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## INFORMATION NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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) - Outcome of the European Parliament's first reading and Corrigendum procedure (Strasbourg, 23 April 2024 and 26 November 2024)

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## I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint Declaration on practical arrangements for the co-decision procedure<sup>1</sup>, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this legislative file at first reading.

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<sup>1</sup> OJ C 145, 30.6.2007, p.5.

This file was expected<sup>2</sup> to undergo the Corrigendum procedure<sup>3</sup> in the European Parliament after adoption by the outgoing European Parliament of its position at first reading.

## II. VOTES

At its sitting of 23 April 2024, the European Parliament adopted amendment 93 (without legal linguistic revision) to the Commission proposal and a legislative resolution, constituting the European Parliament's position at first reading. It reflects what had been provisionally agreed between the Institutions.

After finalisation of the adopted text by the legal linguists, the European Parliament approved on 26 November 2024 a corrigendum to the position adopted at first reading.

With this corrigendum, the Council should be able to approve the position of the European Parliament as set out in the Annex<sup>4</sup> hereto, thus bringing to a close the first reading for both Institutions.

The act would then be adopted in the wording which corresponds to the European Parliament's position.

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<sup>2</sup> 10078/24.

<sup>3</sup> Rule 251, EP Rules of Procedure.

<sup>4</sup> The text of the corrigendum is set out in the Annex. It is presented in the form of a consolidated text, where changes to the Commission's proposal are highlighted in bold and italics. The symbol "■" indicates deleted text.

**P9\_TA(2024)0302****Regulation on import, export and transit measures for firearms, their essential components and ammunition (recast)**

**European Parliament legislative resolution of 23 April 2024 on the proposal for a regulation of the European Parliament and of the Council on import, export and transit measures for firearms, their essential components and ammunition, implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol) (recast) (COM(2022)0480 – C9-0365/2022 – 2022/0288(COD))**

**(Ordinary legislative procedure – recast)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0480),
- having regard to Article 294(2) and Articles 33 and 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0365/2022),
- having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts<sup>1</sup>,
- having regard to the letter of 11 of September 2023 sent by the Committee on Legal Affairs to the Committee on International Trade in accordance with Rule 110 (3) of its Rules of Procedure,
- having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 18 March 2024 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

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<sup>1</sup> OJ C 77, 28.3.2002, p. 1.

- having regard to Rules 110 and 59 of its Rules of Procedure,
  - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
  - having regard to the report of the Committee on International Trade (A9-0312/2023),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments

**Position of the European Parliament adopted at first reading on 23 April 2024 with a view to the adoption of Regulation (EU) 2024/... of the European Parliament and of the Council on import, export and transit measures for firearms, essential components and ammunition, implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol) (recast)**

THE EUROPEAN PARLIAMENT 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<sup>1</sup>,

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<sup>1</sup> Position of the European Parliament of 23 April 2024.

Whereas:

- (1) A number of amendments are to be made to Regulation (EU) No 258/2012 of the European Parliament and of the Council<sup>2</sup> *in order to lay down common rules for the import, export and transit of firearms, essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components, and sound moderators*. In the interests of clarity, that Regulation should be recast.
- (2) In accordance with Council Decision 2001/748/EC<sup>3</sup> the Commission signed 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<sup>4</sup> (■ the ‘UN Firearms Protocol’) on behalf of the European Union on 16 January 2002.

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<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> OJ L 89, 25.3.2014, p. 10.

- (3) The UN Firearms Protocol, the purpose of which is to promote, facilitate and strengthen cooperation among *States* Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their *parts and* components and ammunition, entered into force on 3 July 2005.
- (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<sup>5</sup>.
- (5) *States* Parties to the UN Firearms Protocol are required to put in place or improve administrative procedures or systems to exercise effective control over the manufacturing, marking, import and export of firearms.
- (6) *Neither the UN Firearms Protocol nor* this Regulation applies to *state-to-state transactions or to state transfers in cases where such application 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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<sup>5</sup> 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).

- (7) This Regulation does not affect the application of Article 346 of the Treaty on the Functioning of the European Union (TFEU), which refers to essential interests of the security of the Member States *connected with the production of or trade in arms, munitions and war material. Nevertheless, in accordance with the case-law of the Court of Justice of the European Union, that provision cannot be construed as conferring on Member States a power to depart from the provisions of the TFEU simply in reliance on those interests. Thus, Member States wishing to avail themselves of the derogation allowed under Article 346 TFEU, must show that such derogation is necessary in order to protect their essential security interests. This Regulation does not have any impact on Directive 2009/43/EC of the European Parliament and of the Council*<sup>6</sup>.
- (8) *This Regulation should be consistent with the other relevant provisions on firearms, essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components, and sound moderators 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<sup>7</sup> and Council Decision (CFSP) 2021/38<sup>8</sup>.*

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<sup>6</sup> Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defense-related products within the Community (OJ L 146, 10.6.2009, p. 1).

<sup>7</sup> 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).

<sup>8</sup> 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).



- (9) *This Regulation should not apply to transactions in firearms, essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components, and sound moderators that, in the direct or indirect framework of contractual relationships or substantiated by end-user certificates, are destined for the armed forces, the police, or the public authorities. The exclusion should encompass transactions in such goods for development, testing, production, maintenance or presentation, involving private entities, when the final product is exclusively designed for or delivered to the armed forces, the police or the public authorities. The exclusion should not be applicable to Category C items sent to third countries, such as firearms, essential components, ammunition, alarm and signal weapons, semi-finished firearms, semi-finished essential components, or sound moderators.*

- (10) *This Regulation does not affect the application of Directive (EU) 2021/555 of the European Parliament and of the Council<sup>9</sup>, which addresses transfers of firearms for civilian use within the territory of the Union. This Regulation applies only to imports into the customs territory of the Union, to transit and to exports from the customs territory of the Union. Therefore, firearms, essential components, ammunition, alarm and signal weapons and deactivated firearms released into free circulation in the customs territory of the Union are subject to the requirements of Directive (EU) 2021/555. In addition, this Regulation neither regulates the ownership of weapons nor any licensing of private persons, dealers or brokers. Directive (EU) 2021/555 establishes rules on acquisition and possession, which includes the licensing of private persons, dealers and brokers.*
- (11) This Regulation is without prejudice to the Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items established by Regulation (EU) 2021/821 of the European Parliament and of the Council<sup>10</sup>.

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<sup>9</sup> *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).*

<sup>10</sup> 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).

- (12) This Regulation *is without prejudice to the obligations of the Member States under restrictive measures adopted by a decision or a common position of the Council, or resulting from the obligations imposed by Council* **Common Position 2003/468/CFSP<sup>11</sup>**.
- (13) **Nothing in this Regulation constrains any powers under and pursuant to** Regulation (EU) No 952/2013 *of the European Parliament and of the Council<sup>12</sup> or Commission Delegated Regulation (EU) 2015/2446<sup>13</sup>*.
- (14) *Due to the nature of the goods covered by this Regulation, some customs simplifications, such as oral declarations, cannot be applied.*

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<sup>11</sup> *Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering (OJ L 156, 25.6.2003, p. 79).*

<sup>12</sup> *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).*

<sup>13</sup> *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).*

- (15) *When firearms are not properly marked in accordance with Article 8 of the UN Firearms Protocol, Member States should be able to decide to destroy retained firearms at the expense of the importer.*
- (16) **■** *Firearms, essential components and ammunition should be declared for release for free circulation only if they are properly marked in accordance with Directive (EU) 2021/555. Pending that marking, importers should place the firearms under another customs procedure, such as customs warehousing, inward processing or free zones, under which they should fulfil the marking requirement, be it in their own premises or in other authorised premises, such as national proof-houses, in line with Union customs legislation. However, persons whose business consists of the manufacture, trade, exchange, hiring out, repair, modification or conversion of firearms, essential components and ammunition should be allowed to mark firearms, essential components and ammunition, in accordance with Article 4 of Directive (EU) 2021/555, without delay after their release into free circulation, since that Directive allows this and prevents the placing of unmarked goods on the market. However, those persons should comply with the requirement set out in Article 8(1), point (b), of the UN Firearms Protocol, which indicates the need to add import markings to firearms.*

- (17) Deactivated firearms should be ***declared for release*** for free circulation ***or temporary admission in cases of non-established persons so authorised by this Regulation***, only if they are accompanied by the relevant deactivation certificate and are marked pursuant to Article 5 of ***Commission*** Implementing Regulation (EU) 2015/2403<sup>14</sup>. Pending the reception of ***that*** certificate or correct marking, importers should place the deactivated firearms under another customs ***procedure***, such as customs warehousing or free zones, ***under*** which they ***should be able to*** request the authorities **■** ***competent*** under Article 15 of Directive (EU) 2021/555 to verify the deactivation and issue the certificate in accordance with Article 3 of **■** Implementing Regulation (EU) 2015/2403 **■** .

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<sup>14</sup> ***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).***

- (18) *When granting import or export authorisations and when alarm and signal weapons are imported and exported*, only alarm and signal weapons complying with the standards under Commission Implementing Directive (EU) 2019/69<sup>15</sup> *should* be considered alarm and signal weapons rather than firearms. Devices which *can* be easily converted into firearms should always be classified as firearms in accordance with customs nomenclature, and be dealt with as firearms by customs *authorities and competent* 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.
- (19) *An import authorisation should be necessary for the entry of firearms, essential components and ammunition into the customs territory of the Union.* Due to the high risk of illicit manufacturing of firearms from imported unfinished and unmarked products, only duly licensed ■ dealers and brokers should be authorised to import semi-finished firearms and *semi-finished* essential components.

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<sup>15</sup> 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).

- (20) Checks on the criminal records of applicants for import authorisations *should be as stringent as they are in respect of applications for export authorisations, and Member States should obtain the information on* criminal records *through the system* established by Council Framework Decision 2009/315/JHA<sup>16</sup> . Competent authorities should check whether the firearms to be imported are registered as lost, stolen or otherwise sought for seizure *through the* Schengen Information System (SIS). *Article 47 of Regulation (EU) 2018/1862 of the European Parliament and of the Council<sup>17</sup> establishes the access of registration services for firearms to SIS. For the purposes of the implementation of this Regulation, competent authorities should be considered as registration services for firearms.*

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<sup>16</sup> 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).

<sup>17</sup> *Regulation (EU) 2018/1862 of the European Parliament and of the Council 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).*

- (21) A criminal record concerning conduct constituting an offence listed in Article 2(2) of Council Framework Decision 2002/584/JHA<sup>18</sup> should constitute a reason to prohibit the import of firearms, essential components and ammunition, *alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components, and sound moderators.*
- (22) *It is possible for persons not established in the customs territory of the Union to obtain an authorisation to temporarily import and export firearms, essential components, ammunition, alarm and signal weapons, deactivated firearms, or sound moderators for the purposes of exhibitions, repairs, hunting, sport shooting or historical re-enactment.* The information related to such firearms or other items declared for temporary admission should be clearly spelled out, to enable customs and other competent authorities to proceed efficiently with the discharge and limit the risk of such firearms or other items remaining illegally on the customs territory of the Union.

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<sup>18</sup> 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) *Article 10 of the UN Firearms Protocol allows States Parties to adopt simplified procedures for temporary import and export for verifiable lawful purposes. Consequently, this Regulation facilitates authorisations for multiple shipments, transit measures and temporary import and export for the purposes of exhibitions, evaluations, repairs, hunting, sport shooting and historical re-enactment.*
- (24) *There is a risk of diversion of firearms, essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components, and sound moderators originating from a third country and entering and passing through the customs territory of the Union placed under a customs transit procedure with the final destination in a third country. Therefore, customs authorities and competent authorities should expressly authorise such transit on the customs territory of the Union before it takes place.*

- (25) *In order to limit the administrative burden, persons in the Union authorised to possess firearms should in specific cases be exempt from the requirement to obtain import and export authorisations. However, for reasons of security and to facilitate controls, traceability should be maintained in those cases.*
- (26) *In order to improve legal certainty and the predictability of movements, the consent of each Member State affected by the planned movement should be obtained before a Member State grants an import authorisation. A similar consent should be sought when the planned re-entry point of goods temporarily exported is located in the territory of a different Member State.*
- (27) *This Regulation enables Member States to adopt measures in the field of import provided that those measures are adopted in conformity with the TFEU. Such prohibitions or restrictions should not constitute a means of arbitrary discrimination or a disguised restriction on trade. The Commission should be informed if, as a result of unusual developments on the market, a Member State considers that protective measures might be necessary. This Regulation should lay down the conditions under which those measures should be authorised by the Commission.*

- (28) *It is necessary to clarify that a person that wishes to export firearms, essential components, ammunition, deactivated firearms, semi-finished firearms, semi-finished essential components, and sound moderators should hold an export authorisation. Eligibility to apply for such an authorisation should be limited to exporters allowed to possess, deal in or broker those goods in accordance with Directive (EU) 2021/555.*
- (29) *Persons exporting in the course of their business activities should be able to benefit from an export authorisation valid for a maximum of 3 years, including if it is covered by several successive short-term import authorisations issued by importing third countries. Additional Union general authorisations should be introduced in order to reduce the administrative burden on authorised economic operators for security and safety, except in respect of the most dangerous firearms. Member States should also be able to introduce national general export authorisations where they consider it necessary.*

- (30) ***Before authorising an export, it is important to verify that the importing third country has authorised the corresponding import and that any third countries of transit do not have objections to the specific movement.*** 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. Decisions of Member States to require express consent need to be transparent for all economic operators. ***It should be the responsibility of the exporter to provide to the competent authorities the relevant documents.***
- (31) It is necessary to harmonise the rules on evidence of import in the third country of destination. Therefore, ***persons exporting*** should ***be required*** to provide to ***the*** competent authority which issued the export authorisation, proof of the receipt of the dispatched shipment of firearms, essential components, ***ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components, and sound moderators*** in the third country of import, which should in particular be ensured by producing the relevant customs importation documents.

- (32) *When granting authorisations, Member States should respect the obligations with regard to restrictive measures 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. To the extent that those international obligations are implemented in national law, it is appropriate to clarify that this Regulation does not prevent the application of that law.*
- (33) *Before authorising an export, it is important to verify that no other Member State has previously refused an essentially identical transaction. In order to facilitate that verification, Member States should exchange information on refusals. In addition to the electronic exchange of information about refusals, Member States should also check existing relevant databases, such as the conventional arms export database (COARM).*
- (34) It is necessary to ensure that the conditions for granting an authorisation continue to be met throughout the duration of the authorisation, as is the case of authorisations pursuant to Directive (EU) 2021/555 to possess or acquire a firearm inside the  Union.

- (35) *Competent authorities should inform customs authorities of any annulment, suspension, modification or revocation of an authorisation. The obligation to make that information available should be without prejudice to any appeal procedure applicable under national law.*
- (36) 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. *If such confirmation of receipt cannot be obtained for any reason, that information should be recorded in the electronic licensing system for future reference.*
- (37) It is necessary to clarify the responsibilities of competent authorities with respect to post-shipment checks. ■
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- (38) ***For the purposes of this Regulation***, in order to ensure the traceability of firearms, essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components, and sound moderators, it is of the utmost importance that ***competent authorities*** be granted access to the Secure Information Exchange Network Application (SIENA) of the European Union Agency for Law Enforcement Cooperation (Europol). ***That access should be limited and proportionate to the purpose of fulfilling the obligations laid down in this Regulation***. Member States that apply Regulation (EU) 2016/794 of the European Parliament and the Council<sup>19</sup> should grant that access.
- (39) To enable a risk-based assessment approach ■ for the firearms, essential components, ammunition, ■ alarm and signal weapons, ***deactivated firearms, semi-finished firearms, semi-finished essential components, and sound moderators*** 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 ***should*** cooperate closely and exchange information.

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<sup>19</sup> Regulation (EU) 2016/794 of the European Parliament and the Council 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).

- (40) In order to facilitate the tracing of firearms and efficiently combat *illicit* trafficking in firearms, essential components, *ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components, and sound moderators*, it is necessary to improve the exchange of information between Member States, in particular through the better use of existing communication channels *as well as through the Firearms Imports and Exports Coordination Group and international cooperation*.

- (41) Personal data *are* to be processed in accordance with the rules laid down in *Regulations* (EU) 2016/679<sup>20</sup> *and* (EU) 2018/1725<sup>21</sup> of the European Parliament and of the Council.
- (42) Consistency should be ensured with regard to record-keeping provisions in force under Union law.

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<sup>20</sup> *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).*

<sup>21</sup> *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).*



- (43) The Schengen *acquis* includes in particular a Decision of the Executive Committee (SCH/Com-ex (99) 10)<sup>22</sup>, 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, *in its recommendation of 17 April 2018 on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition, the Commission recommended* that Member States should collect detailed statistics of the preceding year about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination, and submit those statistics to the Commission. *This Regulation should enable the Commission to collect those data directly from the electronic systems set up for the purpose of implementing this Regulation. The statistics should be anonymised and designed in such a way that it should not be possible to draw conclusions about specific dealers, even indirectly.*

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<sup>22</sup> *Decision of the Executive Committee of 28 April 1999 on the illegal trade in firearms (SCH/Com-ex (99) 10)* (OJ L 239, 22.9.2000, p. 469).

- (44) *The Commission should compile the Member State data and publish them as part of an annual report by 31 October each year. The report should be made public and submitted to the European Parliament and the Council.*
- (45) *Before publication of the annual report, the Commission is to consult the Firearms Imports and Exports Coordination Group to verify that no commercially sensitive information was added to the draft report.*
- (46) *An electronic licensing system should be established to digitalise the procedures set out in this Regulation. It is important that a person entitled to request an authorisation be registered in that system before starting the application procedure. As the electronic licensing system is the technical basis for the implementation of this Regulation, it should be fully functioning as soon as possible.*

- (47) *Where Member States maintain their existing national electronic authorisation systems, the electronic licensing system established by this Regulation should be able to interconnect with those national electronic authorisation systems. Such interconnection should ensure the transfer of information on authorisations granted through the national electronic authorisation systems to the electronic licensing system.*
- (48) *The overall enforcement of this Regulation should be facilitated by the interconnection between the electronic licensing system established by this Regulation and the European Union Single Window Environment for Customs established by Regulation (EU) 2022/2399 of the European Parliament and of the Council<sup>23</sup> (the ‘EU Single Window Environment for Customs’). For that purpose and in accordance with Article 5(6) of Regulation (EU) 2022/2399, the Commission should amend Part A of the Annex to that Regulation. When goods are temporarily imported or exported using an ATA Carnet, set out in Appendix I to Annex A to the Convention relating to temporary admission (Istanbul Convention)<sup>24</sup>, the competent authorities should receive information on the use of the ATA Carnet. Although that information cannot be exchanged automatically, insofar as the digital ATA Carnet is not applied by all contracting parties, further automation should be explored based on potential interoperability with the electronic system for the administration of ATA carnets, the e - ATA-system.*

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<sup>23</sup> *Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 (OJ L 317, 9.12.2022, p. 1).*

<sup>24</sup> *OJ L 130, 27.5.1993, p. 4.*

- (49) In order to ensure that this Regulation is properly applied, Member States should take measures giving the competent authorities appropriate powers.
- (50) Compliance with the UN Firearms Protocol also requires that illicit manufacture of and 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.
- (51) Member States should lay down *the* rules on penalties applicable to infringements of this Regulation and should take all measures necessary to ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.
- (52) The whistle-blower-protection regime put in place by Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>25</sup> should also apply to persons who report breaches of rules linked to imports and exports of firearms.

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<sup>25</sup> 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).

(53) In order *to establish the Union general import authorisation and the Union general export authorisation for authorised economic operators for security and safety by specifying the format, use and geographical validity of those types of authorisations, to determine the part of the ATA carnet where the reference to the authorisation is to be indicated*, to maintain the list of firearms, essential components **■** , ammunition and alarm and signal weapons for which an authorisation is required under this Regulation, and to align Annex I to this Regulation to Annex I to Council Regulation (EEC) No 2658/87<sup>26</sup> and to Annex I to Directive (EU) 2021/555, *as well as* to adapt Annexes II, **III and IV** to this Regulation to the digitalisation and changes in customs procedures, the power to adopt acts in accordance with Article 290 TFEU *should be delegated to the Commission*. **■** It is of particular importance that the Commission carry 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<sup>27</sup>. 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.

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<sup>26</sup> 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).

<sup>27</sup> OJ L 123, 12.5.2016, p. 1.

- (54) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers 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<sup>28</sup>.
- (55) 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.
- (56) *In order to ensure uniform conditions for the implementation of technical characteristics of semi-finished firearms, semi-finished essential components, and sound moderators, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.*

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<sup>28</sup> 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).

- (57) *In the case of national quantitative restrictions, authorisations granted by the Commission affect the territory only of a certain Member State. Therefore, considering the limited geographical scope of the restriction, as well as Article 2(3) of Regulation (EU) No 182/2011, it is justified that the Commission grant such authorisations by means of an implementing act in accordance with the advisory procedure set out in Article 4 of that Regulation.*
- (58) This Regulation should not prevent 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<sup>29</sup>.
- (59) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of improving traceability, and thus the security of trade in firearms, without thereby unduly hampering such trade, to lay down rules on authorisations for the import, export and transit of civilian firearms. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union,

HAVE ADOPTED THIS REGULATION:

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<sup>29</sup> 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 listed **goods**, 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

1. For the purposes of this Regulation, the following definitions apply:
  - (1) ‘listed goods’ means firearms, essential components, ammunition, alarm and signal weapons, *deactivated firearms, semi-finished firearms, semi-finished essential components, and sound moderators listed in Annex I*;
  - (2) ‘firearm’ means *a firearm as defined in Article 1(1), point (1), of Directive (EU) 2021/555*;
  - (3) ‘*sound moderator*’ means *a device designed or adapted to diminish the sound caused by firing a firearm*;
  - (4) ‘essential *component*’ means *an essential component as defined in Article 1(1), point (2), of Directive (EU) 2021/555*;
  - (5) ‘semi-finished firearms’ *means* firearms that are not ready for direct use and have the approximate shape or outline of the corresponding finished firearms, and which can be used, other than in exceptional cases, only for completion into those finished firearms;
  - (6) ‘semi-finished essential components’ *means* essential components that are not ready for direct use and have the approximate shape or outline of the corresponding finished essential components, and which can be used, other than in exceptional cases, only for completion into those finished essential components;

- (7) ‘ammunition’ means *ammunition as defined in Article 1(1), point (3), of Directive (EU) 2021/555*;
- (8) ‘deactivated firearms’ means *deactivated firearms as defined in Article 1(1), point (6), of Directive (EU) 2021/555*;
- (9) ‘alarm and signal weapons’ means *alarm and signal weapons as defined in Article 1(1), point (4), of Directive (EU) 2021/555*;
- (10) ‘person’ means a natural person, a legal person or, 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;
- (11) ‘customs territory of the Union’ means the customs territory provided for in Article 4 of Regulation (EU) No 952/2013;
- (12) ‘Union goods’ means *Union goods as defined in Article 5, point (23), of Regulation (EU) No 952/2013*;
- I**
- (13) ‘non-Union goods’ means *non-Union goods as defined in Article 5, point (24), of Regulation (EU) No 952/2013*;

(14) ‘customs authorities’ means **customs** authorities *as defined* in Article 5, point (1), of Regulation (EU) No 952/2013;

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(15) ‘customs legislation’ means **customs** legislation *as defined* in Article 5, point (2), of Regulation (EU) No 952/2013;

(16) ‘customs formalities’ means **customs formalities as defined in Article 5, point (8), of Regulation (EU) No 952/2013**;

(17) ‘customs controls’ means ■ customs **controls as defined in Article 5, point (3), of Regulation (EU) No 952/2013**;

(18) ‘customs declaration’ means **a customs declaration as defined in Article 5, point (12), of Regulation (EU) No 952/2013**;

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(19) ‘entry’ means the **physical entry of non-Union** goods into the customs territory of the Union ■ ;

- (20) ‘import’ means *the bringing of goods into the customs territory of the Union*, and the placing of goods under release for free circulation as laid down in Article 201 of Regulation (EU) No 952/2013, or their *placing under a special procedure* as laid down in Article 210 of Regulation (EU) No 952/2013;
- (21) ‘importer’ means any *natural or legal person* who makes a *customs* declaration for an import ■ on its own behalf, or on whose behalf the ■ declaration is made, *or in the case of transit, the holder of the procedure*;
- (22) ‘export’ means *an export procedure within the meaning of Article 269 of Regulation (EU) No 952/2013, including the situations specified in Article 269(2), points (a), (b) and (c), of Regulation (EU) No 952/2013*;
- (23) ‘re-export’ means *re-export within the meaning of Articles 270, 271 and 274 of Regulation (EU) No 952/2013*;
- (24) ‘exit’ means the *physical exit* of goods from the customs territory of the ■ Union;

(25) ‘exporter’ means ■ :

- (a) *any natural or legal person established in the customs territory of the Union, who makes or on whose behalf a custom declaration for export is made and, at the time when the declaration is accepted, holds the contract with the consignee in the third country and has the power to determine the sending of the listed goods 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’ means the person who has the power to determine the sending of the listed goods out of the customs territory of the Union;*
- (b) *any natural or legal person who makes or on whose behalf a re-export declaration, an exit summary declaration or a re-export notification is made and, at the time when the declaration or the re-export notification is accepted, holds the contract with the consignee in the third country and has the power to determine the sending of the listed goods 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’ means the person who has the power to determine the sending of the listed goods out of the customs territory of the Union; or*

(c) *where neither point (a) nor point (b) is applicable, any natural person travelling with listed goods as their accompanied personal effects;*

(26) ‘declarant’ means *a declarant as defined in Article 5, point (15), of Regulation (EU) No 952/2013;*

(27) ‘dealer’ means *a dealer as defined in Article 1(1), point (9), of Directive (EU) 2021/555;*

(28) ‘broker’ means *a broker as defined in Article 1(1), point (10), of Directive (EU) 2021/555;*

(29) ‘exhibition’ means *a trade fair or similar event as described in Article 90(2), point (a), of Council Regulation (EC) No 1186/2009<sup>30</sup>, without sales of listed goods from and to third countries;*

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<sup>30</sup> *Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty (OJ L 324, 10.12.2009, p. 23).*

(30) ‘temporary export’ means the *export of listed goods from* the customs territory of the Union *with the intention to import those goods back into the customs territory of the Union*;

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(31) ‘inward processing’ means *inward processing within the meaning of Article 256 of Regulation (EU) No 952/2013*;

(32) ‘■ transit’ means *the transit procedures within the meaning of Title VII, Chapter 2, of Regulation (EU) No 952/2013*;

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(33) ‘temporary admission’ means *temporary admission within the meaning of Article 250 of Regulation (EU) No 952/2013*;

(34) ‘transhipment’ means *a movement* involving the physical operation of unloading *listed goods from a* means of transport ■ *onto another means of transport*;

(35) ■ ‘*illicit* trafficking’ means the import, export, sale, delivery, movement or transfer of *listed goods to*, from or across the territory of a Member State to *or from* the territory of a third country, if any of the following applies:

- (a) the Member State concerned does not authorise it in accordance with this Regulation;
- (b) the *listed goods* are not marked in accordance with the rules on marking referred to in Article 6(1); *or*
- (c) *the listed goods are declared for release for free circulation without the marking required in the rules on marking referred to in Article 6(2), unless they are exempt in accordance with paragraphs 2 or 3 of that Article;*

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(36) ‘competent authority’ means the national authorities as provided for in Article 40(2);

(37) ‘*electronic licensing system*’ means the system referred to in Article 34.

2. *The Commission shall adopt implementing acts concerning the detailed rules on the technical characteristics of sound moderators, semi-finished firearms and semi-finished essential components, within the meaning of paragraph 1, points (3), (5) and (6), of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43(3).*



## Article 3

### Scope

■ This Regulation *does* not apply to:

- (a) state-to-state transactions or state transfers;
- (b) *Category A listed goods, provided that they are included in the Common Military List of the European Union<sup>31</sup>, exported or re-exported from the customs territory of the Union, unless they are temporarily exported or re-exported in accordance with article 22 of this Regulation;*
- (c) *Category B listed goods, provided that they are included in the Common Military List of the European Union, exported or re-exported from the territory of the Union and destined for the armed forces, the police ■ or the public authorities ■ ;*
- (d) *Category A, B and C listed goods destined for the armed forces, the police, or the public authorities of the Member States;*
- (e) antique firearms ■ as defined in accordance with national legislation, provided that antique firearms do not include firearms manufactured after 1899.

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<sup>31</sup> *Common Military list of the European Union adopted by the Council on 19 February 2024 (equipment covered by Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment) (updating and replacing the Common Military List of the European Union adopted by the Council on 20 February 2023 (OJ C 72, 28.2.2023, p. 2.)) (CFSP) (OJ C, C/2024/1945, 1.3.2024, ELI: <http://data.europa.eu/eli/C/2024/1945/oj>).*

Article 4  
Derogations from Union customs formalities

1. ***The listed goods*** shall not be:
- (a) placed under a customs procedure based on a simplified declaration established under Article 166 of Regulation (EU) No 952/2013;
  - (b) subject to an entry in the declarant's record pursuant to Article 182 of Regulation (EU) No 952/2013;
  - (c) subject to self-assessment pursuant to Article 185 of Regulation (EU) No 952/2013;
  - (d) declared with a customs declaration containing the specific dataset referred to in Article ***143a*** of Delegated Regulation (EU) 2015/2446;
  - (e) declared with a customs declaration containing the reduced dataset referred to in Article 144 of Delegated Regulation (EU) 2015/2446; ***or,***
  - (f) ***declared by means of an oral declaration or by any other act as referred to in Articles 135 to 141 of Delegated Regulation (EU) 2015/2446.***

2. With respect to single authorisations for simplified procedures still valid pursuant to Article 345(4) of Commission Implementing Regulation (EU) 2015/2447<sup>32</sup>, paragraph 1, points (a) and (b), of this Article shall not apply to *listed goods*.

## CHAPTER II

### ENTRY AND IMPORT REQUIREMENTS

#### Article 5

##### Tasks of *importers*

1. *Importers* shall:

- (a) *ensure that the listed goods intended for import comply with:*
  - (i) the rules on marking set out in Article 6;
  - (ii) *the rules on deactivation set out in Article 7, where applicable; and*
  - (iii) the rules on non-convertibility set out in Article 8, *where applicable*;

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<sup>32</sup> *Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).*

- (b) keep all *documents* according to *the rules referred to in* point (a) of this *paragraph* and relevant documentation according to Articles 9, *11 and 12* of this Regulation at the disposal of the *competent authority for the period* referred to in Article *51* of Regulation (EU) No *952/2013*;
- (c) *following a* request from *the competent authority*, provide that authority with *the export authorisation* of the *exporting third country or, where applicable, the exception from that authorisation*;
- (d) when having reason to believe that *listed goods might not comply with this Regulation, with Directive (EU) 2021/555 or with legal acts based on those acts*, inform *without delay the competent authority* thereof; and
- (e) cooperate with the *competent authority* including, following a   request, making sure that immediate, necessary, corrective action is taken to remedy any case of non-compliance with the requirements set out in *the acts referred to in point (d)*.

2. *The* obligations under paragraph *I* of this Article shall not affect any obligations of *importers* under *Directive (EU) 2021/555 or under the legal acts based on that Directive*.

Article 6  
Marking at import

1. *Firearms without marking in accordance with Article 8(1), point (a), of the UN Firearms Protocol, entering the customs territory of the Union, shall not be imported or re-exported.*
2. *The listed goods may be declared for release for free circulation only if they comply with the marking requirements of Article 4 of Directive (EU) 2021/555 and with Article 8(1), point (b), of the UN Firearms Protocol, except for such goods imported by dealers, which are allowed to comply with those requirements without delay after the release for free circulation.*
3. *Paragraphs 1 and 2 of this Article shall not apply to listed goods that are of particular historical importance, in accordance with Article 4(2), second subparagraph, of Directive (EU) 2021/555.*

## Article 7

### Deactivated firearms

1. ***Devices declared as deactivated firearms shall be declared for release for free circulation or temporary admission in accordance with Article 10 of this Regulation only if they are accompanied by the relevant deactivation certificate and are marked, in accordance with Article 15 of Directive (EU) 2021/555.***
2. ***The importer shall provide the competent authority with a copy of the deactivation certificate through the electronic licensing system.***

## Article 8

### Alarm and signal weapons

1. ***An import authorisation for alarm and signal weapons shall be granted by the competent authority only if the device complies with the technical specifications referred to in Article 14(2) of Directive (EU) 2021/555 or is a model listed as a non-convertible alarm and signal weapon in the implementing act referred to in paragraph 2 of this Article.***
2. ***The Commission shall, by means of an implementing act, establish an open list of models of non-convertible alarm and signal weapons referred to in paragraph 1 of this Article, and an open list of devices that are declared as alarm and signal weapons but are known to be convertible. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 43(3).***

Article 9  
Import authorisation

1. *Notwithstanding Articles 11 and 12, an import authorisation shall be necessary for the entry of non-Union goods listed in Annex I into the customs territory of the Union. The import authorisation shall be granted by the competent **authority** of the Member State of final destination.*
2. *The import authorisation shall contain the information listed in Annex II, and shall be issued through the electronic licensing system in one of the following types:*
  - (a) *a single authorisation for one shipment of one or more listed goods, valid for a maximum of 1 year;*
  - (b) *a multiple authorisation for multiple shipments of one or more listed goods, valid for a maximum of 3 years;*
  - (c) *a Union general authorisation for Category B or C listed goods available to authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) No 952/2013 valid for imports from specified countries of origin.*

3. Any natural or legal person *permitted*, pursuant to Directive (EU) 2021/555, to manufacture, acquire, possess or trade *listed goods, except for semi-finished firearms and semi-finished essential components, shall be entitled to* apply for an import authorisation.
4. Only ■ dealers and brokers *shall be entitled to apply for an* import *authorisation for* semi-finished firearms and semi-finished essential components.
5. *If a natural or legal person is not entitled to apply for an import authorisation under paragraph 3 or 4, the competent authority shall not accept an application from that person.*

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## **Article 10**

### **Import authorisation procedure**

- 1. The competent authority shall process applications for import authorisations within a period not exceeding 90 working days from the date on which all the required information has been provided to the competent authority. For duly justified reasons, and in the case of any application concerning Category A listed goods, that period may be extended to 110 working days.**
- 2. The competent authority shall refuse to grant an import authorisation if:**
  - (a) the applicant is a natural person and has a criminal record concerning conduct constituting an offence listed in Article 2(2) of Framework Decision 2002/584/JHA, or concerning any other conduct provided that it constituted an offence punishable by a maximum penalty of at least 4 years of imprisonment;**
  - (b) the applicant is a legal person, and one of the following persons connected with that legal person has a criminal record referred to in point (a):**
    - (i) the applicant; or**
    - (ii) the persons in charge of the applicant or exercising control over its management;**

- (c) the firearm to be imported was declared lost, stolen, under investigation or otherwise sought for seizure in the relevant Union, national or international databases;*
  - (d) there are clear indications suggesting that any of the persons involved in the transaction constitutes a security threat or a threat to public safety or that the persons referred to in point (a) or (b) of this paragraph are unable to meet the obligations imposed on them by Directive (EU) 2021/555, by this Regulation or by any authorisations issued with regard to their firearms.*
- 3. When deciding whether to grant an import authorisation, the competent authority shall take into account all relevant considerations, including those of national foreign and security policy. Article 24 shall apply mutatis mutandis.*
- 4. For the purposes of paragraph 2 of this Article, Member States shall obtain the information on previous criminal convictions of the applicant in other Member States through the system established by Framework Decision 2009/315/JHA.*
- 5. For the purposes of paragraph 2, point (c), Member States shall check that the firearm in question is not listed in the Schengen Information System.*

6. *The competent authority shall annul, suspend, modify or revoke an import authorisation if the conditions for granting it were not met or are no longer met. Where the competent authority takes those decisions, it shall make that information available without delay to the customs authorities through the electronic licensing system.*
7. *Where the competent authority has refused to grant an import authorisation, its final decision and the reasoning therefor shall be registered in the electronic licensing system.*
8. *The competent authority shall monitor that the conditions for import authorisations are met on the basis of risk management. The conditions of import authorisations granted for a duration of longer than 2 years shall be monitored after 2 years.*

#### Article 11

#### *Import authorisation for non-Union goods temporarily entering the customs territory of the Union*

1. *Non-Union goods listed in Annex I may temporarily enter the customs territory of the Union when they are accompanied by a single import authorisation requested by an importer without establishment in the customs territory of the Union.*

2. ***Importers without establishment in the customs territory of the Union may be granted a single import authorisation for the listed goods only in the following situations:***

- (a) the temporary admission for evaluation, exhibition **■** or inward processing for repair, provided that the ***listed goods*** remain the property of a person established outside the customs territory of the Union and those ***goods*** are re-exported to that person;
- (b) the temporary admission by hunters, ***historical reenactors*** or sport shooters as part of their accompanied personal effects, provided that they ***present*** to the ***competent authority***:

**■**

**■**

- (i) ***the reasons for the journey, in particular by producing an invitation or other proof of the hunting, historical re-enactment or sport shooting activities in the customs territory of the Union;***

- (ii) *a description of the listed goods intended to be brought into the customs territory of the Union and the reasons for the type and amount of those goods which shall be appropriate for the reasons of the temporary admission; the amount of ammunition shall be limited to a maximum of 800 rounds for hunters and a maximum of 1 200 rounds for sport shooters;*
- (iii) *information on the planned exit point and exit date of those goods;*
- (c) *non-Union goods entering and passing through the customs territory of the Union placed under a customs transit procedure with the final destination in a third country.*

*The authorisations referred to in points (a) and (b) of the first subparagraph shall be granted by the competent authority of the Member State where the evaluation, exhibition, repair or sport-shooting, hunting or historical re-enactment takes place. In cases where the evaluation, exhibition, repair or sport-shooting, hunting or historical re-enactment takes place in more than one Member State, the authorisation shall be granted by the competent authority of the Member State where the first evaluation, exhibition, repair or sport-shooting, hunting or historical re-enactment takes place.*

*The authorisation referred to in point (c) of the first subparagraph shall be granted by the competent authority of the Member State where the goods enter the customs territory of the Union.*

3. *The application for the import authorisation referred to in paragraph 2 shall include the following:*
- (a) a proof or statement of absence of a criminal record concerning conduct constituting an offence listed in Article 2(2) of Framework Decision 2002/584/JHA, or concerning any other conduct provided that it constituted an offence punishable by a maximum penalty of at least 4 years of imprisonment;*
  - (b) the identification of one of the three purposes listed in paragraph 2;*
  - (c) the date and unique reference number of the authorisation, or equivalent, to own or possess a firearm and of the export authorisation from the third country, or where applicable, proof of the exception from that authorisation; and*
  - (d) the particulars of the firearms, including the name of the manufacturer or brand, the country or place of manufacture, the serial number, and the model where feasible.*

4. *Article 10(1), (2), (3), (5), (6) and (7) shall apply for issuing the import authorisation referred to in paragraph 2 of this Article.*
5. *Notwithstanding paragraph 2, Member States may grant a national general import authorisation directly authorising the temporary import of Category C listed goods into the territory of their Member State for the purposes referred to in paragraph 2, point (b), in specific cases where the hunters, historical reenactors or sport shooters have been invited to an activity in the premises of the organiser. The importers shall meet the obligations set out in this Regulation, with the exception of those related to the request of a single import authorisation, and shall comply with the terms and conditions defined in the national general import authorisation.*
6. *The Commission shall, by means of an implementing act, specify the minimum requirements for the terms and conditions to be included in the national general import authorisations. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 43(3).*

**I**

*Administrative simplification*

1. *Any person holding a European firearms pass or otherwise permitted, pursuant to Directive (EU) 2021/555, to manufacture, acquire, possess or trade listed goods, may import listed goods to the customs territory of the Union without an import authorisation in accordance with Article 9 of this Regulation in cases of:*
- (a) *the import of listed goods previously temporarily exported in accordance with Article 22(1), point (a), and Article 23(1), point (c), provided that:*
    - (i) *the reference number or the number of the simplified export authorisation issued by the competent authority in accordance with Article 22(2) or Article 23(1) is communicated through the electronic licensing system to the competent authority of destination at the latest 10 working days before the planned re-entry into the customs territory of the Union;*
    - (ii) *the imported goods were also the exported goods;*



- (iii) *the goods are imported within 90 days following the export;*
  - (iv) *the planned entry time and entry point to the customs territory of the Union are reported through the electronic licensing system to the competent authority of destination at the latest 10 working days before the planned re-entry into the customs territory of the Union;*
- (b) *the import of listed goods included in the Common Military List of the European Union, if they have been previously temporarily exported for the purposes of evaluation, exhibition and repair, provided that:*
  - (i) *the licence granted for the temporary export in accordance with Common Position 2008/944/CFSP is communicated through the electronic licensing system to the competent authority at least 10 working days before the planned re-entry into the customs territory of the Union;*
  - (ii) *the imported goods were also the exported goods;*
  - (iii) *the goods are imported within 90 days following the export;*
  - (iv) *the planned entry time and entry point to the customs territory of the Union are reported through the electronic licensing system to the competent authority at the latest 10 working days before the planned re-entry into the customs territory of the Union;*

- (c) *Union goods re-entering the customs territory of the Union having previously been placed under a customs transit procedure for passing through a country or territory outside the customs territory of the Union with the final destination in the Union.*
2. *A person importing goods in accordance with this Article shall be the same person that exported the goods, and shall state in the customs declaration the reference number of the customs declaration used for temporarily taking the goods out of the customs territory of the Union and the reference number or the number of the simplified export authorisation provided by the competent authority in accordance with Article 22(2) or Article 23(1).*
3. *The competent authority of destination shall refuse import and shall register that refusal in the electronic licensing system without delay if:*
- (a) *the applicant does not fulfil the criteria for the administrative simplification set out in this Article; or,*
- (b) *there are substantiated indications showing that any of the persons, including the person inviting the applicant to the activity outside the customs territory of the Union, involved in the situations referred to in paragraph 1, point (a) or (b), constitute a security threat or a threat to public safety.*

*Consultation of Member States affected by the planned movement*

- 1. In the case of movements in the customs territory of the Union of non-Union goods listed in Annex I, the application for the import authorisation referred to in Article 9 or 11 shall contain information on the planned movements, including where appropriate the various Member States where an evaluation, exhibition, repair or sport-shooting, hunting or historical re-enactment will take place.*
- 2. The competent authority granting the import authorisation referred to in Article 9 or 11 shall seek approval from the competent authority of the other Member States indicated in the application for the import authorisation regarding the planned movement. The competent authority of the consulted Member State may raise objections in duly justified cases related to security concerns about a movement through its territory within 10 working days of the date on which the information of the planned movement was provided. The absence of any objection shall be deemed to be an approval. In the event of an objection from the competent authority of another Member State to the granting of such an authorisation, the Member State in which the application has been submitted shall refuse the application. The electronic licensing system shall be used for communication between competent authorities.*

3. *The person holding the authorisation shall notify any changes in the planned movement without delay to the competent authority granting the authorisation through the electronic licensing system. That competent authority shall decide in duly justified cases related to security concerns whether to accept or refuse the notified changes in accordance with the rules for granting the authorisation, and following the consultation procedure referred to in paragraph 2.*
4. *In the case of administrative simplifications as laid down in Article 12(1), point (a), when the planned re-entry point is not located within the territory of the competent authority of the Member State of destination, that competent authority shall immediately inform the competent authority of the Member State of the planned re-entry point of that movement, through the electronic licensing system. The competent authority of the Member State of the planned re-entry point may raise objections in duly justified cases related to security concerns about that movement through its territory within 5 working days of the date on which the information of the planned re-entry was provided. The absence of any objection shall be deemed to be an approval. Any objections from the competent authority of the Member State of the planned re-entry point to the granting of such an administrative simplification shall bind the Member State of destination.*

**Article 14**

***National restrictions on import***

***Without prejudice to other Union legal acts, this Regulation shall not preclude the adoption or application by a Member State of quantitative restrictions on imports necessary on grounds of public policy or public security, or on grounds of industrial and commercial property.***

**Article 15**

***Authorisation to adopt national restrictions on import***

***Subject to the conditions laid down in Articles 16, 17 and 18, the Commission shall authorise a Member State to adopt measures as referred to in Article 14.***

*Article 16*  
*Notification to the Commission*

- 1. Where a Member State intends to adopt measures as referred to in Article 14, it shall notify the Commission thereof.*
- 2. The notification referred to in paragraph 1 shall include relevant documentation and an indication of the measures to be adopted, including their objectives and any other relevant information.*
- 3. The notification referred to in paragraph 1 shall be transmitted at least 6 months before the adoption of the national measure. Where the information transmitted by the Member State is not sufficient, the Commission may request additional information.*
- 4. The Commission shall make the notification referred to in paragraph 1 of this Article and, on request, the accompanying documentation, available to the other Member States, subject to the requirements of confidentiality laid down in Article 18.*
- 5. Where the information transmitted by the Member State is not sufficient for the purpose of authorising the adoption of national measures, the Commission may request additional information.*

## *Article 17*

### *Authorisation to adopt measures*

- 1. The Commission shall authorise the Member States to adopt restrictions on import, unless it concludes that such measures would:*
  - (a) be in conflict with Union law, and the conflict does not relate to incompatibilities arising from the allocation of competences between the Union and its Member States;*
  - (b) be inconsistent with the Union's principles and objectives of external action on common commercial policy in accordance with the general provisions laid down in Part Five, Titles I and II, of the TFEU.*
- 2. The Commission shall grant the authorisation referred to in paragraph 1 of this Article by means of an implementing act. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 43(2). The Commission shall take its decision within 120 working days of receipt of the notification referred to in Article 16. Where additional information is needed to take a decision, the 120 working-day period shall run from the date of receipt of the additional information.*

3. *The Commission shall inform the European Parliament and the Council about the decisions taken pursuant to paragraph 2.*
4. *In the event that the Commission does not grant an authorisation pursuant to paragraph 1, it shall inform the Member State concerned thereof and state the reasons therefor.*

### *Article 18*

#### *Confidentiality of information transmitted*

1. *When notifying the Commission of its intention to adopt measures as referred to in Article 14, a Member State may indicate whether any of the information provided is to be considered confidential and whether it may be shared with other Member States.*
2. *In cases referred to in paragraph 1, Member States and the Commission shall ensure the protection of confidential information in accordance with applicable Union law.*
3. *Member States and the Commission shall ensure that any classified information provided pursuant to Article 16 is not downgraded or declassified without the prior written consent of the originator.*



CHAPTER III  
EXPORT, **RE-EXPORT AND EXIT** REQUIREMENTS

Article 19

Export authorisation

1. *An export authorisation shall be necessary for taking listed goods out of the customs territory of the Union.*
2. Any exporter **permitted**, pursuant to Directive (EU) 2021/555, to manufacture, acquire, possess or trade the **listed goods is entitled to** request an export authorisation. **The** export authorisation shall be granted by the competent **authority** of the Member State where the exporter is established **■** .
3. *The export authorisation shall contain the information referred to in Annex III, and it shall be issued through the electronic licensing system in one of the following forms:*
  - (a) *a single authorisation or licence granted to one specific exporter for one shipment of one or more listed goods to one identified final recipient or consignee in a third country;*
  - (b) *a multiple authorisation or licence granted to one specific exporter for multiple shipments of one or more listed goods to one or several identified final recipients or consignees in one or several third countries;*

- (c) *a national general export authorisation directly authorising the export of listed goods by exporters established in the territory of the Member State that issues the national general export authorisation, if they meet the requirements set out in this Regulation and comply with the terms and conditions defined in the national general export authorisation; or,*
- (d) *a Union general authorisation available only to authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) No 952/2013 for exports of Category B or C listed goods to specified countries of destination.*

4. *If the listed goods are located in one or more Member States other than the Member State in which the application for export authorisation was submitted, that fact shall be indicated on that application. The competent authority of the Member State to which the application for export authorisation was submitted shall consult the competent authority or authorities of the other Member States concerned, providing the relevant information about the application for export authorisation. The Member States consulted shall report within 10 working days of the date on which they were contacted through the electronic licensing system any objections to the granting of such an authorisation, which shall bind the Member State in which the application was submitted.*

5. *Where a person is not entitled to request an export authorisation under paragraph 2, the competent authority shall not accept the application.*
6. *Member States may adopt national general export authorisations establishing national requirements for the export of listed goods. Member States shall notify the Commission and the other Member States without delay of any national general export authorisation adopted pursuant to paragraph 3, point (c), indicating the reasons therefor. They shall inform the Commission and the other Member States of the description of the controlled goods, of the countries of destination, and of the conditions and requirements for use. Member States shall also notify the Commission and the other Member States without delay of any amendment to the national general authorisations so adopted. The Commission shall publish such notifications in the Official Journal of the European Union.*

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## Article 20

### Export authorisation procedure

1. *The competent authority shall process applications for export authorisations within a period not exceeding 90 working days from the date on which all required information has been provided to the competent authority. For duly justified reasons, that period may be extended by the competent authority to 110 working days.*
2. *The applicant shall supply the competent authority of the Member State responsible for issuing the export authorisation with the necessary documents proving that:*

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

*(b) the third country of transit or third countries of transit, if any, had no objection to the transit.*

*Point (b) of the first subparagraph does not apply:*

■

- (a) to shipments by sea or air and through ports or airports of third countries provided that there is no transshipment or change of means of transport; and
- (b) in the case of temporary exports for verifiable lawful purposes, including hunting, *historical re-enactment*, sport shooting, evaluation, exhibitions ■ and repair.

3. *Before issuing an export authorisation as referred to in Article 19, the competent authority shall verify the documents submitted in accordance with paragraph 2 of this Article.*
4. *If no objection to the transit in accordance with paragraph 2, first subparagraph, point (b), is received within 20 working days of the date of the written request, the third country or third countries of transit consulted shall be regarded as having no objection to the transit.*
5. With respect to deactivated firearms, **the applicant** shall supply the deactivation certificate referred to in Article 15 of Directive (EU) 2021/555 to the competent **authority** of the Member State responsible for issuing the export authorisation.
6. *The competent authority may grant export authorisations for firearms listed in Annex I only if the application for such authorisation is accompanied by a user statement in accordance with Annex IV issued by the importer of the country of final destination. In the case of export to a private company that resells the listed goods on a local market, that company shall be regarded as the user for the purposes of this Regulation. That shall not prevent the competent authority from evaluating differently export authorisation applications that concern exports to resellers from export authorisation applications that concern exports to users.*

7. The period of validity of a single export authorisation shall not exceed the period of validity of the import authorisation *issued by the third country*. The period of validity of a multiple ■ export authorisation shall not exceed 3 years. Where the import authorisation *issued by the third country* does not specify a period of validity, the period of validity of an export authorisation shall *not exceed 1 year*, except under exceptional circumstances and for duly justified reasons.

## Article 21

### Traceability of firearms

1. *The export authorisation, the* import authorisation issued by the third country *concerned and* the accompanying documentation shall together contain *the following information*:
- (a) the dates of issue and expiry, where relevant;
  - (b) the place of issue;
  - (c) the country or countries of export *and exit*;

- (d) the *third country or territory of destination*;
- (e) whenever applicable, any third country, *countries or territories through which the listed goods are transported*;
- (f) the consignee;
- (g) the final recipient, if known at the time of the shipment;
- (h) particulars enabling the identification of the *listed goods*, and the quantity thereof including, at the latest prior to the shipment, the marking applied to the firearms or to *the* essential components ■ ; and,
- (i) *the owner of the goods covered by the export authorisation and the import authorisation issued by the third country concerned, if the exporter is a broker.*

2. The information referred to in paragraph 1, if contained in the import authorisation issued by the third country ■ *concerned*, shall be provided by the exporter in advance to the third country, *countries or territories through which the goods are transported*, at the latest prior to the shipment.

3. ***The listed goods may*** be exported only if they are marked, in accordance with Article 4 of Directive (EU) 2021/555.

## Article 22

### ***Exemption from the requirement of an export authorisation***

1. ***By way of derogation from Article 19(1), no export authorisation shall be required for the temporary export, or for the re-export, of listed goods in the following cases:***
- (a) the temporary export by hunters, ***historical reenactors*** or sport shooters ***of firearms in their lawful possession***, as part of their accompanied personal effects, during a journey to a third country, provided that they ***submit*** to the competent ***authority of exit, through the electronic licensing system, at least 10 working days before bringing the listed goods out of the customs territory of the Union, the following:***
    - (i) ***the reasons for their journey, in particular by producing an invitation or other proof of the hunting, historical re-enactment or sport shooting activities in the third country of destination;***
    - (ii) ***a European firearms pass covering the firearms, as referred to in Article 17 of Directive (EU) 2021/555;***



- (iii) *information on which of the firearms as listed in the European firearms pass, and which other goods, besides firearms, listed in Annex I, are intended to be brought out of the customs territory of the Union, and the reasons for the type and amount of those goods, which shall be appropriate with respect to the reasons for the journey; the amount of ammunition shall be limited to a maximum of 800 rounds for hunters, and a maximum of 1 200 rounds for sport shooters;*
- (b) the re-export, by hunters, *historical reenactors* or sport shooters as part of their accompanied personal effects following temporary admission for hunting, *historical re-enactment* or sport shooting activities, provided that:
  - (i) *the listed goods remain the property of a person established outside the customs territory of the Union and those goods are re-exported to that person;*

- (ii) *the listed goods are re-exported within 90 days from the entry into the customs territory of the Union;*
- (iii) *the reference number of the import authorisation is provided to the customs authority at exit and the exporter mentions the reference number of the declaration for temporary admission in the re-export declaration;*
- (c) *non-Union goods leaving the customs territory of the Union after passing through the territory of one or more Member States whilst placed under a customs transit procedure, where both the customs office of departure and destination are located in a third country;*
- (d) *Union goods leaving the customs territory of the Union temporarily while being moved under a customs transit procedure passing through a country or territory outside the customs territory of the Union with a final destination in the Union, provided that:*
  - (i) *the transfer is authorised according to Directive (EU) 2021/555, where necessary; and*
  - (ii) *the planned movement is notified to the competent authority of destination 10 working days in advance through the electronic licensing system.*

Notwithstanding point (a)(ii) of the first subparagraph, *in the case of travel by air, the hunters, historical reenactors or sport shooters shall produce the European firearms pass to the competent authority where the relevant listed goods are handed over to the airline for transport out of the customs territory of the Union.*

2. *The competent authority shall provide the person submitting information in accordance with paragraph 1, first subparagraph, point (a), with a reference number through the electronic licensing system.*
3. The competent **authority** of a Member State shall, for a period not exceeding 10 working days, suspend the process of export or, if necessary, otherwise prevent **listed goods** from leaving the customs territory of the Union through that Member State, where it has grounds for suspicion that the reasons *referred to in paragraph 1, first subparagraph, point (a), of this Article, which were provided* by hunters, *historical reenactors* or sport shooters, are not in conformity with the relevant considerations and the obligations laid down in Article 24. ■ For duly justified reasons, that **suspension** period may be extended by the competent **authority** to 30 working days. *The competent authority shall communicate its decision to allow the release of the listed goods, or to take further actions, to the customs authority via the electronic licensing system.*

*Article 23*  
*Simplified export authorisation*

1. *A simplified export authorisation may be requested in the following situations:*
  - (a) the re-export, *within 180 days, of listed goods* following their temporary admission for evaluation, exhibition ■ , or inward processing for repair, provided that those *goods* remain the property of a person established outside the customs territory of the Union and ■ are re-exported to that person *and that the exporter mentions the reference number of the declaration for temporary admission or inward processing in the re-export declaration*;
  - (b) the re-export of *listed goods* held in temporary storage *within the time limit referred to in Article 149 of Regulation (EU) No 952/2013*;
  - (c) the temporary export of *listed goods* for the purposes of evaluation, exhibition or repair ■ , provided that the exporter *proves* the lawful possession of *those goods*.
2. *An application for a simplified export authorisation shall be submitted through the electronic licensing system and shall include the following:*
  - (a) *mention of one of the three purposes listed in paragraph 1;*

- (b) the name, identification number, address and contact details of the exporter;*
- (c) the particulars of any firearms, including the name of the manufacturer or brand, the country or place of manufacture, the serial number, and where feasible the model and the year of manufacture;*
- (d) the date and unique reference number of the authorisation to own or possess a firearm and of the import authorisation from the third country; or, where applicable, a reference to the authorisation, pursuant to Directive (EU) 2021/555, to manufacture, acquire, possess or trade listed goods; and,*
- (e) in cases of the re-export of previously temporarily imported listed goods, the reference to the customs declaration under which those goods were brought into the customs territory of the Union.*

**3. The competent authority shall process applications for simplified export authorisations within a period not exceeding 20 working days from the date on which all required information was provided to the competent authority. For duly justified reasons, that period may be extended to 40 working days. The simplified export authorisation shall be issued through the electronic licensing system.**

4. For the applicant to obtain the simplified export authorisation, the following conditions shall apply:
- (a) the third country or third countries of transit had no objection to the transit, as referred to in Article 20(2) and (4);
  - (b) the competent authority has carried out the verification referred to in Article 20(3); and
  - (c) the applicant has submitted to the competent authority the deactivation certificate, as referred to in Article 20(5).
5. ***The period of validity of a simplified export authorisation issued in accordance with paragraph 1, point (c), shall not exceed the period of validity of the import authorisation issued by the third country, or 1 year where that third country does not specify a period of validity, or where an exemption from the requirement for an import authorisation is applicable.***

## Article 24

### Obligations of ***competent authorities***

1. In deciding whether to grant an export authorisation ***or a simplified export authorisation*** under this Regulation, ***the competent authority*** shall take into account all relevant considerations including ■ :
- (a) its Members State's obligations and commitments as party 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 the intended end use, the consignee, the 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 *or a simplified export authorisation, the competent authority* shall take into account whether the *applicant* has proportionate and adequate means and procedures to ensure compliance with the provisions and objectives of this Regulation and compliance with the terms and conditions of the authorisation.
3. In deciding whether to grant an export authorisation *or a simplified export authorisation* under this Regulation, *the competent authority* shall observe any obligations with regard to restrictive measures 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, *as well as the national law implementing those obligations.*

4. *Before a competent authority grants an export authorisation or a simplified export authorisation, it shall take into account all refusals issued under this Regulation by the competent authorities of other Member States. The former competent authority may first consult the latter competent authority or competent authorities concerned. If, following such consultation, the former competent authority decides to grant an authorisation, it shall notify the latter competent authority or authorities concerned, providing all relevant information to explain its decision. That exchange of information shall be carried out without delay and through the electronic licensing system.*
5. *Competent authorities shall monitor that the conditions of export authorisations and simplified export authorisations they issue are met on the basis of risk management. The conditions of authorisations granted for a duration of longer than 2 years shall be monitored after 2 years.*

#### Article 25

##### Refusals, *annulments*, *suspensions*, *modifications* or *revocations* of export authorisations

1. *Competent authorities shall refuse to grant export authorisations or simplified export authorisations if any of the following conditions apply:*
  - (a) *the obligations and considerations set out in Article 24(1) are not met;*



- (b) the applicant *is a natural person and* has a criminal record concerning conduct constituting an offence listed in Article 2(2) of Framework Decision 2002/584/JHA **■** , or concerning any other conduct, provided that it constituted an offence punishable by a maximum penalty of at least 4 years of imprisonment **■** ;
- (c) the *firearm to be exported was* declared lost, stolen or otherwise sought for seizure;
- (d) *the applicant is a legal person, and one of the following persons connected with that legal person has a criminal record referred to in point (b):*
  - (i) *the applicant; or,*
  - (ii) *persons in charge of the applicant or exercising control over its management;*
- (e) *there are clear indications suggesting that any of the persons involved in the transaction constitute a security threat or a threat to public safety, or that the persons referred to in point (b) or (d) of this paragraph are unable to meet the obligations imposed on them by Directive (EU) 2021/555, by this Regulation or by any authorisations issued with regard to their firearms.*

2. *For the purposes of paragraph 1 of this Article, Member States shall obtain the information on previous criminal convictions of the applicant in other Member States through the system established by Framework Decision 2009/315/JHA.*
3. For the purposes of paragraph 1, *point (c)*, *Member States* shall check ■ that the firearm is not listed in the Schengen Information System.
4. A competent *authority shall* annul, suspend, modify or revoke an export authorisation *or a simplified export authorisation if the conditions for granting it were not met or are no longer met. Where a competent authority takes such a decision, it shall make that* information available to *the* customs *authority* through the electronic licensing system *without delay.*
5. Where the competent *authority has* suspended an export authorisation *or a simplified export authorisation, it shall make its* final *decision available* to the other competent authorities at the end of the period of suspension, through the electronic licensing system *without delay.*

6. Where the competent *authority has* refused to grant an export authorisation *or a simplified export authorisation, it shall register its* final *decision* in the *electronic licensing system without delay*.

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7. All information shared in accordance with this Article shall be shared in compliance with Article 28 concerning its confidentiality.

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## Article 26

### Proof of receipt

1. Within *45 days* of the exit *from* the customs territory of the Union, the exporter shall provide to *the* competent authority that *issued* the export authorisation, proof of the receipt of the dispatched shipment of *the listed goods* in the third country of import, by *providing* the relevant customs import documents. *Those documents shall be provided through the electronic licensing system.*

2. In the absence of the proof of receipt of the dispatched shipment referred to in paragraph 1, *the competent authority that issued the export authorisation shall without delay* request from the customs *authority* of export a confirmation that the *customs formalities related to the exit of the listed goods have been carried out, and that the listed goods* have exited the customs territory of the Union.
3. *If the customs authorities confirm the completion of the customs formalities and the exit, the competent authority that issued the export authorisation shall* request the relevant authority of the importing third country to confirm *the entry of the goods into its customs territory*.
4. *Where the competent authority is unable to obtain a confirmation of entry by the importing third country as set out in paragraph 3, it shall record that information in the electronic licencing system.*

Chapter IV  
SUPERVISION AND CONTROLS

Article 27

Post-shipment checks

1. A competent ***authority*** granting an export authorisation ***for listed goods may*** carry out post-shipment checks to ensure that the ***export thereof*** is in line with the commitments made in the ***user statement*** as set out in Annex IV, ***and that the goods have arrived at the planned final destination.***
2. ***Competent authorities and customs authorities shall cooperate with each other and if necessary, with the authorities of third countries in order to verify compliance with the commitments made in the user statement as set out in Annex IV, and the arrival of the listed goods at the planned final destination. Post-shipment checks*** may be carried out, ***where appropriate, in third countries, provided that such third countries agree, through cooperation with the administrative authorities of those third countries.*** Member States ***may ask the Commission for support in carrying out such checks.***

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## Article 28

### Exchange of information and cooperation between authorities

1. The Commission, competent authorities and customs authorities shall cooperate closely and shall exchange information *to ensure the correct implementation of this Regulation*.
2. The risk information, including risk analysis and control results, relevant for the enforcement of this Regulation and, in particular, in relation to the suspicion of *illicit* trafficking of *listed goods* shall be exchanged and processed *as follows*:
  - (a) *the information referred to in Article 46(5) of Regulation (EU) No 952/2013 shall be exchanged* between customs authorities;
  - (b) *the information referred to in Article 47(2) of Regulation (EU) No 952/2013 shall be exchanged between customs authorities and the Commission*;
  - (c) *the information referred to in Article 47(2) of Regulation (EU) No 952/2013 shall be exchanged between customs authorities and competent authorities, including competent authorities of other Member States*.

3. *The information exchange and processing set out in paragraph 2, points (a) and (b), of this Article shall be carried out by means of the system established for those purposes by Article 16(1) of Regulation (EU) No 952/2013. When customs authorities exchange confidential information, they shall also communicate that information, in accordance with Article 12 of Regulation (EU) No 952/2013, to the Commission and the competent authorities.*
4. *The information exchange between customs authorities and competent authorities shall be carried out by established national means or through the electronic licensing system.*
5. *Council Regulation (EC) No 515/97<sup>33</sup> shall apply mutatis mutandis to measures under this Article.*

## Article 29

### Procedures at import and export

1. *When completing customs formalities for **listed goods**, the declarant shall provide, in the customs **declaration or re-export declaration**, a reference to the authorisation granted by the competent authority under Articles 9, 11, 19 or 23, or the reference number provided by the competent authority in accordance with Article 22. When an ATA carnet is used to fulfil customs formalities, that information shall be provided in one of its parts.*

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<sup>33</sup> 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).

2. *All information and documentation necessary to demonstrate the conformity of the listed goods with this Regulation shall be provided by the importer or [ ] exporter, in accordance with the request of the competent authority, in an official language of the Member State where that competent authority is located, or in English.*
3. *When the interconnection referred to in Article 34(7) is operational, the customs authority shall verify, upon acceptance of a customs declaration or a re-export declaration for listed goods, [ ] the validity of the authorisation through the EU Single Window Environment for Customs. The verification shall take place electronically and automatically.*
4. *When the customs authority releases listed goods to a customs procedure or to re-export, the release shall be communicated electronically and automatically to the electronic licensing system through the EU Single Window Environment for Customs, once the interconnection referred to in Article 34(7) is operational. When listed goods are placed under a temporary admission procedure, are temporarily exported, or are re-exported using an ATA carnet, the customs authority shall register the information on the release of the goods in the electronic licensing system.*



5. Without prejudice to any powers conferred on it under Regulation (EU) No 952/2013, a customs *authority* shall ***not release the listed goods to a customs procedure or to re-export, and shall within 24 hours inform, through established national means or the electronic licensing system, the competent authority which shall take a decision on the treatment of those goods, if*** the customs *authority* has a doubt that ***the goods fall under the scope of this Regulation, or*** has grounds for suspicion that:

- (a) relevant information was not taken into account when the authorisation was granted;
- (b) circumstances have materially changed since the authorisation was granted; ***or***
- (c) ***in other circumstances, the listed goods do not comply with this Regulation.***

***The competent authority shall reply to the customs authority through established national means or through the electronic licensing system within 10 working days after receiving the information referred to in the first subparagraph of this paragraph. █*** For duly substantiated reasons, that period may be extended to 30 working days. ***Where the competent authority does not respond within the relevant time limit, the customs authority shall release the listed goods in accordance with Article 194 of Regulation (EU) No 952/2013.***

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***Detection of a non-compliant shipment***

1. ***If a customs authority detects a shipment of listed goods that does not comply with the obligations set out in this Regulation, it shall take appropriate measures to ensure that those goods remain under customs supervision, and shall, within 24 hours, inform the competent authority thereof.***
2. ***The competent authority shall decide within a period not exceeding 10 working days on the handling of those listed goods and inform the customs authority of its decision to allow the release of those goods or to take further action. For duly substantiated reasons, that period can be extended to 30 working days.***
3. ***The customs authority shall ensure that the decision of the competent authority regarding listed goods under customs supervision is executed in accordance with the customs legislation.***
4. ***Where the shipment of non-compliant listed goods was dispatched to or from another Member State, the competent authority of the Member State where the shipment of those goods was detected shall inform without delay, through the electronic licensing system, the competent authority of the Member State of dispatch or destination of the measures taken regarding those goods and the reasons therefor.***

5. In the event of a **reasonable** suspicion of **illicit** trafficking of **listed goods**, **the goods shall be seized or retained**, and information related to **the goods seized or retained** during customs controls shall be shared by the customs authority **without delay**:
- (a) **with the competent authority of the Member State of the customs authority; and,**
  - (b) **with the competent authorities of the Member States referred to in Article 40(2) through the Secure Information Exchange Network Application (SIENA) of Europol.**
6. Seizure **or retention** data shall include, **as soon as** available, the following information:
- (a) the particulars of the firearm or firearms, 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 or categories of the firearm or firearms, in line with Annex I;

- (c) where available, information about manufacture, including the reactivation of deactivated firearms, the conversion of alarm and signal weapons, hand-made or home-made firearms, firearms manufactured by additive manufacturing, and any other information of interest;
- (d) the country of origin;
- (e) the country of *dispatch*;
- (f) the country of destination;
- (g) the means of transport, 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’, ***together with, where applicable, the registration number of the means of transport used***, and the nationality of the transportation company or person; and,
- (h) the place and type of the seizure ***or retention***, including as the case may be ‘inland’, ‘border crossing point’, ‘land border’, ‘airport’ or ‘maritime port’.

7. ***Article 6(1) of this Regulation shall not prevent the customs authority from applying Article 198(2) of Regulation (EU) No 952/2013. Where the customs authority carries out the destruction of the listed goods as decided by the competent authority, the costs for destruction shall be born in accordance with Article 198(3) of Regulation (EU) No 952/2013.***

8. *The Commission shall, by means of an implementing act, determine the system to be used to gather yearly statistical information on the seizure and retention of listed goods. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 43(3).*

## CHAPTER V

### ADMINISTRATION, DIGITALISATION AND ■ COOPERATION

#### Article 31

Information storage regarding the import, *export and re-export of listed goods*

1. ■ Member States shall keep, for not less than 20 years, all information relating to the *import, export and re-export of listed goods*, which is necessary to trace and identify those *goods*, and to prevent and detect *illicit trafficking therein*.
2. *The information referred to in paragraph 1 of this Article shall include, mutatis mutandis, information in accordance with Article 21(1).*
3. *Paragraph 1 of this Article shall not apply to imports or exports as referred to in Article 12(1), point (a), or in Article 22(1), points (a) and (b).*

1. ***The Commission shall, in consultation with the Firearms Imports and Exports Coordination Group referred to in Article 39(1), submit each year by 31 October an annual report to the European Parliament and the Council on the implementation of this Regulation, and shall make the report public. The report shall include the following information:***
  - (a) ***the number of import and export authorisations granted in the previous year in the customs territory of the Union, at Member State level;***
  - (b) ***the quantities of listed goods imported into and exported from the customs territory of the Union during the previous year, by category and sub-category as listed in Annex I, by origin and by destination country at Member State level;***
  - (c) ***the customs value of the imports and exports referred to in point (b), at Union level;***
  - (d) ***the number of refusals of authorisations during the previous year and the reasons therefor;***

- (e) *the number of seizures, the quantity of listed goods seized or detained, by category, during the previous year;*
  - (f) *the quantity and results of post-shipment checks at Member State level during the previous year; and,*
  - (g) *the number of infringements and penalties related to the enforcement of this Regulation at Member State level during the previous year.*
2. *The Commission shall have access to the statistical data gathered in the electronic licensing system and in the system to be determined in accordance with Article 30(8).*
  3. *Member States shall submit to the Commission the information referred to in paragraph 1, points (f) and (g), each year by 31 July.*
  4. *The statistics and the annual report referred to in paragraph 1 shall not include any personal data, any commercially sensitive information or any protected defence, foreign policy or national security information.*

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**Article 33**  
**Administrative fees**

***Member States may apply a fee to cover the administrative costs of handling applications for authorisations.***

**Article 34**  
**Electronic licensing system**

1. The Commission shall establish and maintain ***a secure and encrypted*** electronic licensing system for import, export and simplified export authorisations, ***and registrations, information*** and decisions related to them pursuant to Articles 9, ***11, 12, 13, 19, 22, 23, 25, 26, 28, 29 and 30.***

The electronic licensing system referred to in the first subparagraph shall provide at least the following functionalities:

- (a) allow for the registration of ■ persons ***entitled to request an authorisation, an exemption, or an administrative simplification under*** this Regulation before ***submitting the first application and, if applicable, the*** inclusion of the Economic Operators Registration and Identification (EORI) number ■ in accordance with Article 9 of Regulation (EU) No 952/2013 ***in the*** registration profile;



- (b) allow for the electronic procedure to request, grant, *issue and store an authorisation, an exemption, or an administrative simplification pursuant to this Regulation*;
- (c) *allow for an interconnection with the national electronic licensing systems through which authorisations, exemptions, or administrative simplifications pursuant to this Regulation may be requested, granted and issued in the Member States, and enable the transfer of information from those national electronic licensing systems*;
- (d) *allow for the* interconnection with national customs authorities via the European Union Customs Single Window Certificates Exchange System referred to in Article 4 of **■** Regulation (EU) 2022/2399, *including quantity management of authorised goods where necessary*;
- (e) allow for risk profiling by competent authorities **■** and the *customs authorities, of persons authorised or registered in accordance with this Regulation to import, export or re-export listed goods, and for the* profiling of *those goods, including automatic warnings regarding missing proof-of-receipt documentation*;

- (f) allow for administrative assistance and cooperation between competent authorities and the Commission to exchange information and statistics regarding the use of the electronic licensing system;
- (g) allow *for the exchange of information, including on refusals and the reasons for refusals to grant authorisations, between competent authorities* for the   implementation of this Regulation;
- (h) *allow for communication between competent authorities and persons requesting an authorisation, an exemption, or administrative simplification and for the uploading of proofs of receipt;*
- (i) *allow for communication between competent authorities, the Commission and customs authorities for the implementation of this Regulation;*
- (j) *with the exception of personal data, allow for statistics, such as the number of authorisations, the quantities and values of actual imports and exports, the number of refusals to grant an authorisation in respect of listed goods, and the reasons therefor, including by origin and by destination.*

2. The Commission shall, by means of implementing acts, establish rules for the functioning of the electronic licensing system, including rules relating to the processing of personal data and the exchange of data with other IT systems. Those implementing acts shall be adopted in accordance with the *examination* procedure referred to in Article 43(3).
3. The Commission shall provide access to the electronic licensing system to:
  - (a) *customs authorities and competent authorities for the purpose of executing their obligations under this Regulation and under the customs legislation;*
  - (b) *persons requesting an authorisation, an exemption, or administrative simplification;*
  - (c) *the relevant Commission services for the purposes of maintaining the system, the exchange of data according to paragraph 1, points (e) and (f), and the collection of data in accordance with paragraph 1, points (i) and (j).*

*The persons referred to in point (b) of the first subparagraph shall have access only to information regarding themselves.*

4. The Commission shall provide for interconnection between the electronic licensing system and the electronic national licencing systems, if they have been established.
5. *The processing of personal data within the electronic licencing system shall be carried out in compliance with Regulation (EU) 2016/679 or Regulation (EU) 2018/1725, as applicable.*
6. *The electronic licensing system shall be in place by ... [24 months after the date of entry into force of this Regulation].*
7. *For the purposes of the verification and the communication referred to in Article 29(3) and (4) of this Regulation, respectively, the electronic European Union Customs Single Window Certificates Exchange System referred to in Article 4 of Regulation (EU) 2022/2399 connects the electronic licensing system with the EU Single Window Environment for Customs. That interconnection shall be established by ... [72 months after the date of entry into force of this Regulation].*

## Article 35

### **Information *and reporting obligations***

1. *Member States shall report to the Commission by 1 July each year on the models of the alarm and signal weapons that have been checked in accordance with Article 8. Those reports shall be discussed in the Firearms Imports and Exports Coordination Group referred to in Article 39.*
2. *Member States shall report every 2 years to the Firearms Imports and Exports Coordination Group referred to in Article 39 the results of the monitoring of authorisations referred to in Articles 10(8) and 24(5). Those reports shall be discussed in the Firearms Imports and Exports Coordination Group.*

## CHAPTER VI

### GENERAL AND FINAL PROVISIONS

## Article 36

### Secure procedures

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

2. Member States may also, where appropriate, ensure verification and validation by means of diplomatic channels.

## Article 37

### Tasks of competent authorities

1. In order to ensure that this Regulation is applied properly, Member States shall take necessary and proportionate measures to enable their competent *authorities* to:
  - (a) *enforce, with any necessary measures, the application of this Regulation, including, where appropriate, the confiscation and sale or destruction of listed goods;*
  - (b) gather information on any order or transaction involving *listed goods*; and,
  - (c) establish that the *obligations of a person under this Regulation* are being properly *fulfilled*, which can, in particular, include the power to enter the premises of *that person and other* persons with an interest in *the* transaction *concerned*.

2. *Upon request of a third country of export that is a State Party to the UN Firearms Protocol at the time of the export, the competent authority of the Member State issuing the import authorisation used for the export from the third country shall confirm the import or temporary storage of the listed goods concerned by the import authorisation.*

#### Article 38

#### Enforcement ■

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. Member States shall notify the Commission of those rules and of those measures and shall notify it of any subsequent amendment affecting them.
2. The whistle-blower-protection regime established by Directive (EU) 2019/1937 shall apply to persons who report breaches of this Regulation.

Article 39  
Coordination group

1. A Firearms Imports and Exports Coordination Group (the ‘Coordination Group’) chaired by a representative of the Commission shall be set up. It shall be composed of representatives of the **competent** authorities referred to in Article 40(2).
2. The Coordination Group shall examine any question **on** the application of this Regulation which may be raised either by the Chair or by a representative of **the competent** authorities referred to in Article 40(2). ***The processing and use of information in accordance with this paragraph shall comply with Regulation (EC) No 515/97 concerning its confidentiality.***
3. The Chair of the Coordination Group, or the Coordination Group, shall, whenever necessary, consult any relevant stakeholders concerned by this Regulation.



Article 40  
Implementation tasks

1. Each Member State shall inform the Commission of the laws, regulations and administrative provisions adopted in implementation of this Regulation.
2. **■** By ... [6 months after the *date of* entry into force of this Regulation] each Member State shall *designate and* inform the other Member States and the Commission of *the national authority or authorities competent for implementing this Regulation*.
3. Based on the information received pursuant to paragraph 2, the Commission shall publish and update on its website a list of the authorities referred to in that paragraph *as and when changes occur*.
4. Upon request of the Coordination Group and in any event every 10 years, the Commission shall review the implementation of this Regulation and shall 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 **■** . The Commission shall publish a first interim application report by ... [5 years after the date of entry into force of this Regulation].

Article 41  
Delegated acts

The Commission *is* empowered to adopt delegated acts in accordance with Article 42 to:

- (a) ***supplement this Regulation with the rules establishing a Union general import authorisation referred to in Article 9(2), point (c), of this Regulation for authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) No 952/2013, by specifying the format, use and geographical validity for that type of authorisation;***
- (b) supplement this Regulation with the rules establishing a Union general export authorisation referred to in Article 19(3), point (d), of this Regulation for authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) No 952/2013 by specifying the format, use and geographical validity for that type of authorisation;
- (c) ***to supplement this Regulation by determining the part of the ATA carnet in which the reference to authorisations granted by the competent authority or reference numbers provided by the competent authority are to be indicated by the declarant in accordance with Article 29(1);***
- (d) amend Annex I to this Regulation on the basis of amendments to Annex I to Regulation (EEC) No 2658/87, and on the basis of amendments to Annex I to Directive (EU) 2021/555;
- (e) amend Annexes II, ***III and IV*** to this Regulation.

## Article 42

### Exercise of the delegation

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 41 shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in Article 41 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 41 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or of the Council.

#### Article 43

##### Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

Article 44  
Transitional period

1. *Until ... [48 months after the date of entry into force of this Regulation], for the implementation of Article 32(1), each Member State shall by 31 July each year submit to the Commission the following information:*
  - (a) *the number of import and export authorisations it granted during the previous year;*
  - (b) *the number of refusals of export authorisations during the previous year and the reasons therefor; and,*
  - (c) *the number of infringements and penalties related to the enforcement of this Regulation during the previous year.*
2. *Authorisations for the import or export of listed goods, subject to Articles 9, 11, 19, and 23 and granted before ... [48 months after the date of entry into force of this Regulation] shall remain valid for a maximum period of 12 months from that date.*

3. *Authorisations for the import or export of listed goods, requested before ... [48 months after the date of entry into force of this Regulation] and pending on that date, shall be granted in accordance with the provisions applicable before that date. Those authorisations shall be valid for a maximum period of 12 months from that date.*
4. *Quantitative restrictions on imports of the listed goods referred to in Article 14, which are in force in the Member States on ... [the date of entry into force of this Regulation], shall be notified to the Commission in accordance with the procedure set out in Articles 15, 16 and 17. Member States shall make that notification by ... [42 months after the date of entry into force of this Regulation].*



#### Article 45

#### 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 set out in Annex V to this Regulation.

Article 46

***Entry into force and application***

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 ... [48 months after the date of entry into force of this Regulation].***

***However, Article 2(2), Article 8(2), Article 9(1), Article 11(6), Articles 14 to 18, Article 30(8), Article 34, Article 35, Articles 38 to 44, and Article 46 shall apply from ... [the date of entry into force of this Regulation].***

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

Done at ...,

*For the European Parliament*

*The President*

*For the Council*

*The President*

## ANNEX I

I: List of firearms and ammunition, according to Directive (EU) 2021/555.

DESCRIPTION		NC CODE
Category A – prohibited firearms		
(1)	Explosive military missiles and launchers.	9301 10 00 9301 20 00 9306 90 10
(2)	Automatic firearms.	9301 90 00
(3)	Firearms disguised as other objects.	ex 9302 00 00 ex 9303 10 00 ex 9303 90 00 9301 90 00 ex 9303 20 10 ex 9303 20 95
(4)	Ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition.	9306 30 30 9306 90 10 ex 9306 21 00
(5)	Pistol and revolver ammunition with expanding projectiles and the projectiles for such ammunition, except in the case of weapons for hunting or for target shooting, for persons entitled to use them.	ex 9306 30 10 9306 30 30



(6)	Automatic firearms which have been converted into semi-automatic firearms.	9301 90 00 ex 9302 00 00
(7)	Any of the following centre-fire semi-automatic firearms:	
	(a) short firearms which allow the firing of more than 21 rounds without reloading, if: <ul style="list-style-type: none"> <li>– a loading device with a capacity exceeding 20 rounds is part of that firearm; or</li> <li>– a detachable loading device with a capacity exceeding 20 rounds is inserted into it;</li> </ul>	ex 9302 00 00
	(b) long firearms which allow the firing of more than 11 rounds without reloading, if: <ul style="list-style-type: none"> <li>– a loading device with a capacity exceeding 10 rounds is part of that firearm; or</li> <li>– a detachable loading device with a capacity exceeding 10 rounds is inserted into it.</li> </ul>	ex 9303 30 00 9301 90 00 ex 9303 90 00 ex 9303 20 10 ex 9303 20 95
(8)	Semi-automatic long firearms, that is to say firearms that are originally intended to be fired from the shoulder, that can be reduced to a length of less than 60 cm without losing functionality by means of a folding or telescoping stock or by a stock that can be removed without using tools.	9301 90 00 ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00

(9)	Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds, or into a salute or acoustic weapon.	9301 90 00 ex 9302 00 00 ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
Category B – Firearms subject to authorisation		
(1)	Repeating short firearms.	ex 9302 00 00
(2)	Single-shot short firearms with centre-fire percussion.	ex 9302 00 00
(3)	Single-shot short firearms with rimfire percussion whose overall length is less than 28 cm.	ex 9302 00 00
(4)	Semi-automatic long firearms the loading device and chamber of which can together hold more than three rounds in the case of rimfire firearms, and more than three but fewer than twelve rounds in the case of centre-fire firearms.	ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
(5)	Semi-automatic short firearms other than those listed under point (7)(a) of Category A.	ex 9302 00 00

(6)	Semi-automatic long firearms listed under point (7)(b) of Category A the loading device and chamber of which cannot together hold more than three rounds, where the loading device is detachable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon the loading device and chamber of which can together hold more than three rounds.	ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
(7)	Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length.	ex 9303 20 10 ex 9303 20 95
(8)	Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds, or into a salute or acoustic weapon.	ex 9302 00 00 ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
(9)	Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms other than those listed under point (6), (7) or (8) of Category A.	ex 9302 00 00 ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00

Category C –Firearms and weapons subject to declaration		
(1)	Repeating long firearms other than those listed in point (7) of Category B.	ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
(2)	Long firearms with single-shot rifled barrels.	ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
(3)	Semi-automatic long firearms other than those listed in Category A or B.	ex 9303 30 00 ex 9303 20 10 ex 9303 20 95 ex 9303 90 00
(4)	Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm.	ex 9302 00 00
(5)	Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds, or into a salute or acoustic weapon.	ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00

(6)	Firearms classified in Category A or B or this category that have been deactivated in accordance with Implementing Regulation (EU) 2015/2403.	ex 9304 00 00
(7)	Single-shot long firearms with smooth-bore barrels placed on the market on or after 14 September 2018.	9303 10 00 ex 9303 20 10 ex 9303 20 95

II: Firearms and ammunition other than those listed in part I, and essential components thereof.

(1)	Collections and collectors' pieces of historical interest.  ■	ex 9705 10 00 ex 9706 10 00 ex 9706 90 00
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(2)	Ammunition: the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorisation in the relevant Member State.	ex 3601 00 00  9306 21 00  ex 9306 29 00 ex 9306 30 10 ex 9306 30 30 ex 9306 30 90 ex 9306 90 10 ex 9306 90 90
(3)	Any essential components of firearms, even semi-finished, <i>including semi-finished firearms</i> .	ex 9305 10 00  ex 9305 20 00 ex 9305 91 00 ex 9305 99 00

### III: Non-convertible alarm and signal weapons

(1)	Non-convertible alarm and signal weapons referred to in Article 8 of this Regulation.	ex 9303 90 00  ex 9304 00 00
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#### ***IV: Sound moderators***

<b><i>(1)</i></b>	<b><i>Sound moderators.</i></b>	<b><i>ex 9305 10 00</i></b>
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For the purposes of this Annex:

- (a) ‘short firearm’ means a firearm with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres;
  - (b) ‘long firearm’ means any firearm other than a short firearm;
  - (c) ‘automatic firearm’ means a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull of the trigger;
  - (d) ‘semi-automatic firearm’ means a firearm which reloads automatically each time a round is fired and can fire only one round with one pull of the trigger;
  - (e) ‘repeating firearm’ means a firearm which, after a round has been fired, is designed to be reloaded from a magazine or cylinder by means of a manually-operated action;
  - (f) ‘single-shot firearm’ means a firearm with no magazine which is loaded before each shot by the manual insertion of a round into the chamber or a loading recess at the breech of the barrel.
- (1) Based on 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.
- (2) When an ‘ex’ code is indicated, the scope is to be determined by application of the CN code and corresponding description taken together.

## ANNEX II



(referred to in Article 9 of this Regulation)

When granting import authorisations, Member States will strive to ensure the visibility of the nature of the authorisation on the form issued.

This is an import authorisation valid in all Member States of the Union until its expiry date.

EUROPEAN UNION		IMPORT OF FIREARMS (Regulation (EU) .../... <sup>34+</sup> )	
Type of authorisation			
Single <input type="checkbox"/> multiple <input type="checkbox"/> <i>national general</i> <input type="checkbox"/>			
<i>Movements</i> before import applicable? Yes <input type="checkbox"/> <i>Transit procedure for non-Union goods</i> applicable? Yes <input type="checkbox"/>			
Non-convertible alarm and signal weapons <input type="checkbox"/>		Deactivated firearms with <i>certificate</i> <input type="checkbox"/>	
		<i>Deactivated firearms without certificate</i> <input type="checkbox"/>	
1.	1. Importer No  (EORI number if applicable)	2. Identification number of the authorisation <sup>2</sup>	3. Expiry date
Authorisation		4. Contact point details	
	5. Consignee(s) (EORI number if applicable)	6. Issuing authority	
	7. Agent(s)/Representative(s) No  (If different from importer) (EORI		
		8. Country(ies) of import	Code <sup>3</sup>

<sup>34</sup> Regulation (EU) .../... of the European Parliament and of the Council of ... on import, export and transit measures for firearms, 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) (OJ L, ..., ..., ELI: ...).

<sup>+</sup> OJ: Please insert in the text the number of this Regulation and complete the corresponding footnote.

<sup>2</sup> For completion by the competent authority.

<sup>3</sup> See Regulation (EU) 2019/2152 of the European Parliament and of the Council of 27 November 2019 on European business statistics, repealing 10 legal acts in the field of business statistics (OJ L 327, 17.12.2019, p. 1)



	number if applicable)	9. Country(ies) of export and number(s) of export authorisation(s)	Code <sup>3</sup>
	10. Final recipient(s) (if known at the time of the shipment) (EORI number if applicable)	11. Third countries through which <i>the consignment passes</i> (if applicable)	Code <sup>3</sup>
		12. Member State(s) of intended entry into the customs import procedure	Code <sup>3</sup>
	13. Description of the items	14. Harmonised System or Combined Nomenclature Code (if applicable – 8 digits)	
	13a. Marking <i>UN Firearms Protocol compliant EU Firearms Directive (Directive (EU) 2021/555<sup>4</sup>) compliant</i>	15. Currency and value	16. Quantity of the items
	17. End use	18. Contract date (if applicable)	19. Customs procedure
	20. Additional information required by national legislation (to be specified on the form)		
	Available for pre-printed information at discretion of Member States		
		For completion by issuing authority	
		Signature	Stamp
		Issuing authority	
		Place and date	
<b>EUROPEAN UNION</b>			
1a.	1. Importer	2. Identification number	9. Country of import and number of import authorisation
Authorisation		5. Consignee	
	13.1 Description of the items	14. Commodity code (if applicable, 8 digits)	
	13a. Marking	15. Currency and value	16. Quantity of the items
	13.2 Description of the items	14. Commodity code (if applicable, 8 digits)	
	13a. Marking	15. Currency and value	16. Quantity of the items
	13.3 Description of the items	14. Commodity code (if applicable, 8 digits)	
	13a. Marking	15. Currency and value	16. Quantity of the items
	13.4 Description of the items	14. Commodity code (if applicable, 8 digits)	
	13a. Marking	15. Currency and value	16. Quantity of the items

<sup>4</sup> 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).



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# ANNEX III



(referred to in Article 19 of this Regulation)

When granting export authorisations, Member States will strive to ensure the visibility of the nature of the authorisation on the form issued.

This is an export authorisation valid in all Member States of the Union until its expiry date.

EUROPEAN UNION		EXPORT OF FIREARMS (Regulation (EU) .../... <sup>35</sup> ) <sup>+</sup>	
Type of authorisation			
Single <input type="checkbox"/> multiple <input type="checkbox"/>			
Intra-EU transit after export applicable yes <input type="checkbox"/>			
Non-convertible alarm and signal weapons <input type="checkbox"/>		Deactivated firearms <input type="checkbox"/>	
1. <i>Owner (if applicable)</i>	1. <i>Applicant</i> /exporter <input type="checkbox"/> No	2. Identification number of the authorisation <sup>2</sup>	3. Expiry date
Authorisation	(EORI number if applicable)	4. Contact point details	
	5. Consignee(s) (EORI number if applicable)	6. Issuing authority	
	7. Agent(s)/Representative(s) No	8. Country(ies) of export	
	(If different from <i>applicant/holder of the authorisation</i> ) (EORI number if applicable)	Code <sup>3</sup>	
		9. Country(ies) of import and number(s) of import authorisation(s)	Code <sup>3</sup>

<sup>35</sup> Regulation (EU) .../... of the European Parliament and of the Council of ... on import, export and transit measures for firearms, 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) (OJ L, ..., ..., ELI: ...).

<sup>+</sup> OJ: Please insert in the text the number of this Regulation and complete the corresponding footnote.

<sup>2</sup> For completion by the competent authority.

<sup>3</sup> ☐ See Regulation (EU) 2019/2152 of the European Parliament and of the Council of 27 November 2019 on European business statistics, repealing 10 legal acts in the field of business statistics (OJ L 327, 17.12.2019, p. 1).

	10. Final recipient(s) (if known at the time of the shipment) (EORI number if applicable)	11. Third countries through which the consignment passes (if applicable)	Code <sup>3</sup>
		12. Member State(s) of intended entry into the customs export procedure	Code <sup>3</sup>
	13. Description of the items	14. Harmonised System or Combined Nomenclature Code (if applicable – 8 digits)	
	13a. Marking	15. Currency and value	16. Quantity of the items
	17. End use	18. Contract date (if applicable)	19. Customs export procedure
	20. Additional information required by national legislation (to be specified on the form)		
	Available for pre-printed information at discretion of Member States		
		For completion by issuing authority  Signature _____ Stamp _____  Issuing authority _____  Place and date _____	
<b>EUROPEAN UNION</b>			
1a.	1. <i><b>Applicant/exporter</b></i>	2. Identification number	9. Country of import and number of import authorisation
<div style="writing-mode: vertical-rl; transform: rotate(180deg); text-align: center;"> <b>Authorisation</b> </div>		5. Consignee	
	13.1 Description of the items	14. Commodity code (if applicable, 8 digits)	
	13a. Marking	15. Currency and value	16. Quantity of the items
	13.2 Description of the items	14. Commodity code (if applicable, 8 digits)	
	13a. Marking	15. Currency and value	16. Quantity of the items
	13.3 Description of the items	14. Commodity code (if applicable, 8 digits)	
	13a. Marking	15. Currency and value	16. Quantity of the items
	13.4 Description of the items	14. Commodity code (if applicable, 8 digits)	
	13a. Marking	15. Currency and value	16. Quantity of the items
	13.5 Description of the items	14. Commodity code (if applicable, 8 digits)	
	13a. Marking	15. Currency and value	16. Quantity of the items



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## ANNEX IV

### *Form of the user statement*

The ■ user *statement* is to include at least the following information:

- (a) details of the exporter (including name, address, business name and, if available, company registration number);
- (b) details of the ■ user (including name, address, business name and, if available, company registration number) ■ ;
- (c) the country of final destination;
- (d) a description of the goods, including, if available, the contract number or order number;
- (e) if applicable, the quantity or value of the goods intended for export;
- (f) the signature, name and title of the ■ user;
- (g) the national competent authority in the country of final destination;



- (h) *where required by national law or practice of a third country, an import authorisation or certification **issued** by the relevant national authorities* ■ (including the date, name, title and original signature of the authorising official);
- (i) the date of issue of the ■ user *statement*;
- (j) if applicable, a unique identifying number or contract number relating to the ■ user *statement*;
- (k) ■ a commitment that the products will be used only for civilian purposes; and,
- (l) if appropriate, details of the relevant broker (including name, address, business name and, if available, company registration number).

ANNEX V  
Correlation table

Regulation (EU) No 258/2012	This Regulation
Article 1	Article 1
Article 2, introductory wording	Article 2(I), introductory wording
-	Article 2(1), point (1)
Article 2, point (1)	Article 2(I), point (2)
Article 2, point (2)	-
-	Article 2(I), point (3)
Article 2, point (3)	Article 2(I), point (4)
-	Article 2(I), point (5)
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