (security): high added value due to the inclusion of alarm and signal weapons, semi-finished components, end-user certificates etc, increasing notably the traceability of firearms.

Third specific objective (simplification): high added value due to the new simplifications introduced responding to the requests of stakeholders. Overlap with the Common Position will be solved.

Lessons learned from similar experiences in the past

The proposal draws on the lessons learnt from the implementation of Regulation No 258/2012 of the European Parliament and of the Council of 14 March 2021 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), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition, and its evaluation (COM(2020)608).

Also, the impact assessment analised the implementation by Member States of the 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, published in 2018 (C(2018) 2197 final).

Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

The general objective of the proposal is in line with the EU Security Union Strategy, which stated that is essential to improve the traceability of weapons, ensuring information exchange between licensing and law enforcement authorities and it was foreseen the assessment of the rules on export authorisation and import and transit measures for firearms.

The revision of the Regulation was announced in the EU Action Plan against firearms trafficking 2020-2025 under the priority 1: safeguarding the licit market and limiting diversion and this revision was included in the Commission Work Programme 2021 annex II.

The investments required at EU level are compatible with the 2021-2027 multiannual financial framework, with funding provided under heading Security and Defence.

The electronic licensing system will be developed as a specific module of the e-licencing system, currently managed by DG TRADE. The e-licencing system is already in place and currently adopted by some Member States, which allows the operators to apply for any license foreseen by Regulation (EC) No 2021/821, which governs the EU's export control regime for Dual Use items.

Once adopted by all of the Member States, the registry information system will allow the Member States to fulfil the following tasks established in the proposal of the Regulation:

- Registration of operators, traders and civilian firearms owners (if they want to import or export a weapon);

- Registration of national competent authorities (to grant authorisations);

- Request of import and export authorisations and granting or refusal of them by competent authorities;

- Consultation by competent authorities of a Member State of refusals, annulments, suspensions, modifications or revocations of export and import authorisations, whether an authorisation has been refused by the competent authorities of another Member State or Member States for an essentially identical transaction;

- Administrative assistance and cooperation between competent authorities and the Commission to exchange information and data;

- Produce statistical data, including: the number of authorisations and refusals, the quantities and values of actual imports and exports of firearms, their essential

components and ammunition, by category and sub-category as listed in Annex I of the Regulation, by origin ad by destination;

- Allow exchange of information between competent authorities and operators and traders for the purposes of implementation of this Regulation;

- Store all granted import and export authorisation with a specific reference number as well as received requests for temporary export and import;

- Allow for national competent authorities to share data with the competent authorities of other Member States, on authorisations granted and movements of shipments.

Synergies will be developed regarding the interconnection with the EU Single Window Environment for Customs (EU SWE-C).

Assessment of the different available financing options, including scope for redeployment

Duration and financial impact of the proposal/initiative

☐ **limited duration**

☐ in effect from [DD/MM]YYYY to [DD/MM]YYYY

☐ Financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

☑ **unlimited duration**

Implementation with a start-up period from YYYY to YYYY,

followed by full-scale operation.

Management mode(s) planned[50]

☑**Direct management** by the Commission

☑ by its departments, including by its staff in the Union delegations;

☐ by the executive agencies

☐ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

☐ third countries or the bodies they have designated;

☐ international organisations and their agencies (to be specified);

☐ the EIB and the European Investment Fund;

☐ bodies referred to in Articles 70 and 71 of the Financial Regulation;

☐ public law bodies;

☐ bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;

☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;

☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

If more than one management mode is indicated, please provide details in the 'Comments' section.

[50] Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: https://myintracomm.ec.europa.eu/budgweb/EN/man/budgmanag/Pages/budgmanag.aspx

Comments

MANAGEMENT MEASURES

Monitoring and reporting rules

Specify frequency and conditions.

The working arrangements for the development of the "registry information system" will start no later than one year after the adoption of the proposal by the Commission, to speed up the process of development of the specific module within the e-licencing system already in place, which allows the operators to apply for any license foreseen by Regulation (EC) No 2021/821, which governs the EU's export control regime for Dual Use items.

The specific requirements and tasks will be discussed within the Imports and Exports Coordination Group established by the current Regulation.

A memorandum of understanding will be signed between DG HOME and DG TRADE for the specific arrangements in terms of the required funding and human resources.

The working arrangements for the interconnection of the "registry information system" and the EU Single Window Environment for Customs (EU SWE-C) will start no later than one year after the adoption of the proposed Regulation.

A memorandum of understanding will be signed between DG HOME and DG TAXUD for the specific arrangements in terms of the required funding and human resources.

The specific requirements and tasks will be discussed within the Imports and Exports Coordination Group established by the current Regulation.

Management and control system(s)

Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

As per the proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the Union's instrument dedicated to the area of security (COM(2018) 472 final): The Commission shall carry out a mid-term and a retrospective evaluation of the actions implemented under this Fund, in line with the Common Provisions Regulation. The mid-term evaluation should be based in particular on the mid-term evaluation of programmes submitted to the Commission by the Member States by 31 December 2024.

Information concerning the risks identified and the internal control system(s) set up to mitigate them

DG HOME has not been facing important risks of errors in its spending programmes. This is confirmed by the recurrent absence of significant findings in the annual reports of the Court of Auditors.

Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)

The ratio of "control costs/value of the related funds managed)" is reported on by the Commission. The 2020 AAR of DG HOME reports 1.16% for direct management grants and 7.32% for direct management procurement. The Annual Activity Report 2020 reported a cumulative residual error rate of 1.37% for AMIF/ISF National Programmes and a cumulative residual error rate of 2,23% for non-research direct management grants.

Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.

DG HOME will continue to apply its Anti-Fraud Strategy in line with the Commission's Anti-Fraud Strategy (CAFS) in order to ensure inter alia that its internal anti-fraud related controls are fully aligned with the CAFS and that its fraud risk management approach is geared to identify fraud risk areas and adequate responses. DG HOME has developed and implemented its own anti-fraud strategy on the basis of the methodology provided by OLAF.

ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

Existing budget lines

<u>In order</u> of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.[51]	from EFTA countries [52]	from candidate countries[53]	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation

[51] Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.
[52] EFTA: European Free Trade Association.
[53] Candidate countries and, where applicable, potential candidates from the Western Balkans.

5	12 02 01	Diff./Non-diff.	NO	NO	NO	YES/NO

Estimated financial impact of the proposal on appropriations (*)

Summary of estimated impact on operational appropriations

☐ The proposal/initiative does not require the use of operational appropriations

☑ The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

Heading of multiannual financial framework	5							
DG: HOME		**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**Total**
Operational appropriations								
12 02 01 - Internal Security Fund (ISF)	Commitments		0,000	0,330	0,580	0,490	0,350	1,750
12 02 01 - Internal Security Fund (ISF)	Payments		0,000	0,212	0,452	0,440	0,300	1,404
Appropriations of an administrative nature financed from the envelope of specific programmes								
12 01 01 - Support expenditure for the Internal Security Fund (ISF)	CA=PA							
TOTAL appropriations for DG HOME	Commitments		0,000	0,330	0,580	0,490	0,350	1,750
	Payments		0,000	0,212	0,452	0,440	0,300	1,404
TOTAL operational appropriations	Commitments		0,000	0,330	0,580	0,490	0,350	1,750
	Payments		0,000	0,212	0,452	0,440	0,300	1,404
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		**0,000**	**0,000**	**0,000**	**0,000**	**0,000**	**0,000**	**0,000**
TOTAL appropriations under HEADING 5 of the multiannual financial framework	Commitments	**0,000**	**0,000**	**0,330**	**0,580**	**0,490**	**0,350**	**1,750**
	Payments	**0,000**	**0,000**	**0,212**	**0,452**	**0,440**	**0,300**	**1,404**

* Note : The needs of DG TAXUD and DG TRADE are included in the operational budget line of DG HOME: the relative amounts will be transferred via a co-delegation from DG HOME to DG TAXUD, as well as from DG HOME to DG TRADE on the ISF budget line concerned.

If more than one operational heading is affected by the proposal / initiative, repeat the section above:

• TOTAL operational appropriations (all operational headings)	Commitments	(4)								
	Payments	(5)								
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)								
TOTAL appropriations under HEADINGS 1 to 6 of the multiannual financial framework (Reference amount)	Commitments	=4+ 6								

Heading of multiannual financial framework	**7**	'Administrative expenditure'

This section should be filled in using the 'budget data of an administrative nature' to be firstly introduced in the Annex to the Legislative Financial Statement (Annex V to the internal rules), which is uploaded to DECIDE for interservice consultation purposes.

EUR million (to three decimal places)

DG: HOME		**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**Total**
Human Resources	CA=PA	0,000	0,157	0,399	0,484	0,484	0,484	2,008
Other administrative expenditure	CA=PA	0,000	0,000	0,263	0,263	0,185	0,185	0,896
TOTAL DG HOME	**CA=PA**	**0,000**	**0,157**	**0,662**	**0,747**	**0,669**	**0,669**	**2,904**

TOTAL appropriations under HEADING 7 of the MFF	(Total commitments = Total payments)	0,000	0,157	0,662	0,747	0,669	0,669	2,904
TOTAL appropriations under HEADINGS 1 to 7 of the MFF	Commitments	**0,000**	**0,157**	**0,992**	**1,327**	**1,159**	**1,019**	**4,654**
	Payments	**0,000**	**0,157**	**0,874**	**1,199**	**1,109**	**0,969**	**4,307**

Estimated output funded with operational appropriations

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs			**2022**		**2023**		**2024**		**2025**		**2026**		**2027**		**TOTAL**	
⇩	Phase	Type	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost
SPECIFIC OBJECTIVE NO 2: enable coordinated controls and risk assessments.																
Output	Initial set-up	Complete development of "registry information system" as a module of the current e-licensing managed by DG TRADE		0,000		0,000		0,250		0,000		0,000		0,000		0,250
Output	Maintenance	Recurring costs of "registry information system"								0,050		0,050		0,050		0,150
Output		Integration with the EU Single Window Environment for Customs						0,080		0,530		0,440		0,300		1,350[54]
Subtotal for specific objective N°2				0,000		0,000		0,330		0,580		0,490		0,350		1,750
TOTALS				**0,000**		**0,000**		**0,330**		**0,580**		**0,490**		**0,300**		**1,750**

Type= Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).
SO= As described in point 1.4.2. 'Specific objective(s)…'

[54] The overall operational appropriations for the Integration with the EU Single Window Environment for Customs consist of a total of EUR 1,580 EUR million in the period from 2024 to 2028, followed by 0,100 EUR million annual contribution for maintenance as of 2029 onwards

Summary of estimated impact on administrative appropriations

☐ The proposal/initiative does not require the use of appropriations of an administrative nature

☑ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	2022	**2023**	**2024**	**2025**	**2026**	**2027**	**TOTAL**
HEADING 7 of the MFF							
Human Resources	0,000	0,157	0,399	0,484	0,484	0,484	**2,008**
Other administrative expenditure	0,000	0,000	0,263	0,263	0,185	0,185	**0,896**
Subtotal HEADING 7 of the MFF	**0,000**	**0,157**	**0,662**	**0,747**	**0,669**	**0,669**	**2,904**
Outside HEADING 7 of the MFF							
Human Resources	0,000	0,000	0,000	0,000	0,000	0,000	**0,000**
Other administrative expenditure	0,000	0,000	0,000	0,000	0,000	0,000	**0,000**
Subtotal Outside HEADING 7 of the MFF	0,000	0,000	0,000	0,000	0,000	0,000	**0,000**
TOTAL	**0,000**	**0,157**	**0,662**	**0,747**	**0,669**	**0,669**	**2,904**

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Estimated requirements of human resources

☐ The proposal/initiative does not require the use of human resources.

☑ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

	2021	2022	2023	2024	2025	2026	2027
Establishment plan posts (officials and temporary staff)							
20 01 02 01 (Headquarters and Commission's Representation Offices)	0	0	2	2	2	2	2
20 01 02 03 (Delegations)							
01 01 01 01 (Indirect research)							
01 01 01 11 (Direct research)							
Other budget lines (specify)							
External staff (in Full Time Equivalent unit: FTE)							
20 02 01 (AC, END, INT from the 'global envelope')				2	2	2	2
20 02 03 (AC, AL, END, INT and JPD in the delegations)							
01 01 01 02 (AC, END, INT - Indirect research)							
01 01 01 12 (AC, END, INT - Direct research)							
Other budget lines (specify)							
TOTAL	0	0	2	4	4	4	4

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	All of them constitute additional human resources to be recruited. The recruitment plan foresees: 2023: +1 AD in DG HOME: policy officer responsible of the Regulation, the process of adoption of the proposal, to monitor the implementation of the Regulation in the MS and the development of implementing and delegated acts (2 delegated acts and 8 implementing acts). 2023: +1 AST Assistant to the policy officer in DG HOME. 2024: +2 CA FG IV in DG TAXUD[55]: policy officer responsible of the interconnection, integration and management of the EU Single Window Environment for Customs with the registry information system.

[55] FTEs are envisaged under the administrative budget of DG HOME, which will request them as additional human resources, and there will be a transfer of administrative budget from DG HOME to TAXUD Directorate B to cover 2 FTE (CA FG IV) each year in the period from 2024 to 2027 for the

External staff	

purposes of interconnecting the registration information system with EU Single Window Environment for Customs.

Compatibility with the current multiannual financial framework

The proposal/initiative:

☑ can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).

The budgetary impact of the additional financial resources will be offset by a reduction in programmed expenditure at the Thematic Facility of ISF.

☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

Explain what is required, specifying the headings and budget lines concerned, the corresponding amounts, and the instruments proposed to be used.

☐ requires a revision of the MFF.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

Third-party contributions

The proposal/initiative:

☑ does not provide for co-financing by third parties

☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year **N**[56]	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

[56] Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

Estimated impact on revenue

☑ The proposal/initiative has no financial impact on revenue.

☐ The proposal/initiative has the following financial impact:

☐ on own resources

☐ on other revenue

please indicate, if the revenue is assigned to expenditure lines ☐

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative[57]						
		Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article …….								

For assigned revenue, specify the budget expenditure line(s) affected.

[…]

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

[…]

[57] As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.