



**COUNCIL OF
THE EUROPEAN UNION**



Brussels, 8 March 2012

7181/12

PRESSE 89

Exports of firearms: implementation of United Nations protocol

The Council today¹ adopted a regulation laying down rules on export authorisation for firearms for the purpose of implementing article 10 of the United Nations protocol against the illicit manufacturing of and trafficking in firearms ([41/11](#) and [6833/12 ADD 1 REV 1](#)).

The purpose of the UN firearms protocol is to promote, facilitate and strengthen cooperation in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in small arms such as handguns and pistols. Its article 10 requires in particular to implement or improve administrative procedures or systems to exercise effective control over the manufacturing, marking, import and export of firearms.

The protocol, which entered into force on 3 July 2005, supplements the UN Convention against Transnational Organized Crime (UNTOC), the main international instrument to counter organized crime.

Scope

The regulation will complete the process of transposition into EU law of the provisions of the UN firearms protocol.

The regulation focuses on measures in respect of import and export of firearms for civilian use, whereas directive 91/477/EEC on control of the acquisition and possession of weapons addresses transfers within the EU.

It does not affect article 346 of the EU treaty concerning the essential interests of the security of the EU member states, and has no impact on directive 2009/43/EC on the terms and conditions of transfers of defence-related products within the EU.

¹ The decision was taken without discussion at the Justice and Home Affairs Council meeting. It follows an agreement with the European Parliament at first reading.

P R E S S

Cooperation between EU member states

The regulation contains a list of firearms, their parts and essential components and ammunition for which an export authorisation will be required. Such authorisation will be granted by the authorities of the member state where the exporter is established.

Member states will establish direct cooperation and exchange of information between their respective competent authorities.

Before issuing an export authorisation for firearms, the member state concerned will verify that the importing third country has authorised the import and that countries of transit have no objection to the transit.

In deciding whether or not to grant an export authorisation, member states will take into account the obligations of relevant international export control arrangements and treaties; considerations of national foreign and security policy; the intended end use of firearms and the risk of diversion. In case of suspicion, they will request the importing third country to confirm receipt of the dispatched shipment of firearms.

They will also take into account whether an authorisation has been refused by the competent authorities of another member state.
