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NOTE

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

Delegations will find in the Annex the Presidency's compromise text for the above proposal, which will be discussed at the meeting of the Customs Union Group on 13 June 2023.

Changes to the Commission proposal (doc. 14244/22 + ADD 1) are marked in **bold and underline** and ~~striketrough~~.

↓ (EU) No 258/2012 (adapted)
⇒ new

2022/0288 (COD)

Proposal for a

1. REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) A number of amendments are to be made to Regulation (EU) No 258/2012 of the European Parliament and of the Council¹ **in order to provide common rules for import, export and movement of firearms, their essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm.** In the interests of clarity, that Regulation should be recast.

- (2) In accordance with Council Decision 2001/748/EC ~~of 16 October 2001 concerning the signing on behalf of the European Community of the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, annexed to the Convention against transnational organised crime²~~, the Commission signed ~~that~~ ☒ the United Nations ☒ Protocol ☒ ~~on~~ against the illicit manufacturing of and trafficking in firearms, their parts, **and** components and ammunition, ~~annexed~~ **supplementing** to the **United Nations** Convention against transnational organised crime ☒ (~~hereinafter referred to as the~~ 'UN Firearms Protocol') on behalf of the ~~Community~~ European Union on 16 January 2002.

¹ Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organized 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).

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

↓ (EU) No 258/2012 recital 2

⇒ new

- (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 ⇒ essential ⇐ components and ammunition, entered into force on 3 July 2005.
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↓ (EU) No 258/2012 recital 5 (adapted)

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

↓ new

- (4) In order to implement the UN Firearms Protocol, the Union adopted Regulation (EU) No 258/2012. The UN Firearms Protocol was ratified by the Union by Council Decision 2014/164/EU³.
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↓ (EU) No 258/2012 recital 6

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

³ Council Decision 2014/164/EU of 11 February 2014 on the conclusion, on behalf of the European Union, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (OJ L 89, 25.3.2014, p. 7)

↓ (EU) No 258/2012 recital 8

⇒ new

- (6) **The UN Firearms Protocol, and consequently this Regulation, do not apply to State-to-State transactions or to State transfers in cases where the application of the UN Firearms Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.** ~~This Regulation should not apply to ⇒ transactions of ⇐ firearms, their parts and essential components or ammunition that are intended specifically for military purposes ⇒ destined for the armed forces ⇐. The measures to meet the requirements of Article 10 of the UN Firearms Protocol should be adapted to provide for simplified procedures for firearms for civilian use. Consequently, some facilitation with regard to authorisation for multiple shipments, transit measures and temporary ⇒ admission and ⇐ exports for lawful purposes should be ensured.~~
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↓ (EU) No 258/2012 recital 9

(adapted)

- (7) This Regulation does not affect the application of Article 346 of the Treaty on the Functioning of the European Union, which refers to essential interests of the security of the Member States, **accordingly this Regulation should not apply to goods designed for military purposes listed in the Common military list of the European Union,** nor has this Regulation any impact on Directive 2009/43/EC **of the European Parliament and of the Council**, ~~of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community⁴, or on Council Directive 91/477/EEC of 18 June 1991~~ ☒ or Directive (EU) 2021/555 ☒ ~~on control of the acquisition and possession of weapons.~~ Moreover, the UN Firearms Protocol, and consequently this Regulation, do not apply to State-to-State transactions or to State transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

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

(7a) This Regulation should not apply to transactions of firearms, their parts and essential components ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm destined for the armed forces, the police, or the public authorities.

↓ (EU) No 258/2012 recital 10

⇒ new

(8) **This Regulation does not affect the application of** Directive ~~91/477/ECC~~ ☒ EU 2021/555⁵ **of the European Parliament and of the Council** ☒, **which** addresses transfers of firearms for civilian use within the territory of the Union, while this Regulation ~~focuses on measures in respect of~~ **only applies to movement of non-union goods,** ☒ import **to the customs territory of the Union** and ☒ export from the customs territory of the Union ~~to or through third countries.~~

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

⇒ new

(9) Firearms, their ~~parts and~~ essential components, ammunition, ☒ ~~and~~ alarm and signal weapons, **deactivated firearms, semi-finished firearms and semi-finished essential components** ☒ when imported **released into free circulation in the Customs territory of the Union** ~~from third countries~~ are subject to Union law and, in particular, to the requirements of Directive ~~91/477/ECC~~ (EU) ☒ EU 2021/555. ☒

⁵ **Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons (OJ L 115, 6.4.2021, p. 1).**

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

- (10) This Regulation is without prejudice to the Union regime for the control of exports, transfer, brokering and transit of dual-use items established by ~~Council Regulation (EC) No 428/2009~~ ☒ Regulation (EU) 2021/821 of the European Parliament and of the Council⁶ ☒.
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↓ (EU) No 258/2012 recital 18
(adapted)
⇒ new

- (11) This Regulation ~~is~~ ☒ should be ☒ consistent with the other relevant provisions on firearms, ~~their parts~~, essential components, ~~and ammunition~~, **alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm** for military use, security strategies, illicit trafficking in small arms and light weapons and exports of military technology, including Council Common Position 2008/944/CFSP ~~of 8 December 2008 defining common rules governing control of exports of military technology and equipment~~⁷ ⇒ and Council Decision (CFSP) 2021/38⁸. ⇐
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↓ (EU) No 258/2012 recital 15
(adapted)

- (12) ~~The Union has adopted a body of customs rules, contained in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (EU)~~

⁶ 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).

⁷ 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).

⁸ 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)

~~No 952/2013 and in its implementing provisions as laid down in Commission Regulation (EEC) No 2454/93 the Commission Delegated Regulation (EU) 2015/2446. Consideration should also be given to Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code), whose provisions are applicable in different phases according to Article 188 288 thereof of Regulation (EU) No 952/2013.~~ Nothing in this Regulation constrains any powers under and pursuant to the ~~Community Customs Code and its implementing provisions~~ ☒ Regulation (EU) No 952/2013 **of the European Parliament and of the Council**⁹ and Commission Delegated Regulation (EU) 2015/2446¹⁰ ☒.

- (13) Multiple definitions are directly copied from Directive (EU) 2021/555 ~~of the European Parliament and the Council~~¹¹ or from Regulation (EU) No 952/2013 ~~of the European Parliament and of the Council~~¹².

- (14) An oral declaration of a firearm is not possible in accordance with applicable customs legislation. **Due to the nature of the goods covered by this Regulation some customs simplifications, such as an oral declaration, can not be applied.**
- (15) The competent authorities should receive information on the use of ATA Carnet, **set out in Appendix I to Annex A to the Convention relating to temporary admission**¹³. The ATA

⁹ **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).**

¹⁰ **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).**

¹¹ **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).**

¹² **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).**

¹³ **Convention relating to temporary admission (Istanbul Convention) (OJ L 130, 27.5.1993, p. 4)**

is a system allowing the free movement of goods across frontiers and their temporary admission into a Customs territory with relief from duties and taxes. The goods are covered by a single document known as the ATA carnet that is secured by an international guarantee system. ~~That~~^{is} simplification of customs formalities should not prevent transparency.

↓ new

- (16) Firearms, their essential components and ammunition should only be released for free circulation if they are properly marked pursuant to ~~the Firearms Directive~~ **(EU) 2021/555**. Pending ~~that~~^{is} marking, importers should place the firearms under another customs regime, such as customs warehousing or free zones, during which they ~~may~~ should be able to implement the marking requirement, be it in their own premises or in other authorised premises, such as national test-benches or proof-houses, in line with Union customs legislation. **However, persons whose business consists of manufacture, trade, exchange, hiring out, repair, modification or conversion of firearms, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, essential components, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm should be allowed to mark firearms, ammunition and essential components after release into free circulation, since Directive (EU) 2021/555 allows for this and prevents unmarked goods to be placed on the market.**
- (17) When firearms ~~and their essential components~~ are not properly marked according to Article 8 of the UN Firearms Protocol ~~or pursuant to the Firearms Directive~~, Member States ~~may~~ **should be able to** decide to destroy seized **retained** firearms at the expense of the importer.
- (18) Deactivated firearms should only be released for free circulation if they are accompanied by the deactivation certificate and are marked pursuant to Article 5 of **Commissions** Implementing Regulation (EU) 2015/2403¹⁴. Pending the reception of ~~that~~^{is} certificate or correct marking, importers should place the deactivated firearms under another customs regime, such as customs warehousing or free zones, during which they ~~may~~ **should be able to** request the ~~verifying~~ **competent** authorities as appointed according to Article 15 of

¹⁴ **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).**

Directive (EU) 2021/555 to verify the deactivation and issue the certificate in accordance with Article 3 of ~~Commission~~ Implementing Regulation (EU) 2015/2403¹⁵.

- (19) Only alarm and signal weapons complying with the standards of Commission Implementing Directive (EU) 2019/69¹⁶ ~~could~~ **should** be considered as alarm and signal weapons and not firearms. Devices, which ~~may~~ **can** be easily converted into firearms should always be classified as firearms in accordance with customs nomenclature and dealt with as firearms by customs authorities. To avoid risks of diversion, it is necessary to ensure the consistency of the practices of national customs authorities in the classification of devices declared as alarm and signal weapons upon import.
- (20) Due to the high risk of illicit manufacturing of firearms from imported unfinished and unmarked products, only duly licensed arms dealers and brokers should be authorised to import semi-finished firearms and **semi-finished** essential components.
- (21) The checks of the criminal record of the applicant for import authorisations in ~~the European Criminal Records Information System (ECRIS)~~ established by Council Framework Decision 2009/315/JHA¹⁷ should be as stringent as for export authorisations. Competent authorities should notably check whether the imported firearms are registered as lost, stolen or otherwise sought for seizure in the Schengen Information System and in Interpol's iARMS database.
- (21a) Member States should provide access to the European Criminal Records Information System (ECRIS) to the competent authorities for the purpose of the implementation of this Regulation.**

¹⁵ ~~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).~~

¹⁶ 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).

¹⁷ 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).

- (22) A criminal record concerning conduct constituting an offence listed in Article 2(2) of Council Framework Decision 2002/584/JHA¹⁸ should be a reason to prohibit the import of firearms, their essential components and ammunition, **alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm.**
- (23) **Persons not established in the customs territory of the Union should be able to obtain an authorisation to temporarily import and export firearms, their essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm for the purposes of exhibitions, repairs, hunting, sport shooting or historical reenactor events.** The information related to firearms declared for temporary admission should be clearly spelled out, to enable customs and competent authorities to proceed efficiently with the discharge and limit the risk of firearms remaining illegally on the customs territory of the Union.
- (23a) **The measures to meet the requirements of Article 10 of the UN Firearms Protocol should be adapted to provide for simplified procedures for firearms for civilian use. Consequently, some facilitation with regard to authorisation for multiple shipments, transit measures and temporary admission and exports for lawful purposes should be ensured.**
- (24) In order to ~~facilitate~~**promote** administrative facilitation, ~~the customs declaration for temporary admission and re-export or temporary export and re-import should serve as an import or export authorisation for temporary admission and re-export or re-import.~~ **Consequently, persons in the EU authorised to possess** firearms ~~owners~~ **should** ~~benefitting~~ in specific cases ~~from administrative simplifications will be exempted~~ from import and export authorisations. **However, for reasons of security and to facilitate controls, the traceability in these cases should be maintained.**
- (25) Due to the risks of diversion of firearms ~~during the external transit in the Union,~~ their essential components, ammunition, ~~or~~ alarm and signal weapons, **deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or**

¹⁸ 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).

adapted to diminish the sound caused by firing a firearm, originating from non-EU countries a third country entering and passing through the customs territory of the Union placed under a customs transit procedure with the final destination in a third country and destined to another non-EU country, customs authorities and competent authorities should expressly authorise such ~~external~~ transit on the customs territory of the Union before they take place on the customs territory of the Union.

(25a) In order to improve legal certainty and predictability, the consent of another Member State should be obtained before granting an import authorisation which includes a planned movement through the territory of that other Member State.

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

(27) It is necessary to unify the rules on evidence of import in the third country of destination. Therefore, persons ~~exporting~~ should have **be required** to provide to the competent authority, which delivered 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 any device designed or adapted to diminish the sound caused by firing a firearm** in the third country of import, which should notably be ensured by producing the relevant customs importation documents.

(27a) 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 any device designed or adapted to diminish the sound caused by firing a firearm shall hold an export authorisation and that persons eligible to apply for such an authorisation are limited to persons allowed to possess those goods in the Member State of establishment.

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

- (29) It is necessary to ensure that the conditions of export authorisations continue to be met throughout the duration of the authorisation, as it is the case for authorisations to possess or acquire a firearm inside the European Union pursuant to Directive (EU) 2021/555.
- (29a) Competent authority should not be prevented from evaluating applications for export authorisations that concern exports to resellers differently from applications for export authorisation concerning exports to end-users. The competent authority may also request an end-user statement for goods in category C of Annex I.**
- (30) To avoid risks of diversion while limiting the administrative burden, it is necessary to investigate suspicious situations in which Member States should request confirmation of receipt by the authorities of the third country of destination.
- (31) It is necessary to clarify the responsibilities of competent authorities with respect to post-shipment checks. The administrative burden created by such checks for Member States may justify the application of Article 20 of Council Regulation (EC) No 515/97¹⁹. It also requires the possibility to entrust third parties to carry out the post-shipment checks in their name **of the competent authority**, notably through the implementation of Council Decision (CFSP) 2019/2191²⁰.
- ~~(32) Member States should provide access to the European Criminal Records Information System (ECRIS) to the competent authorities for the purpose of the implementation of this Regulation.~~
- (33) Article 47 of Regulation (EU) No 2018/1862 of the European Parliament and the Council²¹ establishes the access of registration services for firearms to the Second Generation

¹⁹ 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).

²⁰ Council Decision (CFSP) 2019/2191 of 19 December 2019 in support of a global reporting mechanism on illicit conventional arms and their ammunition to reduce the risk of their diversion and illicit transfer (iTrace IV) (OJ L 330, 20.12.2019, p. 53)

²¹ Council 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. 56–106)

Schengen Information System (SIS II). For the purposes of the implementation of this Regulation, customs authorities should be considered as registration services for firearms.

- (34) In order to ensure the traceability of firearms, their essential components ~~and~~ ammunition, **alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm,** it is of the utmost importance that customs are granted access to the secure information exchange network application (SIENA) of Europol. Member States that apply the Regulation (EU) 2016/794 of the European Parliament and the Council²² should grant ~~that~~^{is} access.

- (34a) Firearms, their essential components and ammunition, alarm and signal weapons deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm entering, leaving, or transiting through the customs territory of the Union shall be subject to the controls and measures laid down in this Regulation. The application of this Regulation shall not affect other provisions of other Union legislation governing the import or export of goods, in particular Articles 46, 47, 134, 139, 158 and 267 of Regulation (EU) No 952/2013. In accordance with Article 2(2) of Regulation (EU) No. 2019/1020, Articles 25 to 28 of that Regulation shall not apply to controls on goods covered by this Regulation entering the Union market.**

- (35) To enable the risk-based approach referred to in ~~Article 22(6)~~ for the firearms, their essential components, ammunition, and alarm and signal weapons **deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm** 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~~^{all} cooperate closely and exchange information.

²² Council Regulation (EU) 2016/794 **of the European Parliament and of 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. 53–114*)

↓ (EU) No 258/2012 recital 3

- (36) In order to facilitate the tracing of firearms and efficiently combat illicit trafficking in firearms, their ~~parts and~~ essential components and ammunition, **alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm**, it is necessary to improve the exchange of information between Member States, in particular through the better use of existing communication channels

↓ new

- (37) Pursuant to Article 128 of Regulation (EU) No 952/2013, the customs office of first entry **is to** ~~should~~, before arrival of the firearms, their essential components, ammunition and alarm and signal weapons, **deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm**, ensure that a risk analysis is carried out for security and safety purposes, on the basis of the entry summary declaration, and **is to** ~~should~~ take the necessary measures based on the results of that risk analysis.

↓ (EU) No 258/2012 recital 4

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

the Council²³ and Regulation (EU) 2018/1725 of the European Parliament and of the Council²⁴.

↓ (EU) No 258/2012 recital 12

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

- (40) To guarantee the effective flow of information, competent authorities should all be connected to the Customs Information System (the 'CIS') established by Regulation (EC) No 515/97, and the data produced or exchanged by competent authorities should be compatible and comparable.
- (41) The Schengen Acquis notably includes a Decision of the Executive Committee of 28 April 1999 on the illegal trade in firearms (SCH/Com-ex (99) 10)²⁵, 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 ~~in the 2018~~ 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

²³ 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).

²⁴ 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).

²⁵ **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. 469–473)

these statistics to the Commission²⁶. **This Regulation should enable the Commission to collect those data directly from the electronic systems set up for the purpose of implementing this Regulation.**

- (42) The overall enforcement of this Regulation ~~will~~**should** be facilitated by the interconnection between the electronic licensing system established by this Regulation and the EU Single Window Environment for Customs established by **Regulation (EU) 2022/2399 of the European Parliament and of the Council**²⁷ *insert corresponding title and all the information in the footnote as soon as it is adopted*. The electronic licensing system ~~will~~**should** provide for a number of features, including registration of economic operators and natural persons, who are authorised according to the Firearms Directive **(EU) 2021/555** to manufacture, acquire, possess or trade firearms, their essential components, ammunition ~~or~~ alarm and signal weapons, **deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm**. They ~~will~~**should** need to register before they request import or export authorisations. Consequently, firearms owners benefitting from administrative simplifications ~~will~~**should** not be required to register in the system.

↓ (EU) No 258/2012 recital 13

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

↓ (EU) No 258/2012 recital 7

- (44) Compliance with the UN Firearms Protocol also requires that illicit manufacture of or trafficking in firearms, their **parts and** essential components and ammunition be established

²⁶ Commission recommendation (2018) 2197 final of 17.4.2018 on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition

²⁷ **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**

as criminal offences, and that measures be taken to enable the confiscation of items so manufactured or trafficked.

↓ (EU) No 258/2012 recital 16

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

↓ new

- (46) The whistle-blower-protection regime put in place with Directive (EU) 2019/1937 of the European Parliament and of the Council²⁸, should also apply to persons who report breaches of rules linked to imports and exports of firearms.

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

- (47) In order ⇒ to set out the technical characteristics of semi-finished firearms and essential components, to amend Annex II and III to this Regulation and ⇐ to maintain the list of firearms, their ~~parts and~~ essential components ~~and~~ ammunition ⇒ ~~and~~ alarm and signal weapons, **deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm** ⇐ for which an authorisation is required under this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union, ~~in respect of aligning Annex I to this Regulation to Annex I to Council Regulation~~

²⁸ 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).

(EEC) No 2658/87²⁹ of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, and to Annex I to Directive 91/477/EEC (EU) 2021/555 \Rightarrow and of setting out the technical characteristics of semi-finished firearms and essential components and of adapting Annex II and III to this Regulation to the digitalisation and changes in customs procedures \Leftarrow should be delegated to the Commission **in respect of aligning Annex I to this Regulation to Annex I to Council Regulation (EEC) No 2658/87³⁰ and to Annex I to Directive (EU) 2021/555 \Rightarrow and of setting out the technical characteristics of semi-finished firearms and semi-finished essential components and of adapting Annex II and III to this Regulation to the digitalisation and changes in customs procedures \Leftarrow .**

It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level \Rightarrow and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³¹. 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. \Leftarrow

\Downarrow new

(48) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers in accordance with Article 291 of the Treaty on the Functioning of the European Union should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³²

²⁹ 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).

³⁰ **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).**

³¹ OJ L 123, 12.5.2016, p. 1.

³² Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

↓ (EU) No 258/2012 recital 19

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

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

- (50) This Regulation ~~does~~ ☒ should ☒ not prevent the Member States from applying their constitutional rules relating to public access to official documents, taking into account Regulation (EC) No 1049/2001 of the European Parliament and of the Council ~~of 30 May 2001 regarding public access to European Parliament, Council and Commission documents~~³³.

↓ (EU) No 258/2012 (adapted)
⇒ new

HAVE ADOPTED THIS REGULATION:

³³ 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

3. Article 1

subject matter

This Regulation lays down rules governing import and export authorisation, and import, export and transit measures for firearms, their ~~parts and~~ essential components ~~and~~ ammunition ~~and~~ alarm and signal weapons, **deactivated firearms, semi-finished firearms, semi-finished essential components and any device designed or adapted to diminish the sound caused by firing a firearm (goods listed in Annex I)**, for the purpose of implementing Article 10 of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime (the ‘UN Firearms Protocol’).

Article 2

Definitions

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

- ‘firearm’ means **a firearm as defined in Article 1(1), point (1) of Directive (EU) 2021/555** ~~any portable barrelled weapon that expels, is designed to expel or may be converted to expel, a shot, bullet or projectile by the action of a combustible propellant as referred to in Annex I;~~

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

- ~~it has the appearance of a firearm, and~~

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

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

↓ new

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

↓ (EU) No 258/2012

⇒ new

3. 'essential components' means an essential component **as defined in Article 1(1), point (2) of Directive (EU) 2021/555** ~~the breech-closing mechanism, the chamber and the barrel, ⇒ the frame, the receiver, whether an upper or lower receiver, where applicable, the slide, the cylinder, the bolt or the breech block ⇐, which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;~~

↓ new

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

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

↓ (EU) No 258/2012

⇒ new

~~64.~~ ‘ammunition’ means **ammunition as defined in Article 1(1), point (3) of Directive (EU) 2021/555**, the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles that are used in a firearm, as referred to in Annex I, provided that those components are themselves subject to authorisation in the relevant Member State;

~~75.~~ ‘deactivated firearms’ means **a deactivated firearm as defined in Article 1(1), point (6) of Directive (EU) 2021/555** objects otherwise corresponding to the definition of a firearm which have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or modification that would permit the firearm to be reactivated in any way, ⇒ in accordance with Implementing Regulation (EU) 2015/2403 ⇐ ~~Member States shall make arrangements for these deactivation measures to be verified by a competent authority. Member States shall, in the context of that verification, provide for the issue of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm;~~

↓ new

8. ‘alarm and signal weapons’ means **the alarm and signal weapons as defined in Article 1(1), point (4) of Directive (EU) 2021/555** devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant;

↓ (EU) No 258/2012

~~97.~~ 'person' means a natural person, a legal person and, where the possibility is provided for under the rules in force, an association of persons recognised as having the capacity to perform legal acts but lacking the legal status of a legal person;

~~109.~~ 'customs territory of the Union' means the territory within the meaning of Article 4 ~~3~~ of Regulation ~~(EEC) No 2913/92~~ (EU) No 952/2013;

↓ new

11. 'Union goods' means **Union goods as defined of Article 5, point (23) of Regulation (EU) 952/2013** which fall into any of the following categories:

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

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

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

12. 'non-Union goods' means **non-Union goods other than those referred to in as defined in Article 5, point (23)(24) of Regulation (EU) 952/2013** or which have lost their customs status as Union goods;

13. 'customs authorities' means ~~the administrations and~~ **customs** authorities **as defined in referred to in** Article 5, point ~~(1),~~ of Regulation (EU) No 952/2013;

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

15. 'customs legislation' means ~~the body of~~ **customs** legislation referred to **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** all the operations, which must be carried out by a person and by the customs authorities in order to comply with the applies customs legislation;
17. 'customs controls' means **customs controls as defined in Article 5, point (3) of Regulation (EU) 952/2013** specific acts performed by the customs authorities in order to ensure compliance with the customs legislation and other legislation governing the entry, exit, transit, movement, storage and end-use of goods moved between the customs territory of the Union and countries or territories outside that territory, and the presence and movement within the customs territory of the Union of non-Union goods and goods placed under the end-use procedure;
18. 'customs declaration' means **a customs declaration as defined in Article 5, point (12) of Regulation (EU) 952/2013** the act whereby a person indicates, in the prescribed form and manner, a wish to place goods under a given customs procedure, with an indication, where appropriate, of any specific arrangements to be applied;
19. 'import declaration' means the act whereby a person indicates in the prescribed form and manner their intention to place firearms, their essential components, and ammunition under the import procedure;

↓ (EU) No 258/2012

2010. 'export declaration' means the act whereby a person indicates in the prescribed form and manner his intention to place firearms, their parts and essential components, and ammunition under the export procedure;

↓ new

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

22. 'import' means the placing of goods under release for free circulation as laid down in Article 201 of Regulation (EU) No 952/2013 **or placed under a special procedure, bringing goods into the customs territory of the Union, as laid down in Article 210 of Regulation (EU) No 952/2013** or a re-import following the temporary export of Union goods as laid down in Article 259 of Regulation (EU) 952/2013;

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

↓ (EU) No 258/2012

~~246.~~ 'export' means: (a) ~~an export procedure within the meaning of Article 161 269 of Regulation (EEC) No 2913/92~~ (EU) No 952/2013;

25. (b) a re-export **means re-export** within the meaning of Articles ~~182~~ 270 **and 274** of Regulation ~~No 2913/92 but not including goods moving under the external transit procedure, as referred to in Article 91 of that Regulation where no re-export formalities as referred to in Article 182(2) thereof have been fulfilled~~ (EU) No 952/2013;

↓ new

~~265.~~ 'exit' means the leaving **exit** of goods from the customs territory of the ~~European Union~~;

↓ (EU) No 258/2012 (adapted)

⇒ new

~~268.~~ 'exporter' means any person, established in the ~~⇒ customs territory of ⇐~~ Union, who makes ~~or on whose behalf a export declaration ⇔~~ for export or temporary export on its own behalf, or on whose behalf the said declaration ~~⇔~~ is made, that is to say the person who, at the time when the declaration is accepted, holds the contract with the consignee in the third country and has the power for determining the sending of the item out of the customs

~~territory of the Union. If no export contract has been concluded or if the holder of the contract does not act on its own behalf, the exporter shall mean the person who has the power for determining the sending of the item out of the customs territory of the Union;~~

↴ new

27. 'economic operator' means:

- (a) ~~a manufacturer, arms dealer or broker established in the customs territory of the Union;~~
- (b) ~~an importer, where the manufacturer is not established in the customs territory of the Union;~~
- (c) ~~an authorised representative who has a written mandate from the manufacturer designating the authorised representative to perform the tasks set out in Article 5(2) on the manufacturer's behalf;~~

28. 'declarant' means ~~a~~ **declarant as defined in Article 5, point (15) of Regulation (EU) No 952/2013** the person lodging an import, transit, export, or re-export declaration in his or her name or the person in whose name such a declaration is lodged.

29. 'dealer' means ~~a~~ **dealer as defined in Article 1(1), point (9) of Directive (EU) 2021/555** any person whose trade or business consists wholly or partly of either of the following:

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

30. 'broker' means **means a broker as defined in Article 1(1), point (10) of Directive (EU) 2021/555** any person, other than a dealer, whose trade or business consists wholly or partly of either of the following:

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

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

31. **‘exhibition’ ‘import authorisation’ means a trade fair or similar event as described in Article 90(2), point (a) in Council Regulation (EC) No 1186/2009³⁴, without sales of goods from third countries listed in Annex I;**

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

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

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

↓ (EU) No 258/2012 (adapted)
⇒ new

3214. **‘export authorisation’ means:**

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

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

³⁴ **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)**

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

~~33~~⁴¹. ‘temporary export’ means the movement of firearms, ~~their essential components, ammunition and alarm and signal weapons~~ \Leftarrow leaving exit of goods listed in Annex I from the the customs territory of the Union and intended for with the intention to re-import those goods within a period not exceeding 24 months;

\Downarrow new

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

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

36. ‘inward processing’ means the procedure inward processing within the meaning of Article 256 of Regulation (EU) No 952/2013 granting non-Union goods intended for re-export access to the customs territory of the Union;

\Downarrow (EU) No 258/2012

~~37~~⁴². ‘transit’ means the transit procedures within the meaning of Title VII, chapter 2, of Regulation (EU) No 952/2013 ~~the operation of transport of goods leaving the customs territory of the Union and passing through the territory of one or more third countries with final destination in another third country;~~

↓ new

37. 'intra-EU transit' means:

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

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

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

39. 'temporary admission' means the **temporary admission within the meaning of Article 250 of Regulation (EU) No 952/2013 applies** procedure granting non-Union goods, in this case firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I intended for re-export, access to the customs territory of the Union;

↓ (EU) No 258/2012

⇒ new

~~4013.~~ 'transhipment' means ~~transit~~ **a movement** involving the physical operation of unloading ~~goods~~ **goods listed in Annex I** firearms, their essential components and ammunition from ~~a~~ the importing means of transport followed by reloading, for the purposes of re-exportation, generally onto another means of transport;

~~4115.~~ '**illicit** trafficking' means the import, export, sale, delivery, movement or transfer of firearms, their ~~parts and~~ essential components or ammunition **goods listed in Annex I to,**

from or across the territory of one Member State to **or from** that of a third country, if any of the following applies:

- (a) the Member State concerned does not authorise it in accordance with the terms of this Regulation;
- (b) the firearms, ~~⇒ their essential components and ammunitions ⇐~~ **goods listed in Annex I** are not marked in accordance with Article ~~6 4, points (1) and (2) of Directive 91/477/EEC (EU) 2021/555;~~
- (c) ~~the imported firearms are not marked at the time of import at least with a simple marking permitting identification of the first country of import within the European Union, or, where the firearms do not bear such a marking, a unique marking identifying the imported firearms;~~

~~4216. ‘tracing’ means the systematic tracking of firearms and, where possible, their parts and essential components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and trafficking;~~

↓ new

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

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

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

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

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

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

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

↓ (EU) No 258/2012 (adapted)

Article 3

⌕ Scope ⌕

1. This Regulation ~~shall~~ **does** not apply to:

(a) State to State transactions or State transfers;

~~(b) firearms, their parts and essential components and ammunition~~ **goods listed in the Common Military List of the European Union³⁵, if specially designed for military use** ~~and, in any case, firearms of the fully automatic firing;~~

~~(c) firearms, their parts and essential components and ammunition~~ **when goods listed in Annex I** destined for the armed forces, the police, or the public authorities of **the Member States; and**

³⁵

Common Military list of the European Union adopted by the Council on 21 February 2022 (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 17 February 2020 (OJ C 85, 13.3.2020, p. 1.)) (CFSP) 2022/C 100/03.

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

~~(e) deactivated firearms;~~

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

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

↓ new **Art. 4 moved to ch. I**

Article 4

Derogations to Union customs procedures

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

- (a) be placed under a customs procedure based on a simplified declaration established under Article 166 of Regulation (EU) No 952/2013;
- (b) be subject to an entry in the declarant's record pursuant to Article 182 of Regulation (EU) No 952/2013;
- (c) be subject to self-assessment pursuant to Article 185 of Regulation (EU) No 952/2013;

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

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

(f) be declared by means of an oral declaration or by any other act as referred to in Article 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 Implementing Regulation (EU) 2015/2447³⁶ paragraph 1, points (a) and (b) of this Article shall not apply to ~~firearms, their essential components and ammunition~~ **goods** listed in Annex I to this Regulation.

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

³⁶ **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).**

CHAPTER II

~~EXPORT AUTHORISATION, PROCEDURES AND~~ ~~CONTROLS AND IMPORT AND TRANSIT MEASURES~~

⊠ ENTRY AND IMPORT REQUIREMENTS ⊠

Article 5

Tasks of economic operators at importers

1. ~~Economic operators~~ **Importers** established in the customs territory of the Union shall only import a firearm, their essential components, ammunition and alarm and signal weapons as **goods** listed in Annex I, if they comply with the obligations set out in paragraph 2.
2. The economic operator **importer** shall:
 - (a) ~~verify~~**ensure** that the imported firearms, their essential components, ammunition and alarm and signal weapon **goods listed in Annex I** comply with
 - (ia) the rules on marking referred to in Article ~~64~~ of Directive (EU) 2021/555;
 - (iib) the rules on non-convertibility **deactivation** referred to in Article ~~714~~(3) of Directive (EU) 2021/555;
 - (iiie) the rules on deactivation **non-convertibility** referred to in Article ~~815~~(3) of Directive (EU) 2021/555;
 - (b) keep all certificates **documents** according to **the rules referred to in** paragraph 2 point (a) of this **paragraph** Article and relevant documentation according to Articles 9 and 10 **and 11** of this Regulation at the disposal of the **competent** authorities referred to in Article 34(2) of this Regulation and ensuring that the technical documentation shall be made available to those authorities upon request **for the time limit referred to in Article 51 of Regulation (EU) 952/2013**;

(c) following further to a reasoned request from an **the competent** authority referred to in Article 34(2) provide that authority with

(i) the export authorisation of the exporting third country or, where applicable, the exception from that authorisation

(ii) ~~all information and documentation necessary to demonstrate the conformity of the firearms, their essential components, ammunition and alarm and signal weapons in language, which can be easily understood by that authority;~~

(d) when having reason to believe that **goods listed in Annex I** in question may not comply **with this Regulation, Directive (EU) 2021/555 and the legal acts based on those acts**, inform the **competent** authority~~ies~~ referred to in Article 34(2) ~~of this Regulation~~ thereof;

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

3. ~~The~~ ~~Obligations~~ under paragraph 2 shall not affect any obligations of economic operators **importers** under the applicable Union firearms legislation **acts referred to in paragraph 2, point (d)**.

Article 6

Marking at import

1. ~~Firearms or their essential components~~ **without marking in accordance with Article 8 of the UN Firearms Protocol, entering the customs territory of the Union, shall not be imported or re-exported** shall be imported provided that they are marked in accordance with ~~Article 4 of Directive (EU) 2021/555~~.

2. **The goods listed in Annex I may only be released for free circulation if they comply with the marking requirements of Article 4 of Directive (EU) 2021/555** ~~In the absence~~

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

3. Paragraphs 1 and 2 shall not apply to goods listed in Annex I that are of particular

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

4. Paragraph 2 shall not apply to goods imported by dealers In the absence of a marking in accordance with paragraph 3, the re-export shall be prohibited and the firearms and their essential components shall be seized and destroyed.

Article 7

Deactivated firearms

1. Devices declared as deactivated firearms shall only be imported released for free circulation or be granted temporary admission in accordance with Article 10 provided that they are accompanied by import authorisation referred to in Article 9 of this Regulation and the deactivation certificate **and marked as** referred to in Article 15 of Directive (EU) 2021/555.

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

Article 8

Alarm and signal weapons

1. Devices declared as Alarm and signal weapons shall only be imported released for free circulation or be granted temporary admission in accordance with Article 10 as alarm

and signal weapons provided that **they comply with the technical specifications referred to in Article 14 of Directive (EU) 2021/555 and that** it is indicated in the import authorisation referred to in Article 9 that they are non-convertible and declared as such by the authorities referred to in paragraph 3 of this Article. This import authorisation shall be issued without the conditions as referred to in Article 9(2).

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

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

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

Article 9

Import authorisation

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

2. The import authorisation shall contain the information listed in Annex II, Part I and **shall be issued by electronic means through the electronic licensing system referred to in Article 28 in one of the following types:**

(a) a single authorisation for one shipment of one or more goods listed in Annex I, valid for a maximum of 9 months;

(b) a multiple authorisation for multiple shipments of one or more goods listed in Annex I, valid for a maximum of 3 years;

(c) an Union general authorisation for goods listed in Annex I available to authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013 valid for imports from specified countries of origin.

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

34. Only arms-dealers and brokers ~~shall be authorised~~ **may apply for an import authorisation for** to import semi-finished firearms and semi-finished essential components.

5. **In case a person is not entitled to apply under paragraph 3 or paragraph 4 the competent authority shall reject the application.**

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

Article 9a

Import authorisation procedure

41. ~~The~~ **The** ~~competent authorities~~ shall process applications for import authorisations within a period of time, which shall not exceed 60 working days, from the date on which all required information has been provided to the competent ~~authority~~**ies**. Under exceptional

circumstances and for duly justified reasons, that period may be extended to 90 working days.

52. The competent authorities shall refuse to grant an import authorisation if;

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

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

(eb) the applicant is a legal person, and one of the following persons has a criminal record referred to in point (a):

(i) the applicant;

(ii) the person(s) 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 EU, national or international databases;

(d) there are indications suggesting that any of the persons mentioned in (a) or (b) constitute a security threat or a threat to public safety.

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

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 18 shall apply mutatis mutandis.

74. For the purpose of the paragraph 5, Member States shall check the absence of a The competent authority shall request information on previous criminal record convictions of the persons referred to in paragraph 2 from other Member States ~~the European~~

Criminal Record Information System and if the firearm is reported as lost, stolen or under investigation in the relevant EU, national or international databases.

65. ~~The c~~Competent authority~~ies~~ shall annul, suspend, modify or revoke an import authorisation if the conditions for granting it are not met or are no longer met. Where ~~the~~ competent authority~~ies~~ take ~~th~~ese decisions, ~~they~~ ~~it~~ shall make ~~that~~is information available to the customs authorities through the electronic licensing system referred to in Article 28.

56- ~~Member states may apply a fee to cover the administrative costs for granting the authorisation. That fee shall not exceed 150 Euro.~~The importer shall not be required to pay a fee or charge for the application for an import authorisation, except for escorting fees.

7 ~~The Commission shall, by means of implementing acts, establish the system to be used for communication between Member States regarding firearms declared lost, stolen, under investigation or otherwise sought for seizure and requests for information on previous criminal convictions. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 37.~~

Article 10

~~Administrative simplifications~~ **Import authorisation for non-union goods temporarily entering the customs territory of the Union**

1. ~~Notwithstanding other provisions of this Regulation and of Directive (EU) 2021/555, no~~
An import authorisation for non-union goods listed in Annex I temporarily entering the customs territory of the Union shall be required from importers without establishment in the customs territory of the Union in the following situations for:

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

firearms, their essential components, ammunition and alarm and signal weapons **the goods** are re-exported to that person;

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

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

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

~~(aii) — one or more firearms **a description of the goods listed in Annex I intended to be brought in to 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.**~~

~~(b) — their essential components, if marked,~~

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

~~(d) — one or more alarm and signal weapons.~~

~~(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 authorisation in points (a) and (b) of this paragraph shall be granted by the competent authority of the Member State of final destination.**~~

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

2. The competent authority shall refuse to grant an import authorisation for non-union goods temporarily entering the customs territory of the Union if:

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

(b) the applicant is a legal person, and one of the following persons has a criminal record as referred to in point (a):

(i) the applicant;

(ii) the person(s) in charge of the applicant or exercising control over its management

(c) there are indications suggesting that any of the persons, including the person inviting the applicant to the activity in the customs territory of the Union, concerned by paragraph 1, point (a), (b) or (c) constitute a security threat or a threat to public safety;

(d) the application does not contain all relevant information in accordance with Annex II Part II.

3. When deciding whether to grant an authorisation, the competent authority shall take into account all relevant considerations, including those of national foreign and security policy, Article 18 shall apply mutatis mutandis.

34. Importers shall indicate in an integrated dataset, indicating for which of the three categories mentioned in paragraph 1 they are claiming the benefit of the administrative simplification. They must present any supporting document to the customs authorities upon request. The application for the import authorisation and any supporting documents shall be submitted to the competent authority before the planned entry of the goods into the customs territory of the Union. The application shall be submitted through the

electronic system referred to in Article 28 and contain the information listed in Annex II Part II.

~~35.~~ The customs competent authorities shall process applications for the import authorisation within a period of time, which shall not exceed 60 working days, from the date on which all required information has been provided to the competent authority. Under exceptional circumstances and for duly justified reasons, that period may be extended to 90 working days. responsible for the implementation of paragraph 1 of this Article, shall be the supervising custom offices as referred to in Article 1(36) point (a) of Commission Delegated Regulation (EU) 2015/2446.

~~4~~ National Single Window Environments for Customs shall provide the integrated dataset referred to in paragraph 2 to the electronic licensing system referred to in Article 28. Annex II part II lists the required information that shall be included in the import declaration:

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

~~6.(b)~~ When a firearms, their essential components, ammunition and alarm and signal weapons goods listed in Annex I is placed under the temporary admission procedure using the ATA carnet set out in Appendix 1 to Annex A to Convention relating to temporary admission³⁷, the customs authorities shall inform the competent authority through the electronic means established at national level of that import.

~~7.~~ Member states may apply a fee to cover the administrative costs for granting the authorisation. That fee shall not exceed 150 Euro.

Article 11

Confirmation of Receipt Administrative simplification

~~Upon request of a third country of export, which is a Party to the UN Firearms Protocol at the time of the export, Member States shall confirm the receipt within the customs territory of the Union of~~

³⁷ OJ L 130, 27.5.1993, p. 4

the dispatched shipment of firearms, their essential components or ammunition, which shall be ensured by producing the relevant customs import documents.

- 1. Any person holding a European Firearms pass or in other cases entitled, pursuant to Directive (EU) 2021/555, to manufacture, acquire, possess, hold or trade goods listed in Annex I to this Regulation, may import goods listed in Annex I to the customs territory of the Union without an import authorisation in accordance with article 9 in cases of:**

 - (a) import of goods listed in Annex I previously temporary exported in accordance with Article 17(1), point (a)(i) and Article 17(2), point (c) and provided that:**

 - (i) the imported goods were also the exported goods;**
 - (ii) the goods are imported within 90 days following the export;**
 - (iii) the reasons for the export were stated to the competent authority, in particular the invitation or other proof of the hunting, historical re-enacting or sport shooting activities in the third country;**
 - (iv) the planned entry time and entry point to the customs territory of the Union are stated to the competent authority;**
 - (b) 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. The person importing goods under paragraph 1, point (a) shall provide the information listed therein and the reference number received in accordance with Article 17(1), point (d) to the competent authority of destination prior to the re-entry in to the customs territory of the Union.**
- 3. The person moving goods under paragraph 1, point (b) shall provide the competent authority with the reference number to the customs declaration.**
- 4. The person importing goods according to this article shall state in the customs declaration the reference number of the customs declaration used for temporarily**

bringing the goods out of the Customs territory of the Union and the reference number provided by competent authority in accordance with Article 17(1), point (d).

5. The competent authority shall refuse import and register that decision in the system referred to in Article 28 if:

(a) the applicant does not fulfill the criteria for the administrative simplification set out in this article; or

(b) there are indications suggesting that any of the persons, including the person inviting the applicant to the activity in the customs territory of the Union, concerned by paragraph 1, point (a) or (b) constitute a security threat or a threat to public safety.

6. When goods listed in Annex I are imported using an ATA carnet the customs authorities shall inform the competent authority through the electronic means established at national level of that import.

CHAPTER III

TRANSIT REQUIREMENTS

Article 12

Procedures for movement of non-Union goods ~~intra-EU transit~~

1. ~~For intra-EU transit only~~ **In case of movements of non-Union goods listed in Annex I** the import ~~or export~~ authorisation referred to in Article 9 **or 10** ~~and 14~~ shall be required. The import ~~or export~~ authorisations shall **contain information about** indicate the planned transit movements. Changes in the planned transit movement ~~planning~~ shall be notified by the economic operator **person holding the authorisation** to the competent authorities **granting the authorisation through the electronic licensing system referred to in Article 28**, and these authorities shall amend the relevant authorisation accordingly.
2. The **competent authority shall assess the notified amendments and decided wheter to accept or refuse them in accordance with the provision for granting the authorisation** declarant shall mention the reference number of the import authorisation in the transit declaration.
2. The competent authority for granting the import authorisation referred to in Articles 9 or 10 shall seek the approval from the competent authority of the other Member states indicated in the application of the planned movement and of any amendments of the authorisation. The competent authority of the informed Member state shall raise objections to a movement through its territory within 10 workin days from the date when the information of the planned movement was provided. The absence of an objections shall be deemed to be an approval. The declarant shall provide a copy of the transit declaration to the competent authorities of dispatch or destination, via the electronic licensing system referred to in Article 28 **shall be used for the communication**.
43. As soon as the shipment of firearms, their essential components, ammunition or alarm and signal weapons listed in Annex I has been imported or has been exported from the customs territory of the Union, the **The** customs **authority** office of import or of export shall

inform the competent authority of dispatch or destination in the customs territory of the Union **granting the import authorisation referred to in Article 9 or 10** of the completion of the intra-EU transit procedure **all declarations and notifications provided for under the customs legislation with regards to the movement of the goods covered by that authorisation.** transport. via the electronic licensing system referred to in Article 28.

Article 13

Procedures for external transit

- 1.** For external transit only the import authorisation referred to in Article 9 shall be required. The import authorisations shall indicate the planned transit movements. In case of changes in the planned transit movement or if the firearms, their essential components, ammunition and alarm and signal weapons as listed in Annex I subject to the authorisation are to be imported, these changes shall be notified to the competent authorities and these authorities shall amend the relevant authorisation accordingly.
- 2.** The declarant shall mention the reference number of the import authorisation to the customs declaration for transit.
- 3.** In deciding whether to grant an import authorisation for external transit under this Regulation, Member States shall take into account all relevant considerations including, where appropriate considerations of national foreign and security policy, including those covered by Common Position 2008/944/CFSP.
- 4.** The declarant shall provide a copy of the customs declaration for transit to the competent authorities of dispatch and destination, via the electronic licensing system referred to in Article 28.
- 5.** As soon as the shipment of firearms, their essential components, ammunition or alarm and signal weapons has entered or has exited the customs territory of the Union, the customs office responsible for the place of entry or exit shall inform the competent authority of dispatch or destination in the Union of the completion of the external transit procedure, via the electronic licensing system referred to in Article 28.

CHAPTER ~~III~~IV

EXPORT AND EXIT REQUIREMENTS

↓ (EU) No 258/2012 (adapted)

⇒ new

Article ~~14~~4

⊗ Export authorisation ⊗

1. ⇒ **A person exporting goods listed in Annex I shall hold an export authorisation in accordance with this Regulation for the export of those goods.**
 2. Any person authorised, pursuant to Directive (EU) No 2021/555, to manufacture, acquire, possess or trade ~~firearms, their essential components or ammunition~~ **goods listed in Annex I** to this Regulation may request an export authorisation. ~~An export~~ ⊗ Such ~~authorisation shall be established in accordance with the form set out in Annex IIII, pPart I to this Regulation shall be required for the export of firearms, their parts and essential components and ammunition listed in Annex I. Such~~ ⊗ The ⊗ authorisation shall be granted by the competent authorities of the Member State where the exporter **applicant** is established and shall be issued ~~in writing or by electronic means~~ ⇒ **via the electronic licensing system referred to in Article 28 of this Regulation** ⇐.
- The export authorisation shall contain the information in Annex III, Part I, and be issued by electronic means through the electronic licensing system referred to in Article 28 in one of the following forms:**
- (a) **a single authorisation or licence granted to one specific person for one shipment of one or more goods listed in Annex I to one identified final recipient or consignee in a third country;**

(b) a multiple authorisation or licence granted to one specific person for multiple shipments of one or more goods listed in Annex I to one identified final recipient or consignee in a third country; or

(c) a Union general authorisation available to authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013 for exports to specified countries of destination.

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

↓ new

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

34. The Commission shall adopt an implementing act to establish an **Union general export authorisation for authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013 specifying the format, use and geographical validity for that type of authorisation** ~~uniform end-user certificate~~. Those implementing acts shall be adopted in accordance with the ~~advisory~~ procedure referred to in Article 37(2).

↓ (EU) No 258/2012 (adapted)

45. If the ~~firearms, their parts and~~ **goods listed in Annex I** ~~essential components and ammunition~~ are located in one or more Member States other than the one where the application for export authorisation has been made, that fact shall be indicated on that application. The competent authority~~ies~~ of the Member State to which the application for

export authorisation has been made shall immediately consult the competent authorities of the Member State or States in question and provide the relevant information. The **competent authority of the** Member State or States consulted shall make known within 10 working days **from the day they were contacted** any objections it or they may have to the granting of such an authorisation, which shall bind the Member State in which the application has been made.

Article ~~15~~

~~Export authorisation procedure~~

1. Before issuing an export authorisation referred to in **Articles 14 and 17(2)** for firearms, their parts and essential components and ammunition, the Member State ☒ competent authorities ☒ concerned shall verify that:
 - (a) the importing third country has authorised the relevant import; and
 - (b) the third countries of transit, if any, ~~have given notice in writing and at the latest prior to the shipment that they~~ have no **any** objections to the transit **movement of goods listed in Annex I through their territory**. This provision does not apply:
 - (a) to shipments by sea or air and through ports or airports of third countries provided that that there is no transshipment or change of means of transport;
 - (b) in the case of temporary exports for verifiable lawful purposes, which include hunting, sport shooting, evaluation, exhibitions ~~without sale and repair~~.

~~2. Member States may decide that, if no objections to the transit are received within 20 working days from the day of the written request for no objection to the transit submitted by the exporter, the consulted third country of transit shall be regarded as having no objection to the transit~~
2. **If no objections to the transit according to paragraph 1, point (b) are received within 20 working days from the day of the written request, the consulted third country of transit shall be regarded as having no objection to the transit.**

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

↓ new

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

5. **The competent authority may only grant export authorisations for firearms of categories A and B of Annex I if the application for such authorisation is accompanied by an end-user statement in accordance with Annex IV delivered by the importer of the country of final destination. In the case of export to a private company that resells the goods on a local market, that company will be regarded as the end-user for the purposes of this Regulation. This shall not prevent the competent authority from evaluating export authorisation applications that concern exports to resellers differently from export authorisation applications concerning exports to end-users. The competent authority may also request an end-user statement for firearms of category C of Annex I.**

↓ (EU) No 258/2012 (adapted)

⇒ new

46. ~~Member States~~ **Competent authority** shall process applications for export authorisations within a period of time ~~to be determined by national law or practice~~, which shall not exceed 60 working days, from the date on which all required information has been provided to the competent authority~~ies~~. Under exceptional circumstances and for duly justified reasons, that period may be extended ⇒ by the competent authority~~ies~~ ⇐ to 90 working days.

57. The period of validity of ~~an~~ ☒ a single ☒ export authorisation shall not exceed the period of validity of the import authorisation **issued by the third country**. ~~⇒ Without prejudice to paragraph 1, point (a), t~~ The period of validity of a multiple or a Union general export authorisation shall not exceed three years. ~~⇐~~ Where the import authorisation **issued by the third country** does not specify a period of validity, except under exceptional circumstances and for duly justified reasons, the period of validity of an export authorisation shall be at least nine months.

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

↓ new

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

8. **Member States may apply a fee to cover the administrative costs for granting the authorisation. That fee shall not exceed 150 Euro.** ~~The exporter shall not be required to pay a fee or charge for the application for an export or intra-EU transit authorisation, except for escorting fees.~~

↓ (EU) No 258/2012 (adapted)

⇒ new

Article ~~16~~

☒ Traceability of firearms ☒

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

- (a) the dates of issue and expiry;
- (b) the place of issue;
- (c) the country of export **and exit**;
- (d) the **third** country **or territory** of **destination** import;
- (e) whenever applicable, the third country or countries **or territories** of transit **through which the 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 firearms, their parts and essential components and ammunition **goods listed in Annex I**, and the quantity thereof including, at the latest prior to the shipment, the marking applied to the firearms ⇨ or to **the** essential components ⇧.
- (i) **the owner of the goods covered by the export authorisation and the import authorisation issued by the concerned third country, if the exporter is a broker.**

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

↓ new

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

Article 179

⊗ Administrative simplifications ⊗

1. Simplified ⊗ administrative ⊗ procedures for the temporary export or the re-export of firearms, their ~~parts~~, essential components and ammunition **goods listed in Annex 1** shall apply as follows:

- (a) no export authorisation shall be required for

(i) the temporary export by hunters, **historical reenactors** or sport shooters as part of their accompanied personal effects, during a journey to a third country, provided that they substantiate to the competent ~~⊗-customs-⊗~~ authorities **at exit, through the system referred to in Article 28, at least 10 working days before bringing the goods out of the customs territory of the Union** the reasons for the journey, in particular by producing an invitation or other proof of the hunting or sport shooting activities in the third country of destination, of:

- **the reasons for the journey, in particular by producing an invitation or other proof of the hunting, historical reenactment or sport shooting activities in the third country of destination;**
- **the European Firearms Pass referred to in Article 17 of Directive (EU) No 2021/555 or the authorisation to possess, pursuant Directive (EU) No 2021/555, goods listed in Annex I;**
- ~~one or more~~ **which of the** firearms **as specified in the European Firearms Pass and other goods, besides firearms, listed in Annex I intended 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 for the reasons of 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.

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

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

(ii) ~~The re-export, within 90 days from the entry in to the customs territory, by hunters, historical reenactors or sport shooters as part of their accompanied personal effects following temporary admission for hunting, historical reenacting or sport shooting activities, provided that the firearms remain the property of a person established outside the customs territory of the Union and the firearms are re-exported to that person;~~

- ~~= the goods listed in Annex I remain the property of a person established outside the customs territory of the Union and that goods are re-exported to that person,~~
- ~~= the person concerned notifies the exit from the customs territory of the Union by providing the reference number of the import authorisation to the customs authority at exit;~~

(iii) non-Union goods leaving the customs territory of the Union whilst placed under a customs transit procedure in a third country with a final destination in a third country;

(iv) Union-goods leaving the customs territory of the Union temporarily whilst moved under a customs transit procedure passing through a country or territory outside the customs territory of the Union with the final destination in the Union, provided that the planned movement is notified to the competent authority of destination in advance through the system referred to in Article 28.

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

~~When leaving the customs territory of the Union through the Member State of their residence, hunters, and sport shooters instead of a European Firearms Pass, choose to produce another document considered valid for this purpose by the competent authorities of that Member State.~~

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

- (d) The competent authority shall provide the person submitting information in accordance with point (a) with a reference number. The information submitted to the competent authority shall be available in the system referred to in Article 28.**

2. ~~Member States shall, in accordance with national law, establish simplified procedures for~~ ~~⇒ Notwithstanding Articles 14, 15 and 16 of this Regulation, By way of derogation from Article 14(2) a simplified~~ export authorisation **set out in Annex III, part II** shall ~~may be required~~ **used** for ~~⇐~~:

- (a) the re-export, **within 180 days**, of firearms **goods listed in Annex I** following temporary admission for evaluation, exhibition ~~without sale~~, or inward processing for repair, provided that the ~~firearms~~ **goods** remain the property of a person established outside the customs territory of the Union and ~~the firearms~~ are re-exported to that person;
- (b) the re-export, **within 90 days**, of ~~firearms, their parts and essential components and ammunition if they are~~ **goods listed in Annex I** held in temporary storage from the moment they enter the customs territory of the Union until their exit;
- (c) the temporary export of ~~firearms~~ **goods listed in Annex I** for the purpose of evaluation and repair and exhibition ~~without sale~~, provided that the **person exporting the goods** ~~exporter~~ substantiates the lawful possession of those **goods** ~~firearms and exports them under the outward processing or temporary exportation customs procedures.~~

↓ new

3. ~~Exporter~~ The applicant shall indicate in the ~~integrated dataset~~ **application for the simplified export authorisation** for which of the three categories mentioned in ~~this paragraph 2 of this Article~~ they are claiming the benefit of the administrative simplification. They shall ~~present any supporting document to the customs authorities upon request. National Single Window Environments for Customs~~ **The applicant** shall provide that ~~integrated dataset~~ **the application for the simplified export authorisation set out in Annex III, Part II** to the electronic licensing system referred to in Article 28. ~~Annex III part II lists the required information that shall be included in the export declaration.~~
4. With respect to paragraph **1, point (a)(ii) and** paragraph 2, point (a) and (b) of this Article, the ~~exporter~~ **declarant** shall mention the reference number of the declaration for temporary admission or inward processing in the **re-export** declaration.
5. ~~Notwithstanding Article 15, if no objections to the transit by third countries of transit are received within 20 working days from the day of the written request for no objection to the~~

external transit submitted by the exporter, the consulted third country of external transit shall be regarded as having no objection to the transit.

5. **When goods listed in Annex I are temporary exported using an ATA carnet the customs authorities shall inform the competent authority through the electronic means established at national level of that.**

↓ (EU) No 258/2012 (adapted)

⇒ new

Article ~~1840~~

⊗ Obligations of Member States ⊗

1. In deciding whether to grant an export authorisation under this Regulation, ~~Member States~~ **the competent authority** shall take into account all relevant considerations including, ~~where appropriate:~~
 - (a) their obligations and commitments as parties to the relevant international export control arrangements or relevant international treaties;
 - (b) considerations of national foreign and security policy, including those covered by Common Position 2008/944/CFSP;
 - (c) considerations as to intended end use, consignee, identified final recipient and the risk of diversion.
2. In addition to the relevant considerations set out in paragraph 1, when assessing an application for an export authorisation, ~~Member States~~ **the competent authority** shall take into account the application by the ~~exporter~~ **applicant** of proportionate and adequate means and procedures to ensure compliance with the provisions and objectives of this Regulation and with the terms and conditions of the authorisation.
3. In deciding whether to grant an export authorisation under this Regulation, **the competent authority** ~~Member States~~ shall respect their obligations with regard to sanctions imposed by decisions adopted by the Council or by a decision of the Organisation for Security and

Cooperation in Europe (OSCE) or by a binding resolution of the Security Council of the United Nations, in particular as regards arms embargoes.

4. Before the competent authority grant an export authorisation, they shall take into account all available refusals under this Regulation. That authority may first consult the concerned competent authority of another Member State. If, following such consultation, the competent authority decide to grant an authorisation, they shall notify the concerned competent authority in the other Member States, providing all relevant information to explain the decision.
5. The competent authority shall monitor the compliance of authorisation throughout the duration of the authorisation. The monitoring activities including controls shall be based on risk management.

Article ~~19~~

⊗ Refusals to grant and annulment, suspension, modification or revoking of an export authorisations ⊗

1. The competent authority ~~Member States~~ shall:

- (a) refuse to grant an export authorisation if any of the following conditions apply:

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

↓ new

- (ii) the applicant is a legal person, and one of the following persons has a criminal record referred to in point (i):

- the applicant;

- the person(s) in charge of the applicant or exercising control over its management

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

↓ (EU) No 258/2012 (adapted)

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

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

↓ new

2. **The Commission shall, by means of implementing acts, establish the system to be used for Ffor the purpose of paragraph 1 of this Article **information on criminal records and if goods listed in Annex I were lost, stolen or otherwise sought for seizure. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37** competent authorities shall check the absence of a criminal record in the European Criminal Record Information System ‘ECRIS’ and the absence of the firearm in the Schengen Information System.**

↓ (EU) No 258/2012 (adapted)

⇒ new

~~32.~~ Where ~~Member States~~ ☒ the competent authorities ☒ refuse, annul, suspend, modify or revoke an export authorisation, they shall ~~notify~~ ☒ make ~~that~~ **is** information available to ☒ the ~~competent~~ ☒ customs ☒ authorities ~~of the other Member States thereof and share the~~

~~relevant information with them. Where the competent authorities of a Member State have suspended an export authorisation, their final assessment shall be communicated to the other Member States at the end of the period of suspension.~~ ⇒ through the electronic licensing system referred to in Article 28. ⇐

↓ new

4. Where the competent authorities have suspended an export authorisation, their final assessment **decision** shall be ~~communicated~~ **made available** to the other Member States at the end of the period of suspension, through the electronic licensing system as referred to in Article 28.

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

↓ (EU) No 258/2012 (adapted)

⇒ new

~~63.~~ Before the competent authorities ~~of a Member State~~ grant an export authorisation under this Regulation, they shall take into account all refusals under this Regulation of which they have been notified, ~~⇒ in the system referred to in Article 29 of this Regulation ⇐~~ in order to ascertain whether an authorisation has been refused by the competent authorities of another Member State or Member States for an essentially identical transaction (concerning an item with essentially identical parameters or technical characteristics and in respect of the same importer or consignee).

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

74. All information shared in accordance with the provisions of this Article shall be in compliance with the provisions of Article ~~19(2)~~ **⇒ 23 ⇐** concerning its confidentiality.

↓ new

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

↓ (EU) No 258/2012 (adapted)

Article ~~2013~~

⊠ Proof of receipt ⊠

↓ new

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

↓ (EU) No 258/2012 (adapted)

⇒ new

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

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

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

↓ new

Article 21

Post-shipment checks

1. The Commission and competent authorities granting the export authorisation, in case of suspicion, shall carry out post-shipment checks to ensure that the exported firearms, their

essential components and ammunition are in line with the commitments made in the end-user certificate as set out in Annex IV.

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

CHAPTER IV

SUPERVISION AND CONTROLS

↓ (EU) No 258/2012 (adapted)

Article ~~224~~²⁸

⊗ Competences and responsibilities Post shipment checks ⊗

↓ new

1. **The competent authority granting the export authorisation may carry out post-shipment checks to ensure that the export of goods listed in Annex I are in line with the commitments made in the end-user statement as set out in Annex IV** Firearms, their essential components, ammunition or alarm and signal weapons as listed in Annex I to this Regulation entering, leaving, or transiting through the customs territory of the Union shall be subject to the controls and measures laid down in this Chapter. The application of this Chapter shall not affect other provisions of this Regulation and other Union legislation governing the import or export of goods, in particular Articles 46, 47, 134, and 267 of Regulation (EU) No 952/2013. In accordance with Article 2(2) of Regulation (EU) No 2019/1020³⁸, Articles 25 to 28 of that Regulation shall not apply to controls on firearms, their essential components and ammunition entering the Union market.

³⁸ **Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).**

↓ (EU) No 258/2012 (adapted)

⇒ new

24. **The post-shipment checks in third countries may be carried out by a third party expressly mandated for that purpose by the Member States concerned** Member States may provide that customs formalities, ~~⇒ such as customs declarations~~ ~~⇐ for the~~ ~~⇒ import~~ or ~~⇐ export~~ of firearms, their parts and essential components or ammunition can be completed only at customs authorities designated to that end.
32. Member States availing themselves of the option set out in paragraph 21 shall ~~⇒ publish this information on the portal where authorisations may be claimed from competent authorities as well as~~ ~~⇐ inform the Commission of the duly empowered~~ ~~⇒ designated~~ ~~⇐ customs offices~~ ~~⇔ authorities~~ ~~⇔~~ or of subsequent changes thereto. The Commission shall publish and update that information on a yearly basis in the C series of the *Official Journal of the European Union* ~~⇒ and on its Internet webpages~~ ~~⇐~~.
-

↓ new

4. — The custom authorities shall have the necessary powers and resources for the proper performance of their tasks under this Regulation.
5. — Competent authorities shall be responsible for the overall enforcement of this Regulation with regard to the firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I entering, leaving, or transiting through the customs territory of the Union.
6. — Without prejudice to paragraph 5 of this Article, customs authorities shall carry out controls on the customs declaration lodged in relation to the firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I to this Regulation entering, leaving or transiting through the customs territory of the Union. Such controls shall be based primarily on risk analysis, as established in Article 46(2) of Regulation (EU) No 952/2013.

Article ~~23~~¹⁹

⊗ Exchange of information and cooperation between authorities ⊗

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

- ~~(a) details of exporters whose application for an authorisation is refused, or of exporters who are the subject of decisions taken by Member States pursuant to Article 11;~~
- ~~(b) data on consignees or other actors involved in suspicious activities, and, where available, routes taken.~~

1. The Commission, competent authorities and customs authorities shall cooperate closely and exchange information **To ensure the enforcement of this Regulation;**
 - (a) the Commission, competent authorities and customs authorities shall cooperate in accordance with Article 47(2) of Regulation (EU) No 952/2013; and;**
 - (b) the customs authorities may communicate, in accordance with Article 12(1) of Regulation (EU) No 952/2013, confidential information acquired by the customs authorities in the course of performing their duties, or provided to the customs authorities on a confidential basis, to the Commission and the competent authority.**
2. The risk information, including risk analysis and control results, relevant for the enforcement of this Regulation and, in particular, in relation to suspicion of trafficking of **goods listed in Annex I** ~~firearms, their essential components, ammunition and alarm and signal weapons~~ shall be exchanged and processed ~~between customs authorities and the~~

Commission in accordance with: Between customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013; and

(a) ~~Between customs authorities and the Commission in accordance with Article 46(5) 16(1) of Regulation (EU) No 952/2013;~~

(b) between customs authorities and the Commission in accordance with Article 47(2) of Regulation (EU) No 952/2013 ~~By means of the system established by Article 36 of Implementing Regulation (EU) 2015/2447.;~~

(c) between customs authorities and competent authorities, including competent authorities of other Member States, in accordance with Article 47(2) of Regulation (EU) No 952/2013.

3. The information exchange and processing as set out in paragraph 2, points (a) and (b) of this Article shall be done by means of the system established for those purposes by Article 16(1) of Regulation (EU) No 952/2013.

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

↓ (EU) No 258/2012 (adapted)

⇒ new

~~425. Council Regulation (EC) No 515/97 on mutual assistance, and in particular the provisions thereof as to the confidentiality of information, shall apply mutatis mutandis to measures under this Article, without prejudice to Article 20 of this Regulation.~~

⊠ Procedures at import and export ⊠

1. When completing customs formalities for the ⇒ import or ⇐ export of ~~firearms, their parts and essential components or ammunition at the customs office of ⇒ import or ⇐ export,~~ ⇒ **goods listed in Annex I** the **declarant** ~~importer or ⇐ the exporter shall furnish proof that any necessary export authorisation has been obtained~~ ⇒ make **state** the reference number of the import or export authorisation available to customs authorities when lodging **in** the customs declaration. As may be the case, when a multiple import or export authorisation is used, the importer or exporter shall submit a copy of all previous import or export declarations linked to the multiple import or export authorisation, via the electronic licensing system referred to in Article 28. ⇐
2. The ⇒ importer or the ⇐ exporter may be required to provide a translation into an official language of the Member State where the ~~export ⇒ customs ⇐~~ declaration is presented, of any documents furnished as proof.

All information and documentation necessary to demonstrate the conformity of the goods listed in Annex I shall be provided, upon request of the competent authority, in an official language of the Member State where that authority is located, or English.

↓ new

3. Upon receipt ~~acceptance~~ of a customs declaration ~~or for import or export or a re-export~~ **declaration** of ~~firearms, their essential components, ammunition and alarm and signal weapons~~ **goods** listed in Annex I, the customs authorities shall verify the validity of the authorisation through the ~~National Single Window Environment for Customs using the~~ electronic licensing system referred to in Article 28.
4. Where all requirements and formalities ~~under~~ **established in** the Union **customs and firearms legislation** ~~or national law relating to the import or export have been fulfilled, the~~ customs authorities shall ~~allow release the firearms, their essential components ammunition or alarm and signal weapons~~ **goods listed in Annex I to a customs procedure or re-export** be imported or exported.

↓ (EU) No 258/2012 (adapted)

⇒ new

543. Without prejudice to any powers conferred on them under Regulation ~~(EEC) No 2913/92~~ (EU) No 952/2013, ~~Member States~~ ☒ customs authorities ☒ shall, for a period not exceeding 10 ☒ working ☒ days, ~~suspend the process of~~ ☒ import to or ☒ export from their territory or, if necessary, otherwise prevent firearms, their parts and not release the goods listed in Annex I to a customs procedure or re-export and inform through electronic means inform the competent authority, which shall take the decision on the treatment of those goods, ~~essential components or ammunition which are covered by a valid~~ ☒ import or ☒ export authorisation from leaving ☒ or entering ☒ the customs territory of the Union through their territory, where **if** they have grounds for suspicion that:

- (a) relevant information was not taken into account when the authorisation was granted; or
- (b) circumstances have materially changed since the authorisation was granted.

In exceptional circumstances and for duly substantiated reasons, that period may be extended to 30 ☒ working ☒ days. **If the competent authority does not respond within the given time frame the customs authority shall release the goods in accordance with Article 194 of Regulation (EU) No 952/2013.**

↓ new

6. Customs authorities ~~may~~ **shall** ~~suspend the import~~ **refuse the release** of the goods **listed in Annex I** for the customs procedure concerned, if they, **in other circumstances than those mentioned in paragraph 5, points (a) and (b), have grounds to believe that those goods do not comply with this Regulation.** ~~certain doubts and i~~ **In** such a case, they shall ~~inform~~ through electronic means **inform** the competent ~~national~~ authority, which shall take the decision on the treatment of those goods.

If ~~the national competent authority does not~~ **shall in those cases** reply to the customs authority **through electronic means** within 10 working days, ~~then the customs authority shall release the goods.~~

In exceptional circumstances and for duly substantiated reasons, the period referred to in the paragraph 6, second subparagraph of this Article may be extended to 30 working days. If the competent authority does not respond within the given time frame the customs authority shall release the goods in accordance with Article 194 of Regulation (EU) No 952/2013.

↓ (EU) No 258/2012 (adapted)

54. ~~Within the period or extended period referred to in paragraph 43, Member States shall either import the firearms, their parts and essential components or ammunition, or take action pursuant to Article ~~19~~ ~~44~~ (1), point (b).~~

↓ new

Article 25

Detection of a non-compliant shipment~~Results of controls~~

1. ~~Where~~ **If a** customs authority ~~ies~~ discovers an illicit a shipment of firearms, their components, ammunition or alarm and signal weapons **goods listed in Annex I that does not comply with the obligations set out in this Regulation, the customs authority they shall take appropriate measures to ensure that the goods remains under customs supervision and** without delay inform the competent authority ~~in the country of the customs authority thereof.~~
2. ~~That~~ **The** competent authority shall: (a) ~~—~~ **without delay decide on the handling of the goods and inform the customs authority of that decision,** ~~inform the competent authority of destination in the customs territory of the Union of the illegal shipment of firearms, their components, ammunition or alarm and signal weapons;~~

3.(b) — In cases of non-compliance of Article 6(1) and of application of Article 6(3), the competent authority shall assess the marking and the firearm and take a decision of whether or not to destroy the goods. The competent authority shall inform the customs authority responsible for supervising the goods of this decision. The importer shall be responsible for any costs for destruction. intra-EU transit or external transit, without delay inform the competent authority of dispatch in the customs territory of the Union of the illegal shipment of firearms, their components, ammunition or alarm and signal weapons.

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

4. The customs authority shall without delay execute the decision of the competent authority in accordance with the customs legislation. Article 6(1) shall not prevent the customs authority from applying Article 198(2) of Regulation (EU) 952/2013.

5. If the shipment of non-compliant goods was dispatched from or destined to another Member State, the competent authority of the Member State where the shipment of goods was discovered shall inform the competent authority of the Member State of dispatch or destination of the measures taken regarding the goods and the reasons thereof.

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

73. Seizure or retention data shall include, if available, the following information:

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

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

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

(d) the country of origin;

(e) the country of ~~provenance~~ **dispatch**;

(f) the country of destination;

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

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

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

8. The Commission shall, by means of implementing acts, establish the system to be used by the customs authorities and the competent authorities, in the same and different Member States for sharing information with each other on goods listed in Annex I in accordance with this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37

CHAPTER VI

DIGITALISATION AND ADMINISTRATIVE COOPERATION

↓ (EU) No 258/2012 (adapted)

⇒ new

Article ~~26~~⁴²

⊗ Information storage for import and export ⊗

1. ~~In accordance with their national law or practice in force,~~ Member States shall keep, for not less than 20 years, all information relating to **import and export of goods listed in Annex I** firearms and, ~~where appropriate and feasible, their parts and essential components and ammunition,~~ which is necessary to trace and identify those **goods** firearms, ~~their parts and essential components and ammunition,~~ and to prevent and detect ~~illicit~~ trafficking therein.
2. ~~The~~ information **in paragraph 1 of this Article** shall include **information in accordance with Article 16(1)** ~~the place, dates of issue and expiry of the export authorisation; the country of export; the country of import; where applicable, the third country of transit; the consignee; the final recipient if known at the time of export; and the description and quantity of the items, including any markings applied to them~~ **⇒ the unique marking referred to in Article 4 of Directive (EU) 2021/555** ~~⇐~~.
32. ~~This Article~~ ⊗ Paragraph 1 ⊗ shall not apply to **⇒ imports and ⇐ exports as referred to in Article ⇒ 11(1), point (a) and Article 17(1), point (a)(i) and Article 17(2), point (c) ⇐** ~~9 ⊗ 17 ⊗~~.

Article 27

Statistics

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

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

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

2. Those statistics shall not include any personal data.

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

Article 28

Electronic licensing system

1. The Commission shall establish and maintain an electronic licensing system for import and export authorisations, **registrations** and decisions related to them pursuant to Articles 9, **10, 11, 12** and 14 **and 17** of this Regulation.

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

- (a) registration of economic operators and natural persons authorised, pursuant to Directive (EU) No 2021/555, to manufacture, acquire, possess or trade firearms, their essential components, ammunition or alarm and signal weapons **goods** listed in Annex I to this Regulation before placing firearms, their essential components, ammunition or alarm and signal weapons listed in Annex I to this Regulation under the customs procedure ‘import’,² or ‘export’ **or transit of the goods**,³ inclusion of **and, if applicable, the inclusion** of the Economic Operators Registration and Identification (EORI) number as assigned by the customs authority upon registration for customs purposes in accordance with Article 9 of Regulation (EU) No 952/2013, shall be included in their **the** registration profile;
- (b) allow for the electronic procedure to request, grant and issue an import and export authorisation **pursuant to this Regulation and, for the possibility to, interconnect with the national electronic licensing system for requesting, granting and issuing authorisation pursuant to this Regulation in the Member States**;
- (c) interconnection with national customs authorities via the EU Customs Single Window Environment for Customs, referred in Article 4 of the Regulation **(EU) 2022/2399** *[Single Window Regulation – insert the number and a footnote; this Regulation is not yet adopted and can be inserted only after adoption by the co-legislators]*;
- (d) allow the risk profiling by competent authorities, **and the** customs authorities and the Commission of economic operators, which are persons **authorised or registered in accordance with this Regulation to import, export or move**, pursuant to Directive (EU) No 2021/555, to manufacture, acquire, possess or trade firearms, their essential components or ammunition **goods** listed in Annex I to this Regulation and risk profiling of **those goods** firearms, their essential components, ammunition and alarm and signal weapons for the purpose of identifying high risk consignments according to the risk analysis in Article 25 of this Regulation;
- (e) allow administrative assistance and cooperation between competent authorities and the Commission to exchange information and statistics regarding the use of the electronic licensing system.⁴

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

(g) with the exception of personal data, allow for statistics of the following information; the number of authorisations and refusals, the quantities and values of actual imports and exports of goods listed in Annex I, by origin and by destination; the information on firearms, essential components, ammunition and alarm and signal weapons seizures or retentions.

2. The Commission shall, by means of implementing acts, establish rules for the functioning of the electronic licensing system, including rules relating to processing of personal data and exchange of data with other IT systems. Those implementing acts shall be adopted in accordance with the ~~advisory~~ procedure referred to in Article 37.

3. The Commission shall provide access to the electronic licensing system to

(a) customs authorities, and competent authorities for the purpose of executing their obligations under this Regulation and the customs legislation;

(b) ~~economic operators and person~~ authorised, pursuant to Directive (EU) No 2021/555, to manufacture, acquire, possess or trade ~~firearms, their essential components, ammunition or alarm and signal weapons~~ goods listed in Annex I to the extend depending on for the purposes of fulfilling their respective obligations under this Regulation. Those persons shall only have access to information regarding themselves;

(c) the relevant Commission services for the purpose of maintenance of the system, exchange of data according to paragraph 1, point (e) and collection of data in accordance with paragraph 1, point (g).

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

5. This electronic licensing system shall be in place within [XX or less] months after the date of entry into force of this Regulation.

Article 29

Exchange of information regarding refusals to grant import or export authorisations

1. The Commission, in consultation with the Coordination Group established by Article 33, shall ~~develop or choose~~ a secure and encrypted system to support direct cooperation and the exchange of information between Member States competent authorities regarding refusals to grant import or export authorisations.
2. **Member States shall communicate on 1 January and 1 July of each year to the Commission a report on the alarm and signal weapons classified as non-convertible. Those reports shall be discussed within the Coordination Group referred to in Article 33.**
3. **Member States shall report to the Coordination Group on the results of the monitoring of authorisations. The reports shall be discussed in the Coordination Group established by Article 33.**
- ~~2. All information shared in accordance with the provisions of this Article shall be in compliance with the provisions of Article 23 concerning its confidentiality.~~
3. The Commission shall, by means of implementing acts, establish rules for the functioning of the exchange of information between Member States regarding refusals to grant import or export authorisations. Those implementing acts shall be adopted in accordance with the ~~advisory procedure referred to in Article 37(2) of this Regulation.~~

↓ (EU) No 258/2012 (adapted)
⇒ new

CHAPTER ~~VII~~ GENERAL AND FINAL PROVISIONS

Article ~~30~~~~44~~

☒ Secure procedures ☒

1. Member States shall take such measures as may be necessary to ensure that their authorisation procedures are secure and that the authenticity of authorisation documents can be verified or validated.
2. Verification and validation may also, where appropriate, be ensured by means of diplomatic channels.

Article ~~31~~~~45~~

☒ Tasks for competent authorities ☒

1. In order to ensure that this Regulation is properly applied, Member States shall take necessary and proportionate measures to enable their competent authorities ~~ies~~ to:
 - (a) **enforce, with any necessary measures the application of this Regulation, including confiscation and sale or destruction of goods listed in Annex I;**
 - (ba) gather information on any order or transaction involving goods listed in **Annex I** firearms, their ~~parts and~~ essential components and ammunition; and
 - (cb) establish that the ~~⇒ import and obligations~~ of a person under this Regulation ~~⇐ export control measures~~ are being properly applied **fulfilled**, which may, in particular, include the power to enter the premises **of that person** and other persons with an interest in an ~~export~~ 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 of the goods listed in Annex I concerned by the import authorisation.

Article ~~32~~⁴⁶

☒ ~~Enforcement of the Regulation~~ ☒

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

↓ new

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

↓ (EU) No 258/2012 (adapted)

⇒ new

Article ~~33~~²⁰

☒ ~~Coordination group~~ ☒

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

2. The Coordination Group shall examine any question ~~concerning~~ **on** the application of this Regulation which may be raised either by the Chair or by a representative of ~~a Member State~~ ⇒ the **competent** authorities referred to in Article 34(2), ~~point (a)~~ ⇐ . It shall be bound by the ~~confidentiality~~ rules of Regulation (EC) No 515/97 **The processing and use of the information carried out in accordance with this paragraph shall comply with the provisions of Article 23(5) 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 ~~34~~**24***

⊠ Implementation tasks ⊠

1. Each Member State shall inform the Commission of the laws, regulations and administrative provisions adopted in implementation of this Regulation, including the measures referred to in Article ~~32~~**34**.
2. ⇒ By **...**[six months after the **date of** entry into force of this Regulation] ~~at the latest,~~ ⇐ ~~By 19 April 2012,~~ each Member State shall inform the other Member States and the Commission of ~~the national authorities competent for implementing Articles 7, 9, 11 and 17.~~

↓ new

- (a) ~~the national authority in every Member State responsible of the integral control of firearms and the coordination of the different authorities with competences in the fight against firearms trafficking (national firearms focal points);~~
- (b) ~~in case they are not the same,~~ the national **authority or** authorities competent for implementing Articles 9, 10, 12, 13, 14, 15, 17 and 19 **this Regulation.**

↓ (EU) No 258/2012 (adapted)

⇒ new

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

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

Article ~~35~~

⊗ Delegated acts ⊗

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

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

↓ new

(b) setting out the technical characteristics of semi-finished firearms and **semi-finished** essential components, ~~in accordance with~~ **as defined in** Article **2, point (4) and (5)** ~~9(3)~~ to this Regulation;

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

Article ~~366~~

☒ Power to adopt delegated acts ☒

- 1.** _____ The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
- 2.** _____ The power to adopt delegated acts referred to in Article ~~355~~ shall be conferred on the Commission for an indeterminate period of time.
- 3.** _____ The delegation of power referred to in Article ~~355~~ may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
- 4.** _____ As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
- 5.** _____ A delegated act adopted pursuant to Article ~~355~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 37

Committee procedure

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

Where reference is made to this paragraph **the examination procedure referred to in Article 45** of Regulation (EU) No 182/2011 shall apply.

Article 38

Transitional period

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

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

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

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

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

2. — Until the functionality of the electronic licensing system referred to in Article 28(1), point (e) is established, the following provisions shall apply
- (a) — for the implementation of Article 9(6) the exchange of information shall be conducted through electronic means established at national level;
 - (b) — for the implementation of Article 10(4) customs authorities shall provide a copy of the customs declaration by electronic means established at national level to the competent authorities which shall make it available to the electronic licensing system referred to in Article 28.
 - (c) — for the implementation of Article 10(4), first subparagraph, the importer shall annex a copy of the temporary export declaration to the import declaration.
 - (d) — for the implementation of Article 12(2), the declarant shall annex a copy of the import authorisation to the customs declaration;
 - (e) — for the implementation of Article 12(4) the exchange of information shall take place through electronic means, established at national level;
 - (f) — for the implementation of Article 13(2) the declarant shall annex a copy of the import authorisation to the customs declaration
 - (g) — for the implementation of Article 13(5) the exchange of information shall take place through electronic means, established at national level;
 - (h) — for the implementation of Article 17(3) customs authorities shall provide a copy of the customs declaration by electronic means established at national level to the competent authorities which shall make it available to the electronic licensing system referred to in Article 28.
 - (i) — for the implementation of Article 17(4), the exporter shall annex a copy of the temporary import declaration to the export declaration;
 - (j) — for the implementation of Article 19(3) the exchange of information shall be conducted through electronic means established at national level;

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

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

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

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

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

Article 39

Repeal

Regulation (EU) No 258/2012 is repealed.

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

Article ~~40~~²²

⊠ ~~Final provisions~~ Entry into force and application ⊠

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

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

- 2. It shall from ... [xx months after the date of entry into force of this Regulation].**

- 3. Notwithstanding paragraph 2, Articles 8(4), 9(8), 9a(7), 14(4), 19(2), 28, 29, 32, 33, 35, 36, 37 and 40 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 Brussels,

*For the European Parliament
The President*

*For the Council
The President*

ANNEX I

I: List of firearms and ammunitions, 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"> – a loading device with a capacity exceeding 20 rounds is part of that firearm; or 	ex 9302 00 00

	<ul style="list-style-type: none"> – a detachable loading device with a capacity exceeding 20 rounds is inserted into it; 	
	<p>(b) long firearms which allow the firing of more than 11 rounds without reloading, if:</p> <ul style="list-style-type: none"> – a loading device with a capacity exceeding 10 rounds is part of that firearm; or – a detachable loading device with a capacity exceeding 10 rounds is inserted into it. 	<p>ex 9303 30 00</p> <p>9301 90 00</p> <p>ex 9303 90 00</p> <p>ex 9303 20 10</p> <p>ex 9303 20 95</p>
(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.	<p>9301 90 00</p> <p>ex 9303 20 10</p> <p>ex 9303 20 95</p> <p>ex 9303 30 00</p> <p>ex 9303 90 00</p>
(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.	<p>9301 90 00</p> <p>ex 9302 00 00</p> <p>ex 9303 20 10</p> <p>ex 9303 20 95</p> <p>ex 9303 30 00</p> <p>ex 9303 90 00</p>
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.	<p>ex 9303 20 10</p> <p>ex 9303 20 95</p> <p>ex 9303 30 00</p> <p>ex 9303 90 00</p>

(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 ammunitions others than listed in part I and essential components.

(8)	Collections and collectors' pieces of historical interest Antiques of an age exceeding 100 years	ex 9705 10 00 ex 9706 10 00 ex 9706 90 00
(9)	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
(10)	Any essential components of firearms, even semi-finished, <u>including semi-finished firearms</u> .	ex 9305 10 00 ex 9305 20 00 ex 9305 91 00

		ex 9305 99 00
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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: Devices designed or adapted to diminish the sound caused by firing a firearm

(1)	<u>Devices designed or adapted to diminish the sound caused by firing a firearm</u>	<u>ex 9305 10 00</u>
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For the purposes of this Annex:

- ‘short firearm’ means a firearm with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres;
- ‘long firearm’ means any firearm other than a short firearm;
- ‘automatic firearm’ means a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull on the trigger;
- ‘semi-automatic firearm’ means a firearm which reloads automatically each time a round is fired and can fire only one round with one pull on the trigger;
- ‘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;
- ‘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.

- 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

Part I

(template for import authorisation forms)

(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) No ...)	
Type of authorisation			
Single <input type="checkbox"/> multiple <input type="checkbox"/>			
Intra-EU Transit before import applicable? Yes <input type="checkbox"/> External-transit applicable? Yes <input type="checkbox"/>			
Non-convertible alarm and signal weapons <input type="checkbox"/>		Deactivated firearms <input type="checkbox"/>	
1	1. importer No	2. identification number of the authorisation ³⁹	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 import Code ⁴⁰	
	(If different from importer) (EORI number if applicable)	9. country(ies) of export and number(s) of export authorisation(s) Code ²	
	10. Final recipient(s) (if know at the time of the shipment) (EORI number if applicable)	11. Third countries of transit (if applicable) Code ²	
		12. Member State(s) of intended entry into the customs import procedure Code ²	
	13. Description of the items	14. Harmonised System or Combined Nomenclature Code (if applicable – 8 digits)	

³⁹ For completion by the competent authority

⁴⁰ See Council Regulation (EC) No 1172/95 (OJ L 118. 25.5.1995, p.10)

	13a. Marking	15. currency and value	16. quantity of the items
	17. End use	18. contract date (if applicable)	19. customs import 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	
EUROPEAN UNION			
1a. (a separate template shall be filled in for each consignee)	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 with 8 digits)	
	13a. Marking	15. Currency and Value	16. Quantity of the items
	13.2 description of the items	14. commodity code (if applicable with 8 digits)	
	13a. Marking	15. Currency and Value	16. Quantity of the items
	13.3 description of the items	14. commodity code (if applicable with 8 digits)	
	13a. Marking	15. Currency and Value	16. Quantity of the items
	13.4 description of the items	14. commodity code (if applicable with 8 digits)	
	13a. Marking	15. Currency and Value	16. Quantity of the items

	13.5 description of the items	14. commodity code (if applicable with 8 digits)	
	13a. Marking	15. Currency and Value	16. Quantity of the items
	13.6 description of the items	14. commodity code (if applicable with 8 digits)	
	13a. Marking	15. Currency and Value	16. Quantity of the items
Note: A separate template shall be filled in for each consignee, in line with the 1a template. In part A1 of column 22, indicate the quantity still available and in part 2 of column 22, indicate the quantity deducted at this occasion.			

21. Net quantity/value (net mass/other unit with indication of unit)		24. Customs document (Type and number) or extract (Nr) and date of deduction	25. Member State, name and signature, stamp of deduction
22. In numbers	23. In words for quantity/value deducted		
1			
2			
1			
2			
1			
2			
1			
2			
1			

2			
1			
2			
1			
2			

Part II

(referred to in Article 10 of this Regulation)

The **application for an** import declaration for temporary admission is to **authorisation referred to in Article 10 shall** include the **following** information related to the firearms concerned. Such information is notably to include:

- **the name, identification number, address of the applicant and contact details;**
- **a proof or statement of absence of a criminal record concerning conduct constituting an offence listed in Article 2(2) of Council Framework Decision 2002/584/JHA, or concerning any other conduct provided that it constituted an offence punishable by a maximum penalty of at least four years of imprisonment**
- **which of the purposes listed in Article 10 for which the simplified authorisation is applied for;**
- the particulars of the 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;
- (1) the date and unique reference number of the authorisation, **or equivalent**, to own or possess a firearm and of the export authorisation from the non-EU country; **or, where applicable, a reference to the authorisation, pursuant to Directive (EU) 2021/555, to manufacture, acquire, possess, hold or trade goods listed in Annex I;**

- (2) and, in cases of re-import of previously exported goods listed in Annex I, the reference to the customs declaration or re-export declaration under which the goods were brought out of the Customs territory of the Union.

PUBLIC

ANNEX III

Part I

(template for export authorisation forms)

(referred to in Article 14 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) No ...)	
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"/>	
1a. Owner (if applicable)	1. <u>applicant/holder of the authorisation</u> exporter No	2. identification number of the authorisation ⁴¹	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	Code ⁴²
	(If different from <u>applicant/holder of the authorisation</u>) (EORI number if applicable)	9. country(ies) of import and number(s) of import authorisation(s)	Code ⁴
	10. Final recipient(s) (if know at the time of the	11. Third countries of transit (if applicable)	Code ⁴

⁴¹ For completion by the competent authority

⁴² See Council Regulation (EC) No 1172/95 (OJ L 118. 25.5.1995, p.10)

	13.4 description of the items	14. commodity code (if applicable with 8 digits)	
	13a. Marking	15. Currency and Value	16. Quantity of the items
	13.5 description of the items	14. commodity code (if applicable with 8 digits)	
	13a. Marking	15. Currency and Value	16. Quantity of the items
	13.6 description of the items	14. commodity code (if applicable with 8 digits)	
	13a. Marking	15. Currency and Value	16. Quantity of the items
<p>Note: A separate template shall be filled in for each consignee, in line with the 1a template. In part A1 of column 22, indicate the quantity still available and in part 2 of column 22, indicate the quantity deducted at this occasion.</p>			

21. Net quantity/value (net mass/other unit with indication of unit)		24. Customs document (Type and number) or extract (Nr) and date of deduction	25. Member State, name and signature, stamp of deduction
22. In numbers	23. In words for quantity/value deducted		
1			
2			
1			
2			
1			
2			
1			
2			
1			

2			
1			
2			
1			
2			
1			
2			

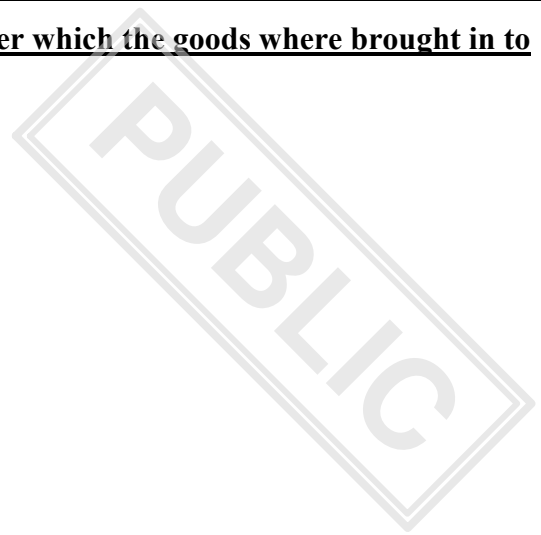
Part II

(referred to in Article 17 of this Regulation)

The **simplified** export **authorisation** declaration for temporary exports and for re-exports is to **shall** include the **following** information related to the firearms concerned. Such information is notably to include:

- **the name, identification number, address of the applicant and contact details;**
- **which of the purposes listed in Article 10 for which the simplified authorisation is applied for;**
- the particulars of the 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;
- the date and unique reference number of the authorisation to own or possess a firearm and of the export authorisation from the non-EU country; **or, where applicable, a reference to the authorisation, pursuant to Directive (EU) 2021/555, to manufacture, acquire, possess, hold or trade goods listed in Annex I to this Regulation;**

- and, in cases of re-export of previously temporarily imported goods listed in Annex I, the reference to the customs declaration under which the goods were brought in to the Customs territory of the Union.



ANNEX IV

End-user statement certificate

The end-user **statement certificate** is to include at least the following information:

- details of the **person** **exporting** (including name, address, business name and, if available, company registration number);
- details of the end-user (including name, address, business name and, if available, company registration number). ~~In the case of export to a private company that resells the goods on a local market, that company will be regarded as the end-user for the purposes of this Regulation. This shall not prevent Member States from evaluating licence applications that concern exports to resellers differently from licence applications concerning exports to end-users;~~
- country of final destination;
- description of the goods, including, if available, the contract number or order number;
- if applicable, quantity or value of the goods intended for export;
- signature, name and title of the end-user;
- name of the competent national authority in the country of final destination;
- ~~certification~~ **import authorisation issued** by the relevant national authorities, according to national practice (including the date, name, title and original signature of the authorising official);
- the date of issue of the end-user ~~certificate~~ **statement**;
- if applicable, a unique identifying number or contract number relating to the end-user ~~certificate~~ **statement**;
- a commitment that the products concerned will not be re-exported without the express agreement of the Member State issuing the export **authorisation**

licence, and a commitment that the products will only be used for civilian purposes;

- 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, introductory wording
Article 2, point 1	Article 2, point 1
Article 2, point 2	-
-	Article 2, point 2
Article 2, point 3	Article 2, point 3
-	Article 2, point 4
-	Article 2, point 5
Article 2, point 4	Article 2, point 6
Article 2, point 5	Article 2, point 7
-	Article 2, point 8
Article 2, point 7	Article 2, point 9
Article 2, point 9	Article 2, point 10
-	Article 2, point 11
-	Article 2, point 12
-	Article 2, point 13
-	Article 2, point 14
-	Article 2, point 15
-	Article 2, point 16
-	Article 2, point 17
-	Article 2, point 18
-	Article 2, point 19
Article 2, point 10	Article 2, point 20

-	Article 2, point 20
-	Article 2, point 21
-	Article 2, point 22
-	Article 2, point 23
Article 2, point 6	Article 2, point 24
-	Article 2, point 25
Article 2, point 8	Article 2, point 26
-	Article 2, point 27
-	Article 2, point 28
-	Article 2, point 29
-	Article 2, point 30
-	Article 2, point 31
Article 2, point 14	Article 2, point 32
Article 2, point 11	Article 2, point 33
-	Article 2, point 34
-	Article 2, point 35
	Article 2, point 36
Article 2, point 12	-
-	Article 2, point 37
-	Article 2, point 38
-	Article 2, point 39
Article 2, point 13	Article 2, point 40
Article 2, point 15	Article 2, point 41
Article 2, point 16	Article 2, point 42
-	Article 2, point 43
-	Article 2, point 44
-	Article 2, point 45

-	Article 2, point 46
-	Article 2, point 47
-	Article 2, point 48
-	Article 2, point 49
Article 3(1), points (a), (c) and (f)	Article 3(1), points (a), (b) and (c)
Article 3(1), points (b), (d) and (e)	-
Article 3(2)	-
-	Article 4
-	Article 5
-	Article 6
-	Article 7
-	Article 8
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