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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 revised Presidency compromise text for the above proposal in view of the Customs Union Working Party on 21 November 2023.

2022/0288 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on import, export and transit measures for firearms, their essential components and
ammunition, implementing Article 10 of the United Nations' Protocol against the illicit
manufacturing of and trafficking in firearms, their parts and components and ammunition,
supplementing the United Nations Convention against Transnational Organised Crime (UN
Firearms Protocol) (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 transit of firearms, their essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and silencers. In the interests of clarity, that Regulation should be recast.

¹ Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational 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) In accordance with Council Decision 2001/748/EC² the Commission signed the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing to the United Nations Convention against transnational organised crime ('UN Firearms Protocol') on behalf of the European Union on 16 January 2002.
- (3) The UN Firearms Protocol, the purpose of which is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, entered into force on 3 July 2005.
- (4) In order to implement the UN Firearms Protocol, the Union adopted Regulation (EU) No 258/2012. The UN Firearms Protocol was ratified by the Union by Council Decision 2014/164/EU³.
- (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.
- (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 does not apply in particular to security officials taking part in diplomatic business trips towards and from the EU Member States.~~
- (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 connected with the production of or trade in arms, munitions and war material. Nevertheless, in accordance with the case-law of the Court of Justice of the European Union, that provision

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).

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).

cannot be construed as conferring on Member States a power to depart from the provisions of the Treaty simply in reliance on those interests. Thus, Member States wishing to avail themselves of the derogation allowed under Article 346 of the Treaty, must show that such derogation is necessary in order to protect their essential security interests. This Regulation does not have any impact on Directive 2009/43/EC of the European Parliament and of the Council.⁴

- (8) This Regulation should be consistent with the other relevant provisions on firearms, essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and silencers for military use, security strategies, illicit trafficking in small arms and light weapons and exports of military technology, including Council Common Position 2008/944/CFSP⁵ and Council Decision (CFSP) 2021/38⁶. In this regard, this Regulation should not apply to goods listed in the Common Military List of the European Union when those goods are exported or re-exported from the customs territory of the Union, except in the cases of temporary export or re-export for the purposes of hunting, sport shooting and re-enacting events.
- (8a) 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 silencers that in the framework of a contractual relationships **or substantiated by end-user certificates**, are destined for the armed forces, the police, or the public authorities of the Member States. This exclusion should comprise transactions of such goods for development, testing, production, maintenance or presentation, **involving private entities**, when the final product is **exclusively designed for** **or** delivered for the armed forces, the police or the public authorities of the Member States.

⁴ Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying conditions of transfers of defense related products within the Community (OJ L146, 10.6.2009, p.1),

⁵ 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).

⁶ Council Decision (CFSP) 2021/38 of 15 January 2021 establishing a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition (OJ L 14, 18.1.2021, p. 4).

- (9) This Regulation does not affect the application of Directive EU 2021/555⁷ 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 only applies to import to the customs territory of the Union, transit and export from the customs territory of the Union. Therefore, firearms, their essential components, ammunition, alarm and signal weapons and deactivated firearms released into free circulation in the customs territory of the Union are subject to the requirements of Directive (EU) 2021/555. In addition, this Regulation does not regulate the ownership of weapons or any licensing for private persons, dealers or brokers. Directive (EU) 2021/555 establishes the rules on acquisition and possession, which include licenses for private persons, dealers and brokers.
- (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 Regulation (EU) 2021/821 of the European Parliament and of the Council⁸.
- (11) This Regulation is without prejudice to the obligations of the Member States under sanctions' regime adopted by a decision or a common position of the Council or resulting from the obligations imposed by the Common Council Position 2003/468/CFSP⁹ on the control of arms brokering.
- (12) Nothing in this Regulation constrains any powers under and pursuant to Regulation (EU) No 952/2013 of the European Parliament and of the Council¹⁰ and Commission Delegated Regulation (EU) 2015/2446¹¹.
- (13) Multiple definitions from Directive (EU) 2021/555 and from Regulation (EU) No 952/2013 are applicable to this Regulation.

⁷ 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).

⁸ 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).

⁹ Council Common Position 2003/468/CFSP of 23 June on the control of arms brokering (OJ L 156, 25.6.2003, p. 79)

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

¹¹ 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).

- (14) Due to the nature of the goods covered by this Regulation some customs simplifications, such as an oral declaration, can not be applied.
- (15)
- (16) When firearms are not properly marked according to Article 8 of the UN Firearms Protocol, Member States should be able to decide to destroy retained firearms at the expense of the importer.
- (17) Firearms, their essential components and ammunition should only be declared for release for free circulation if they are properly marked pursuant to Directive (EU) 2021/555. Pending that marking, importers should place the firearms under another customs procedure, such as customs warehousing, inward processing or free zones, under which they should fulfil the marking requirement, be it in their own premises or in other authorised premises, such as national 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, essential components and ammunition should be allowed to mark firearms, ammunition and essential components, according to Article 4 of Directive (EU) 2021/555, without delay after release into free circulation, since the Directive allows for this and prevents unmarked goods to be placed on the market. However, these persons should comply with the UN Firearms Protocol requirement of Article 8(1) point b, which indicates the need to add import markings to firearms.
- (18) Deactivated firearms should only be declared for release for free circulation or temporary admission in cases of non-established persons so authorised by this Regulation, if they are accompanied by the deactivation certificate and are marked pursuant to Article 5 of Commissions Implementing Regulation (EU) 2015/2403¹². Pending the reception of that certificate or correct marking, importers should place the deactivated firearms under another customs procedure, such as customs warehousing or free zones, under which they should be able to request the competent authorities according to Article 15 of Directive (EU) 2021/555 to verify the deactivation and issue the certificate in accordance with Article 3 of Implementing Regulation (EU) 2015/2403.

¹² 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).

- (19) Only alarm and signal weapons complying with the standards of Commission Implementing Directive (EU) 2019/69¹³ should be considered as alarm and signal weapons and not firearms, when granting import or export authorisations and when they are imported and exported. Devices, which 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 and competent authorities. To avoid risks of diversion, it is necessary to ensure the consistency of the practices of national customs authorities in the classification of devices declared as alarm and signal weapons upon import.
- (20) An import authorisation should be necessary for the entry of firearms, their essential components and ammunition into the customs territory of the Union. Due to the high risk of illicit manufacturing of firearms from imported unfinished and unmarked products, only duly licensed dealers and brokers should be authorised to import semi-finished firearms and semi-finished essential components.
- (21) The checks of the criminal record of the applicant for import authorisations should be as stringent as for export authorisations and Member States should obtain the information on criminal records through the system established by Council Framework Decision 2009/315/JHA¹⁴.

Competent authorities should check whether the imported firearms are registered as lost, stolen or otherwise sought for seizure through the Second Generation Schengen Information System (SIS II)¹⁵. Article 47 of Regulation (EU) No 2018/1862 of the European Parliament and of the Council¹⁶ establishes the access of registration services for firearms to SIS II. For

¹³ 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).

¹⁴ 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).

¹⁵ Council Regulation (EU) 2018/1862 of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56–106).

¹⁶ 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 purposes of the implementation of this Regulation, competent authorities should be considered as registration services for firearms.

- (22) A criminal record concerning conduct constituting an offence listed in Article 2(2) of Council Framework Decision 2002/584/JHA¹⁷ 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 silencers.
- (23) Persons not established in the customs territory of the Union ~~may~~ should be able to obtain an authorisation to temporarily import and export firearms, their essential components, ammunition, alarm and signal weapons, deactivated firearms, and silencers for the purposes of exhibitions, repairs, hunting, sport shooting or historical re-enacting 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) Due to the risks of diversion of firearms, their essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and silencers, originating from 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, customs authorities and competent authorities should expressly authorise such transit on the customs territory of the Union before they take place on the customs territory of the Union.
- (25) In order to promote administrative facilitation, persons in the EU authorised to possess firearms should in specific cases be exempted from import and export authorisations.

the European Parliament and of the Council and Commission Decision 2010/261/EU (*OJ L 312, 7.12.2018, p. 56–106*).

¹⁷ 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).

However, for reasons of security and to facilitate controls, the traceability in these cases should be maintained.

- (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. A similar consent should be sought when the planned re-entry point of goods temporarily exported is located in the territory of a different Member State.
- (25b) This Regulation should enable Member States to adopt measures in the field of import provided they are adopted in conformity with the Treaty. **Such prohibitions or restrictions should not constitute a means of arbitrary discrimination or a disguised restriction on trade.** The Commission should be informed if, as a result of unusual developments on the market, a Member State considers that protective measures might be necessary. This Regulation should lay down the conditions under which those measures should be authorised.
- (25c) 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 silencers shall hold an export authorisation. Eligibility to apply for such an authorisation should be limited to exporters allowed to possess, deal or broker those goods in the Member State of establishment.
- (25d) 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. Additional Union general authorisations should be introduced, in order to reduce the administrative burden for authorised economic operators for security and safety except for the most dangerous firearms. Member States can also introduce national general export authorisations where they consider it necessary.
- (26) Before authorising an export, it is important to verify that the importing third country has authorised the corresponding import. Third countries of transit should not have objections to the specific movement. In order to improve legal certainty and predictability, the consent of the third country of transit, should be considered as given, if no objections to the transit have been received within 20 working days. The decision of Member States to require express

consent should be transparent for all economic operators. It is the responsibility of the exporter to provide to the competent authorities the documents justifying the above.

- (27) It is necessary to unify the rules on evidence of import in the third country of destination. Therefore, persons exporting should be required to provide to the competent authority, which 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 silencers in the third country of import, which should notably be ensured by producing the relevant customs importation documents.
- (28) When granting authorisations, Member States should respect the obligation 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. By referring to these international obligations, the Regulation also refers to the national rules adopted to implement these obligations.
- (29) It is necessary to ensure that the conditions of 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 Union pursuant to Directive (EU) 2021/555.
- (30) To avoid risks of diversion while limiting the administrative burden, it is necessary to investigate suspicious situations in which Member States should request confirmation of receipt by the authorities of the third country of destination.
- (31) It is necessary to clarify the responsibilities of competent authorities with respect to post-shipment checks.
- (35) To enable the risk-based approach for the firearms, their essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and silencers listed in Annex I entering or leaving the Union market, and to ensure that checks are effective and performed in accordance with the requirements of this Regulation, the Commission, competent authorities and customs authorities should cooperate closely and exchange information.

- (36) In order to facilitate the tracing of firearms and efficiently combat illicit trafficking in firearms, their essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and silencers, it is necessary to improve the exchange of information between Member States, in particular through the better use of existing communication channels.
- (37)
- (41) The Schengen Acquis notably includes a Decision of the Executive Committee (SCH/Com-ex (99) 10)¹⁸, pursuant to which Member States are to submit each year by 31 July their national annual data for the preceding year on illegal trade in firearms, on the basis of the joint table for compiling statistics. In addition, in its recommendation of 17 April 2018 on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition, the Commission recommended that Member States should collect detailed statistics of the preceding year about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination, and submit these statistics to the Commission¹⁹. This Regulation should enable the Commission to collect those data directly from the electronic systems set up for the purpose of implementing this Regulation.
- (38) Personal data are to be processed in accordance with the rules laid down in Regulations (EU) 2016/679 and (EU) 2018/1725 of the European Parliament and of the Council²⁰.
- (39) Consistency should be ensured with regard to record-keeping provisions in force under Union law.
- (40)

¹⁸ 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).

¹⁹ 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.

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

- (42) An electronic licencing system should be established to digitalise the procedures set out in this Regulation. It is important that a person entitled to request an authorisation is registereded in that system before starting the application procedure.
- (42a) Member States may maintain their existing national authorisation systems. In this cases, the electronic licensing system established by this Regulation should be able to interconnect with those. This interconnection should ensure the transferring of the information on the authorisations granted through the national systems to the electronic licensing system.
- (42b) The overall enforcement of this Regulation 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 Council²¹. For this purpose and in accordance with Article 5(6) of Regulation (EU) 2022/2399, the Commission should amend Part A of the Annex to that Regulation. When goods are temporarily imported or exported using an ATA Carnet, set out in Appendix I to Annex A to the Convention relating to temporary admission²², the competent authorities should receive information on the use of the ATA Carnet. Although this information cannot be exchanged automatically insofar as the digital ATA Carnet is not applied by all contracting parties, further automatisation should be explored based on potential interoperability with the electronic system for administration of ATA carnets, the e-ATA-system.
- (43) In order to ensure that this Regulation is properly applied, Member States should take measures giving the competent authorities appropriate powers.
- (44) Compliance with the UN Firearms Protocol also requires that illicit manufacture of or trafficking in firearms, their parts and essential components and ammunition be established as criminal offences, and that measures be taken to enable the confiscation of items so manufactured or trafficked.

²¹ 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.

²² Convention relating to temporary admission (Istanbul Convention) (OJ L 130, 27.5.1993, p. 4).

- (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.
- (46) The whistle-blower-protection regime put in place with Directive (EU) 2019/1937 of the European Parliament and of the Council²³, should also apply to persons who report breaches of rules linked to imports and exports of firearms.
- (47) In order to amend Annex II and III to this Regulation, ~~and~~ to maintain the list of firearms, their essential components, ammunition alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and silencers for which an authorisation is required under this Regulation, **and to determine the appropriate part of the ATA carnet where the reference to the authorisations required under this Regulation should be indicated,** the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union, should be delegated to the Commission, in respect of aligning Annex I to this Regulation to Annex I to Council Regulation (EEC) No 2658/87²⁴ and to Annex I to Directive (EU) 2021/555 and of adapting Annex II and III to this Regulation to the digitalisation and changes in customs procedures. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making²⁵. 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.
- (48) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be

²³ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

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

²⁵ OJ L 123, 12.5.2016, p. 1.

exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.²⁶

- (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.
- (50) This Regulation 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 Council²⁷.

HAVE ADOPTED THIS REGULATION:

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

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

CHAPTER I

SUBJECT MATTER, DEFINITIONS AND SCOPE

Article 1 *Subject matter*

This Regulation lays down rules governing import and export authorisation, and import, export and transit measures for firearms, their essential components, ammunition, alarm and signal weapons, deactivated firearms, semi-finished firearms, semi-finished essential components and silencers (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*

1. For the purposes of this Regulation, the following definitions shall apply :
 1. ‘firearm’ means a firearm as defined in Article 1(1), point (1) of Directive (EU) 2021/555;
 2. ‘silencers’ means any device designed or adapted to diminish the sound caused by firing a firearm;
 3. ‘essential components’ means an essential component as defined in Article 1(1), point (2) of Directive (EU) 2021/555;
 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;

6. 'ammunition' means ammunition as defined in Article 1(1), point (3) of Directive (EU) 2021/555;
7. 'deactivated firearms' means a deactivated firearm as defined in Article 1(1), point (6) of Directive (EU) 2021/555;
8. 'alarm and signal weapons' means alarm and signal weapons as defined in Article 1(1), point (4) of Directive (EU) 2021/555;
9. 'person' means a natural person, a legal person and, where the possibility is provided for under the rules in force, an association of persons recognised as having the capacity to perform legal acts but lacking the legal status of a legal person;
10. 'customs territory of the Union' means the territory within the meaning of Article 4 of Regulation (EU) No 952/2013;
11. 'Union goods' means Union goods as defined of Article 5, point (23) of Regulation (EU) No 952/2013;
12. 'non-Union goods' means non-Union goods as defined in Article 5, point (24) of Regulation (EU) No 952/2013;
13. 'customs authorities' means customs authorities as defined in Article 5, point (1) of Regulation (EU) No 952/2013;
15. 'customs legislation' means customs legislation as defined in Article 5, point (2) of Regulation (EU) No 952/2013;
16. 'customs formalities' means customs formalities as defined in Article 5, point (8) of Regulation (EU) No 952/2013;
17. 'customs controls' means customs controls as defined in Article 5, point (3) of Regulation (EU) No 952/2013;
18. 'customs declaration' means a customs declaration as defined in Article 5, point (12) of Regulation (EU) No 952/2013;

21. 'entry' means the physical entry of non-Union goods into the customs territory of the Union;
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;
23. 'importer' means any natural or legal person who makes a customs declaration for an import on its own behalf, or on whose behalf the declaration is made. In case of transit, the holder of the procedure;
24. 'export' means an export procedure within the meaning of Article 269 of Regulation (EU) No 952/2013 including the situations specified in Article 269(2), point b) and c) of Regulation (EU) No 952/2013;
- 24a. 're-export' means re-export within the meaning of Articles 270, 271 and 274 of Regulation (EU) No 952/2013;
25. 'exit' means the physical exit of goods from the customs territory of the Union;
26. 'exporter' means
- a) any natural or legal person established in the customs territory of the Union, who makes or on whose behalf a custom declaration for export is made and at the time when the declaration is accepted, holds the contract with the consignee in the third country and has the power 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 or
 - b) any natural or legal person who makes or on whose behalf a re-export declaration, an exit summary declaration or a re-export notification are made and 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 or

- c) where points a or b are not applicable, any natural person travelling with goods listed in Annex I as their accompanied personal effects within the meaning of point (a) of Article 1(19) of Commission Delegated Regulation (EU) 2015/2446²⁸.
28. 'declarant' means a declarant as defined in Article 5, point (15) of Regulation (EU) No 952/2013;
29. 'dealer' means a dealer as defined in Article 1(1), point (9) of Directive (EU) 2021/555;
30. 'broker' means a broker as defined in Article 1(1), point (10) of Directive (EU) 2021/555;
31. 'exhibition' means a trade fair or similar event as described in Article 90(2), point (a) in Council Regulation (EC) No 1186/2009²⁹, without sales of goods listed in Annex I from and to third countries;
33. 'temporary export' means the export of goods listed in Annex I from the the customs territory of the Union with the intention to import those goods back into the customs territory of the Union;
- ~~35. 'outward processing' means an outward processing within the meaning the of Article 259 of Regulation (EU) No 952/2013;~~
36. 'inward processing' means inward processing within the meaning of Article 256 of Regulation (EU) No 952/2013;
37. 'transit' means the transit procedures within the meaning of Title VII, chapter 2, of Regulation (EU) No 952/2013;
39. 'temporary admission' means temporary admission within the meaning of Article 250 of Regulation (EU) No 952/2013 applies;
40. 'transhipment' means a movement involving the physical operation of unloading goods listed in Annex I from a means of transport onto another means of transport;

²⁸ 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)

²⁹ 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).

41. ‘illicit trafficking’ means the import, export, sale, delivery, movement or transfer of 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 goods listed in Annex I are not marked in accordance with Article 6(1); or
- (c) the goods listed in Annex I are declared for release for free circulation without the marking required in paragraph 2 of Article 6, unless they are exempted in accordance with paragraphs 3 and 4 of that Article;

44. ‘competent authority’ means the national authorities as understood in Article 34.

45. ‘electronic licensing system’ means the system referred to in Article 28 of this Regulation.

2. The Commission shall specify by means of implementing acts the technical characteristics of silencers, semi-finished firearms and semi-finished essential components, in the meaning of paragraph 1, points (2), (4) and (5). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

Article 3

Scope

1. This Regulation does not apply to:

- (a) State to State transactions or State transfers;
- (b) goods listed in Annex I included in the Common Military List of the European Union³⁰, exported or re-exported from the customs territory of Union, unless they are temporarily exported or re-exported in accordance with article 17 of this Regulation;

³⁰ 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.

- (c) goods listed in Annex I destined for the armed forces, the police, or the public authorities of the Member States; and
- (d) antique firearms as defined in accordance with national legislation, provided that antique firearms do not include firearms manufactured after 1899.

Article 4

Derogations to Union customs procedures

1. 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 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 Articles 135 to 141 of Delegated Regulation (EU) 2015/2446.
2. With respect to single authorisations for simplified procedures still valid pursuant to Article 345 (4) of Implementing Regulation (EU) 2015/2447³¹ paragraph 1, points (a) and (b) of this Article shall not apply to goods listed in Annex I to this Regulation.

³¹ 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

ENTRY AND IMPORT REQUIREMENTS

Article 5

Tasks of importers

1. Importers shall:
 - (a) ensure that the goods listed in Annex I comply with
 - (i) the rules on marking referred to in Article 6;
 - (ii) the rules on deactivation referred to in Article 7, when applicable
 - (iii) the rules on non-convertibility referred to in Article 8, when applicable;
 - (b) keep all documents according to the rules referred to in point (a) of this paragraph and relevant documentation according to Articles 9, 10 and 11 at the disposal of the competent authority for the time limit referred to in Article 51 of Regulation (EU) No 952/2013;
 - (c) following a request from the competent authority provide that authority with the export authorisation of the exporting third country or, where applicable, the exception from that authorisation;
 - (d) when having reason to believe that goods listed in Annex I may not comply with this Regulation, Directive (EU) 2021/555 and the legal acts based on those acts, inform the competent authority thereof;
 - (e) cooperate with the competent authority, including following a request making sure that the immediate, necessary, corrective action is taken to remedy any case of non-compliance with the requirements set out in the acts referred to in point (d) of this paragraph.
2. The obligations under paragraph 1 shall not affect any obligations of importers under Directive (EU) 2021/555 and the legal acts based on it.

Article 6

Marking at import

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

Article 7

Deactivated firearms

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

Article 8

Alarm and signal weapons

1. An import authorisation for an alarm and signal weapon shall only be granted by the competent authority provided that the device complies with the technical specifications referred to in Article 14 of Directive (EU) 2021/555 or a model listed as a non-convertible alarm and signal weapon in the implementing act referred to in paragraph 2.
2. The Commission shall, by means of implementing acts, establish the list of models of non-convertible alarm and signal weapons referred to in paragraph 1 and the list of alarm and

signal weapons known to be convertible. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

Article 9

Import authorisation

1. Notwithstanding the provisions in Article 10 and 11, an import authorisation shall be necessary for the entry of non-Union goods listed in Annex I into the customs territory of the Union. The authorisation shall be granted by the competent authority of the Member State of final destination.
2. The import authorisation shall contain the information listed in Annex II and shall be issued through the electronic licensing system in one of the following types:
 - (a) a single authorisation for one shipment of one or more goods listed in Annex I, valid for a maximum of 1 year;
 - (b) a multiple authorisation for multiple shipments of one or more goods listed in Annex I, valid for a maximum of 3 years;
 - (c) a Union general authorisation for goods listed in Annex I categories B or C available to authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) No 952/2013 valid for imports from specified countries of origin.
3. Any person permitted, pursuant to Directive (EU) 2021/555, to manufacture, acquire, possess, hold or trade goods listed in Annex I, except for semi-finished firearms and semi-finished essential components, is entitled to apply for an import authorisation.
4. Only dealers and brokers are entitled to apply for an import authorisation for semi-finished firearms and semi-finished essential components.
5. In case a person is not entitled to apply for an import authorisation under paragraph 3 or paragraph 4 the competent authority shall not accept the application.
6. The Commission shall by means of implementing acts establish a Union general import authorisation for authorised economic operators for security and safety pursuant to Article

38(2), point (b), of Regulation (EU) No 952/2013 specifying the format, use and geographical validity for that type of authorisation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

Article 9a

Import authorisation procedure

1. The competent authority shall process applications for import authorisations within a period of time, which shall not exceed 90 working days, from the date on which all required information has been provided to the competent authority. For duly justified reasons, and in any case for goods listed in Category A of Annex I, that period may be extended to 110 working days.
2. The competent authority shall refuse to grant an import authorisation if;
 - (a) the applicant is a natural person and has a criminal record concerning conduct constituting an offence listed in Article 2(2) of 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 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 clear indications suggesting that any of the persons involved in the transaction constitute a security threat or a threat to public safety or that the persons mentioned in **points** (a) or (b) are unable to meet the obligations imposed onto them by Directive (EU) 2021/555, this Regulation or any authorisations issued with regard to their firearms.

3. When deciding whether to grant an import authorisation, the competent authority shall take into account all relevant considerations, including those of national foreign and security policy. Article 18 shall apply mutatis mutandis.
4. For the purpose of paragraph 2 Member States shall obtain the information on previous criminal convictions of the applicant in other Member States, through the system established by Council Framework Decision 2009/315/JHA.
5. For the purpose of paragraph 2 point (c), Member States shall check the absence of the firearm in the Schengen Information System.
6. The competent authority shall annul, suspend, modify or revoke an import authorisation if the conditions for granting it were not met or are no longer met. Where the competent authority takes those decisions, it shall make that information available to the customs authorities through the electronic licensing system.
7. Where the competent authority has refused to grant an import authorisation, their final decision shall be registered in the electronic licensing system.
8. The competent authority shall monitor that the conditions of the authorisations are met throughout the duration of the authorisation. The monitoring activities including controls shall be based on risk management.

Article 10

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

1. Non-union goods listed in Annex I may temporarily enter the customs territory of the Union when accompanied by a single import authorisation requested by an importer without establishment in the customs territory of the Union.
2. Importers without establishment in the customs territory of the Union may only be granted an import authorisations for the goods listed in Annex I in the following situations:
 - (a) the temporary admission for evaluation, exhibition or inward processing for repair, provided that the goods listed in Annex I remain the property of a person established outside the customs territory of the Union and the goods are re-exported to that person;

- (b) the temporary admission by hunters, historical reenactors or sport shooters as part of their accompanied personal effects, provided that they present to the competent authority:
 - (i) the reasons for the journey, in particular by producing an invitation or other proof of the hunting, historical re-enacting or sport shooting activities in the customs territory of the Union;
 - (ii) a description of the goods listed in Annex I intended to be brought into the customs territory of the Union and the reasons for the type and amount of those goods which shall be appropriate for the reasons of the temporary admission. The amount of ammunition shall be limited to a maximum of 800 rounds for hunters and a maximum of 1 200 rounds for sport shooters.
 - (iii) information on the planned exit point and **exit** date of these goods.
- (c) non-Union goods entering and passing through the customs territory of the Union placed under a customs transit procedure with the final destination in a third country.

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

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

3. The application for the import authorisation as referred to in paragraph 2 shall include the following:

- (a) a proof or statement of absence of a criminal record concerning conduct constituting an offence listed in Article 2(2) of 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 identification of one of the three purposes as listed in paragraph 2 of this Article;
 - (c) the date and unique reference number of the authorisation, or equivalent, to own or possess a firearm and of the export authorisation from the non-EU country, or where applicable, proof of the exception from that authorisation.
 - (d) the particulars of the firearms, including the name of the manufacturer or brand, the country or place of manufacture, the serial number, and the model where feasible.
4. Article 9a paragraphs 1, 2, 3, 5 and 6 shall apply for issuing the import authorisation referred to in paragraph 2 of this Article.
5. Member States may grant a national general import authorisation directly authorising the temporary import of goods listed in Category C of Annex I into the territory of their Member State for the purposes referred to in paragraph 2 point b, in specific cases where the hunters, historical re-enactors or sport shooters have been invited to an activity in the premises of the organiser. The importers shall meet the obligations set in this Regulation, with the exception of those related to the request of a single import authorisation, and comply with the terms and conditions defined in the national general import authorisation.
6. The Commission shall, by means of implementing acts, specify the minimum requirements of the terms and conditions to be included in the national general authorisations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

Article 11

Administrative simplification

1. Any person holding a European Firearms pass or in other cases permitted, 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 temporarily exported in accordance with Article 17(1), point (a) and Article 17a(1), point (c) and provided that:

- (i) the reference number or the number of the simplified export authorisation issued by the competent authority in accordance with Article 17(2) or 17a(1) is communicated through the electronic licensing system to the competent authority of destination at the latest 10 working days before the planned re-entry into the customs territory of the Union;
 - (ii) the imported goods were also the exported goods;
 - (iii) the goods are imported within 90 days following the export;
 - (iv) the planned entry time and entry point to the customs territory of the Union are reported through the electronic licensing system to the competent authority of destination at the latest 10 working days before the planned re-entry into the customs territory of the Union;
- (b) import of goods listed in Annex I included in the Common Military List of the EU, if they have been previously temporarily exported for the purpose of evaluation and repair and exhibition, provided that :
- (i) the licensee granted for the temporary export in accordance with the Common Position 2008/944/CFSP is communicated through the electronic licensing system to the competent authority at least 10 working days before the planned re-entry into the customs territory of the Union;
 - (ii) the imported goods were also the exported goods;
 - (iii) the goods are imported within 90 days following the export;
 - (iv) the planned entry time and entry point to the customs territory of the Union are reported through the electronic licensing system to the competent authority at the latest 10 working days before the planned re-entry into the customs territory of the Union.
- (c) Union-goods re-entering the customs territory of the Union having previously been placed under a customs transit procedure for passing through a country or territory outside the customs territory of the Union with the final destination in the Union.
2. The person importing goods according to this article shall be the same person that exported the goods and shall state in the customs declaration the reference number of the customs

declaration used for temporarily bringing the goods out of the customs territory of the Union and the reference number or the number of the simplified export authorisation provided by competent authority in accordance with Article 17(2) or 17a(1)

3. The competent authority of destination shall decide to refuse import and register that decision in the electronic licensing system if:
 - (a) the applicant does not fulfill the criteria for the administrative simplification set out in this article; or
 - (b) there are substantiated indications showing that any of the persons, including the person inviting the applicant to the activity outside the customs territory of the Union, **involved in the situations referred to** ~~in the meaning of~~ **in** paragraph 1, point (a) or (b), constitute a security threat or a threat to public safety.

Article 12

Consultation to the Member States affected by the planned movement

1. In case of movements in the customs territory of the Union of non-Union goods listed in Annex I, the import authorisation referred to in Articles 9 or 10 shall contain information about the planned movements, including where appropriate, the different Member States where an evaluation, exhibition, repair or sport-shooting, hunting or historical re-enacting event are to take place.
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. The competent authority of the informed Member State may raise objections to a movement through its territory within 10 working days from the date when the information of the planned movement was provided. The absence of any objections shall be deemed to be an approval. Any objections the competent authority of the other Member States may have to the granting of such an authorisation, shall bind the Member State in which the application has been submitted. The electronic licensing system shall be used for the communication.

3. Changes in the planned movement shall be notified by the person holding the authorisation to the competent authority granting the authorisation through the electronic licensing system. The competent authority shall decide ~~whether~~ to accept or refuse the notified changes in accordance with the rules for granting the authorisation and followig the consultation procedure referred to in paragraph 2.
4. In case of administrative simplifications laid down in Article 11(1) point a), when the planned re-entry point is not located within the territory of the competent authority of destination, that competent authority shall immediately inform the competent authority of the Member State of the planned re-entry point of this movement, through the electronic licensing system. The competent authority of the planned re-entry point may raise objections to this movement through its territory within ~~five~~ three working days from the date when the information of the planned re-entry was provided. The absence of any objections shall be deemed to be an approval. Any objections the competent authority of the Member State of the planned re-entry may have to the granting of such an administrative simplification, shall bind the Member State of destination.

Article 13

National restrictions on import

1. Without prejudice to other Union provisions, this Regulation shall not preclude the adoption or application by a Member State of quantitative restrictions on imports necessary on grounds of public morality, public policy or public security, or of protection of health and life of humans, animals and plants, of national treasures possessing artistic, historic or archaeological value, or of industrial and commercial property. ~~Such prohibitions or restrictions shall not constitute a means of arbitrary discrimination or a disguised restriction on trade.~~

Article 13 bis

Authorisation to adopt national restrictions on import

Subject to the conditions laid down in Articles 13 ter to 13 quinquies, a Member State shall be authorised to adopt measures referred to in Article 13 of this Regulation.

Article 13 ter

Notification to the Commission

1. Where a Member State intends to adopt measures referred to in Article 13 of this Regulation, it shall notify to the Commission.
2. The notification shall include relevant documentation and an indication of the measures to be adopted, including their objectives and any other relevant information.
3. The notification shall be transmitted at least six months before the adoption of the national measure. Where the information transmitted by the Member State is not sufficient, the Commission may request additional information.
4. The Commission shall make the notification referred to in paragraph 1 of this Article and, on request, the accompanying documentation, available to the other Member States subject to the requirements of confidentiality laid down in Article 13 quinquies.
5. Where the information transmitted by the Member State is not sufficient for the purposes of authorising adoption of national measures, the Commission may request additional information.

Article 13 quater

Authorisation to adopt measures

1. The Commission shall authorise the Member States to adopt restrictions on import unless it concludes that such measure would:
 - (a) be in conflict with Union law other than the incompatibilities arising from the allocation of competences between the Union and its Member States;
 - (b) be inconsistent with the Union's principles and objectives for external action ~~on~~ an common commercial policy as elaborated in accordance with the general provisions laid down in Titles I and II of Part V of the Treaty on Functioning of the European Union.
2. The authorisation referred to in paragraph 1 of this Article shall be granted in accordance with the advisory procedure referred to in paragraph 3 of Article 37. The Commission shall take its decision within 120 working days of receipt of the notification referred to in Article 13ter. Where additional information is needed to take a decision, the 120 working-day period shall run from the date of receipt of the additional information.
3. The Commission shall inform the European Parliament and the Council about the decisions taken pursuant to paragraph 2.
4. In the event that the Commission does not grant an authorisation pursuant to paragraph 1, it shall inform the Member State concerned thereof and state the reasons therefore.

Article 13 quinquies

Confidentiality of information transmitted

1. In notifying the Commission potential measures in the meaning of Article 13 of this Regulation, Member States may indicate whether any of the information provided is to be considered confidential and whether it may be shared with other Member States.
2. In such case, Member States and the Commission shall ensure the protection of confidential information in accordance with applicable Union's legislation.
3. Member States and the Commission shall ensure that classified information provided under Article 13 ter is not downgraded or declassified without the prior written consent of the originator.

CHAPTER III

EXPORT, RE-EXPORT AND EXIT REQUIREMENTS

Article 14

Export authorisation

1. An export authorisation shall be necessary for taking goods listed in Annex I out of the customs territory of the Union.
2. Any exporter permitted, pursuant to Directive (EU) No 2021/555, to manufacture, acquire, possess or trade goods listed in Annex I is entitled to request an export authorisation. The authorisation shall be granted by the competent authority of the Member State where the exporter is established.
3. The export authorisation shall contain the information referred to in Annex III and it shall be issued through the electronic licensing system in one of the following forms:
 - (a) a single authorisation or licence granted to one specific 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 or several identified final recipients or consignees in one or several third countries;
 - (c) a national general export authorisation directly authorising the export of goods listed in Annex I to exporters established in the territory of the Member State that issues the national general export authorisation, if they meet the requirements set in this Regulation and comply with the terms and conditions defined in the national general export authorisation, or

- (d) a Union general authorisation only available to authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) No 952/2013 for exports of goods listed in Annex I Category B or C to specified countries of destination.
4. If the goods listed in Annex I are located in one or more Member States other than the one where the application for export authorisation has been submitted, that fact shall be indicated on that application. The competent authority of the Member State to which the application for export authorisation has been submitted shall consult the competent authority of the other concerned Member State or States, providing the relevant information on the application for export authorisation. The Member State or States consulted shall report within 10 working days from the day they were contacted through the electronic licensing system 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 submitted.
5. In case a person is not entitled to request an export authorisation under paragraph 2, the competent authority shall not accept the application.
6. Member States may adopt national general export authorisations establishing national requirements for the export of goods listed in Annex I. Member States shall notify the Commission and the other Member States without delay of any national general export authorisation adopted pursuant to paragraph 3 point c), indicating the reasons for the national general export authorisation. They shall inform the Commission and the other Member States of the description of the controlled goods, countries of destination, conditions and requirements for use. Member States shall also notify without delay any amendment to the national general authorisations adopted. The Commission shall publish such notifications in the C series of the Official Journal of the European Union.
7. The Commission shall adopt an implementing act to establish a Union general export authorisation for authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) No 952/2013 specifying the format, use and geographical validity for that type of authorisation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

Article 15

Export authorisation procedure

1. The competent authority shall process applications for export authorisations within a period of time, which shall not exceed 90 working days, from the date on which all required information has been provided to the competent authority. For duly justified reasons, that period may be extended by the competent authority to 110 working days.
2. The applicant shall supply the competent authority of the Member State responsible for issuing the export authorisation with the necessary documents proving that the importing third country has authorised the import and that the third country or countries of transit had no objection to the transit.

This provision does not apply:

- (a) to shipments by sea or air and through ports or airports of third countries provided that that there is no 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 and repair.
3. Before issuing an export authorisation referred to in Article 14, the competent authority shall verify the documents submitted in accordance with paragraph 2.
4. If no objections to the transit according to paragraph 2 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.
5. With respect to deactivated firearms, the applicant shall supply the deactivation certificate referred to in Article 15 of Directive (EU) 2021/555 to the competent authority of the Member States responsible for issuing the export authorisation.
6. The competent authority may only grant export authorisations for firearms 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.

7. The period of validity of a single export authorisation shall not exceed the period of validity of the import authorisation issued by the third country. The period of validity of a multiple export authorisation shall not exceed 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 not exceed one year.

Article 16

Traceability of firearms

1. The export authorisation, the import authorisation issued by the concerned third country or the accompanying documentation shall together contain the following information:
 - (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;
 - (e) whenever applicable, the third countries or territories through which the goods are transported;
 - (f) the consignee(s);
 - (g) the final recipient, if known at the time of the shipment;
 - (h) particulars enabling the identification of the 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 authorisation issued by the concerned third country, shall be provided by the exporter in advance to the third countries or territories through which the goods are transported, at the latest prior to the shipment.
3. Goods listed in Annex I may be exported provided that they are marked in accordance with Article 4 of Directive (EU) 2021/555.

Article 17

Exemption to the requirement of an export authorisation

1. By way of derogation from Article 14 (1), no export authorisation shall be required for the temporary export or the re-export of goods listed in Annex 1 in the following cases:
 - (a) the temporary export by hunters, historical reenactors or sport shooters of firearms in their lawful possession, as part of their accompanied personal effects, during a journey to a third country, provided that they submit to the competent authority at exit, through the electronic licensing system, at least 10 working days before bringing the goods out of the customs territory of the Union:
 - (i) 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;
 - (ii) the European Firearms Pass referred to in Article 17 of Directive (EU) 2021/555;
 - (iii) which of the firearms as specified in the European Firearms Pass and other goods, besides firearms, listed in Annex I are intended to be brought out of the customs territory of the Union and the reasons for the type and amount of those goods which shall be appropriate to 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,

In the case of travel by air, the European Firearms Pass shall be produced to the competent authority where the relevant items are handed over to the airline for transport out of the customs territory of the Union.

- (b) the re-export, 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:
 - (i) 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,
 - (ii) the goods are re-exported within 90 days from the entry in to the customs territory **of the Union**,
 - (iii) the person concerned provides the reference number of the import authorisation to the customs authority at exit and the exporter mentions the reference number of the declaration for temporary admission in the re-export declaration;
 - (c) non-Union goods leaving the customs territory of the Union after passing through the territory of one or several Member States whilst placed under a customs transit procedure where both the customs office of departure and destination are located in a third country;
 - (d) Union-goods leaving the customs territory of the Union temporarily 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:
 - (i) the transfer is authorised according to Directive (EU) 2021/555, where necessary.
 - (ii) the planned movement is notified to the competent authority of destination 10 working days in advance through the electronic licensing system.
2. The competent authority shall provide the person submitting information in accordance with paragraph 1, point (a) with a reference number through the electronic licensing system.
 3. The competent authority of a Member State shall, for a period not exceeding 10 working days, suspend the process of export or, if necessary, otherwise prevent goods listed in Annex I from leaving the customs territory of the Union through that Member State, where they have grounds for suspicion that the reasons, referred to in paragraph 1, point a, which were provided by hunters, historical reenactors or sport shooters are not in conformity with the relevant considerations and the obligations laid down in Article 18. ~~In exceptional circumstances and if~~ For duly justified reasons, the suspension period referred to in this point

may be extended by the competent authority to 30 working days. The competent authority shall communicate ~~its~~^{this} decision **to release the goods or take further actions** to the customs authority via the electronic licensing system.

Article 17a

Simplified export authorisation

1. A simplified export authorisation may be granted in the following situations:
 - (a) the re-export, within 180 days, of goods listed in Annex I following temporary admission for evaluation, exhibition, or inward processing for repair, provided that the goods remain the property of a person established outside the customs territory of the Union and are re-exported to that person and that the exporter mentions the reference number of the declaration for temporary admission or inward processing in the re-export declaration;
 - (b) the re-export of goods listed in Annex I held in temporary storage within the time limit referred to in Article 149 of Regulation (EU) No 952/2013;
 - (c) the temporary export of goods listed in Annex I for the purpose of evaluation and repair and exhibition, provided that the exporter proves the lawful possession of those goods.

The simplified export authorisation in points (a) and (b) of this paragraph shall be granted by a competent authority of the Member State where the import authorisation was granted ~~in accordance~~ according to Article 10.

The simplified export authorisation in point (c) of this paragraph shall be granted by the competent authority of the Member State where the exporter is established.

2. The application for the export authorisation as referred to in paragraph 1 shall be submitted through the electronic licensing system and shall include the following:
 - (a) the identification of one of the three purposes mentioned in paragraph 1 of this Article;
 - (b) the name, identification number, address of the exporter and contact details;

- (c) the particulars of the firearms, including the name of the manufacturer or brand, the country or place of manufacture, the serial number, and the model where feasible;
 - (d) the date and unique reference number of the authorisation to own or possess a firearm and of the import 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,
 - (e) 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 into the customs territory of the Union.
3. The competent authority shall process applications for simplified export authorisations within a period of time, which shall not exceed 20 working days, from the date on which all required information has been provided to the competent authority. ~~Under exceptional circumstances and if~~ For duly justified reasons, that period may be extended to 40 working days. The simplified export authorisation shall be issued through the electronic licensing system.
4. Paragraph 2 of Article 15, or where applicable, proof of the exception from the third country import authorisation, as well as paragraphs 3, 4 and 5 of that Article shall apply for issuing the simplified export authorisation.
5. The period of validity of a simplified export authorisation issued in accordance with paragraph 1 point c) shall not exceed the period of validity of the import authorisation issued by the third country or one year, where this country does not specify a period of validity or an exemption of an import authorisation is applicable.

Article 18

Obligations of Member States

1. In deciding whether to grant an export authorisation or a simplified export authorisation under this Regulation, the competent authority shall take into account all relevant considerations including:
- (a) 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 or a simplified export authorisation, the competent authority shall take into account the application by the 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 or a simplified export authorisation under this Regulation, the competent authority shall respect the 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, as well as the national regulation implementing these obligations.
 4. Before the competent authority grants an export authorisation or a simplified export authorisation, it 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 decides to grant an authorisation, it 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 that the conditions of the authorisations are met throughout the duration of the authorisation. The monitoring activities including controls shall be based on risk management.

Article 19

Refusals, annulments, suspensions, modifications or revocations of an export authorisation

1. The competent authority shall refuse to grant an export authorisation or a simplified export authorisation if any of the following conditions apply:

- (a) if the obligations and considerations set forth in Article 18(1) are not met;
- (b) the applicant is a natural person and has a criminal record concerning a conduct constituting an offence listed in Article 2(2) of Framework Decision 2002/584/JHA, or concerning any other conduct provided that it constituted an offence punishable by a maximum penalty of at least four years of imprisonment;
- (c) the applicant is a legal person, and one of the following persons has a criminal record referred to in point (a):
- the applicant;
 - the person(s) in charge of the applicant or exercising control over its management;
- (d) the firearm to be exported was declared lost, stolen or otherwise sought for seizure;
- (e) there are clear indications suggesting that any of the persons involved in the transaction constitute a security threat or a threat to public safety or that the persons mentioned in (a) or (b) are unable to meet the obligations imposed onto them by Directive (EU) 2021/555, this Regulation or any authorisations issued with regard to their firearms.
2. For the purpose of paragraph 1, Member States shall obtain the information on previous criminal convictions of the applicant in other Member States, through the system established by Council Framework Decision 2009/315/JHA.
3. For the purpose of paragraph 1 point (d), Member States shall check the absence of the firearm in the Schengen Information System.
4. The competent authority shall annul, suspend, modify or revoke an export authorisation or a simplified export authorisation if the conditions for granting it were not met or are no longer met. Where the competent authority takes those decisions, it shall make that information available to the customs authority through the electronic licensing system.
5. Where the competent authority has suspended an export authorisation, its final decision shall be made available to the other Member States at the end of the period of suspension, through the electronic licensing system.
6. Where the competent authority has refused to grant an export authorisation or a simplified export authorisation, its final decision shall be registered in the electronic licensing system.

Article 20

Proof of receipt

1. Within two months after the exit from the customs territory of the Union, the exporter shall provide to the competent authority that issued the export authorisation, proof of the receipt of the dispatched shipment of the goods listed in Annex I in the third country of import, which shall notably be ensured by providing the relevant customs import documents. This notification shall be done through the electronic licensing system.
2. In the absence of such a proof of receipt of the dispatched shipments as referred to in paragraph 1 Member States' competent authority that issued the export authorisation shall request from the customs authority of export to confirm that the customs formalities related to the exit of goods have been carried out and that the goods listed in Annex I have exited the customs territory of the Union. If customs authorities confirm the exit, the competent authority that issued the export authorisation shall request the importing third country to confirm the receipt of the dispatched shipment of the goods.

Article 21

CHAPTER IV

SUPERVISION AND CONTROLS

Article 22

Post shipment checks

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 or that the goods have arrived at the planned final destination.
2. Competent authorities and customs authorities shall cooperate with each other and if necessary, with the authorities of third countries in order to verify the commitments made in the end-user statement as set out in Annex IV or the arrival of the goods at the planned final destination. Controls may be conducted, where appropriate, in third countries, provided that such third countries agree, through cooperation with the administrative authorities of those third countries. The Member States may ask the Commission for support in conducting such controls.

Article 23

Exchange of information and cooperation between authorities

1. 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 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 illicit trafficking of goods listed in Annex I shall be exchanged and processed
- (a) between customs authorities in accordance with Article 46(5) 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;
 - (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.
4. The information exchange between customs authorities and competent authorities shall be done by established national means or through the electronic licensing system.

Regulation (EC) No 515/97 shall apply *mutatis mutandis* to measures under this Article.

Article 24

Procedures at import and export

1. When completing customs formalities for goods listed in Annex I the declarant shall state, in the customs declaration or re-export declaration, the reference to the authorisation granted by the competent authority under Articles 9, 10, 14 or 17a or the reference number provided by the competent authority in accordance with Article 17. When an ATA carnet is used to fulfil customs formalities, this information shall be provided in one of its parts.
2. All information and documentation necessary to demonstrate the conformity of the goods listed in Annex I shall be provided by the importer or exporter, in accordance with the request of the competent authority, in an official language of the Member State where that authority is located, or in English.

3. When the interconnection referred to in Article 28(1), point (d) is operational, the customs authority shall verify upon acceptance of a customs declaration or a re-export declaration of goods listed in Annex I, the validity of the authorisation through the Single Window Environment for Customs. The verification shall take place electronically and automatically.
4. When the customs authority releases the goods listed in Annex I to a customs procedure or re-export, the release shall be communicated electronically and automatically to the electronic licensing system through the Single Window Environment for Customs, once the interconnection referred to in Article 28(1), point (d) is operational. When goods listed in Annex I are placed under temporary admission procedure, are temporarily exported or re-exported using an ATA carnet, the customs authority shall register the information on the release of the goods in the electronic licensing system.
5. Without prejudice to any powers conferred on them under Regulation (EU) No 952/2013, customs authority shall not release the goods listed in Annex I to a customs procedure or re-export and within 24 hours inform the competent authority through established national means or the electronic licensing system, which shall take the decision on the treatment of those goods, 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;
 - (c) the goods may fall under the scope of this Regulation; or
 - (d) in other circumstances, those goods do not comply with this Regulation.

The competent authority shall reply to the customs authority through established national means or the electronic licensing system within 10 working days.

~~In exceptional circumstances and if~~ 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.

Article 25

Detection of a non-compliant shipment

1. If a customs authority discovers a shipment of goods listed in Annex I that does not comply with the obligations set out in this Regulation, it shall take appropriate measures to ensure that the goods remain under customs supervision and within 24 hours inform the competent authority thereof.
2. The competent authority shall decide within a period not exceeding 10 working days on the handling of the goods and inform the customs authority of their decision to release the goods or take further actions. ~~In exceptional circumstances and for~~ For duly substantiated reasons, this period can be extended to 30 working days.
3. The customs authority shall ensure that the decision of the competent authority regarding goods under customs supervision is executed in accordance with the customs legislation.
4. 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, through the electronic licensing system, the competent authority of the Member State of dispatch or destination of the measures taken regarding the goods and the reasons thereof.
5. In case of suspicion of illicit trafficking of goods listed in Annex I, the goods should be seized or retained and the information related to the goods seized or retained during customs controls shall be shared by the customs authority with the competent authority in their Member State.
6. 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 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 or retention, including as the case may be 'inland', 'border crossing point', 'land border', 'airport' or 'maritime port'.

7. Article 6(1) shall not prevent the customs authority from applying Article 198(2) of Regulation (EU) No 952/2013. In the event that the customs authority carries out the destruction of the goods **as decided by the competent authority**, the costs for destruction shall be born in accordance with Article 198(3) of Regulation (EU) No 952/2013.
8. The Commission shall, by means of implementing acts, determine 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. This system shall allow for yearly statistical information on seizures or retentions of goods listed in Annex I. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

CHAPTER V

ADMINISTRATION, DIGITALISATION AND COOPERATION

Article 26

Information storage for import, export and re-export of the goods listed in Annex I

1. Member States shall keep, for not less than 20 years, all information relating to import, export and re-export of goods listed in Annex I, which is necessary to trace and identify those goods, 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) *mutatis mutandis*.
3. Paragraph 1 shall not apply to imports and exports as referred to in Article 11(1), point (a) and Article 17(1), point (a) and Article 17a(1), point (c).

Article 27

Administrative fees

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

Article 28

Electronic licensing system

1. The Commission shall establish and maintain a secure and encrypted electronic licensing system for import and export authorisations, registrations, information and decisions related to them pursuant to Articles 9, 10, 11, 12, 14, 17, 17a, 19, 20, 23, 24 and 25.

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

- (a) registration of persons entitled to request an authorisation or simplification under this Regulation before submitting the first application and, if applicable, the inclusion of the

Economic Operators Registration and Identification (EORI) number in accordance with Article 9 of Regulation (EU) No 952/2013 in the registration profile;

- (b) allow for the electronic procedure to request, grant, issue and store an authorisation or simplification pursuant to this Regulation;
- (c) allow for the interconnection with the national electronic licensing system through which authorisations or simplifications pursuant to this Regulation may be requested, granted and issued in the Member States and enable the transferring of the information thereof;
- (d) interconnection with national customs authorities via the EU Customs Single Window Environment for Customs, referred in Article 4 of the Regulation (EU) 2022/2399, including quantity management of authorised goods where necessary;
- (e) allow the risk profiling by competent authorities and the customs authorities of persons authorised or registered in accordance with this Regulation to import, export or re-export the goods listed in Annex I and profiling of those goods;
- (f) allow administrative assistance and cooperation between competent authorities and the Commission to exchange information and statistics regarding the use of the electronic licensing system;
- (g) allow for exchange of information, including the refusals to grant an authorisation between competent authorities for the implementation of this Regulation;
- (h) allow communication between competent authorities and persons requesting an authorisation or simplification;
- (i) allow communication between competent authorities and customs authorities for the purpose of implementation of this Regulation;
- (j) with the exception of personal data, allow for statistics of information such as the number of authorisations, the quantities and values of actual imports and exports and the number of refusals to grant an authorisation of goods listed in Annex I, by origin and by destination;

2. The Commission shall, by means of implementing acts, establish rules for the functioning of the electronic licensing system, including rules relating to processing of personal data and exchange of data with other IT systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).
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) person requesting an authorisation or simplification. 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 (f) and collection of data in accordance with paragraph 1, point (j).
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 at least 24 months after the date of entry into force of this Regulation.

Article 29

Information and reporting obligations

1. Member States shall communicate on 1 July of each year to the Commission a report on the models of the alarm and signal weapons that have been checked and found to be non-convertible. Those reports shall be discussed within the Coordination Group referred to in Article 33.
2. Member States shall report every two years to the Coordination Group on the results of the monitoring of authorisations referred to in Article 18 (5). The reports shall be discussed in the Coordination Group established by Article 33.

CHAPTER VI

GENERAL AND FINAL PROVISIONS

Article 30

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

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 authority to:
 - (a) enforce, with any necessary measures the application of this Regulation, including confiscation and sale or destruction of goods listed in Annex I;
 - (b) gather information on any order or transaction involving goods listed in Annex I; and
 - (c) establish that the obligations of a person under this Regulation are being properly fulfilled, which may, in particular, include the power to enter the premises of that person and other persons with an interest in **the** transaction concerned.
2. Upon request of a third country of export that is a State Party to the UN Firearms Protocol at the time of the export, the competent authority of the Member State issuing the import authorisation used for the export from the third country shall confirm the import of the goods listed in Annex I concerned by the import authorisation.

Article 32
Enforcement

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.
2. The whistle-blower-protection regime established by Directive (EU) 2019/1937 shall apply to persons who report breaches of this Regulation.

Article 33
Expert Coordination group

1. A Firearms Imports and Exports Coordination Group (the ‘Coordination Group’) chaired by a representative of the Commission shall be set up. It shall be composed of representatives of the competent authorities referred to in Article 34(2).
2. The Coordination Group shall examine any question on the application of this Regulation which may be raised either by the Chair or by a representative of the competent authorities referred to in Article 34(2). 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
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.
2. By ...[six months after the date of entry into force of this Regulation] each Member State shall designate and inform the other Member States and the Commission of the national authority or authorities competent for implementing this Regulation.

3. Based on that information, the Commission shall publish and update on its website a list of those authorities on a yearly basis.
4. 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. The Commission shall publish a first interim application report by 5 years after the entry into force of this Regulation.

Article 35

Delegated acts

The Commission is empowered to adopt delegated acts in accordance with Article 36 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 (EU) 2021/555;
- (b) amend Annex II and III to this Regulation;
- (c) determine the part of the ATA carnet where the reference to the authorisation granted by the competent authority or the reference number provided by the competent authority shall be indicated by the declarant in accordance with paragraph 1 of Article 24.

Article 36

Power to adopt delegated acts

1. The Commission is empowered to adopt delegated acts subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 35 shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in Article 35 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the

decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 35 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

1. The Commission shall be assisted by a committee. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 38

Transitional provisions

1. Authorisations for the import or export of goods listed in Annex I, subject to Articles 9, 10, 14, and 17a and granted before the *[date of entry into application of Articles 9, 10, 14, and 17a]* shall remain valid for a maximum twelve month period from *[date of entry into application of Articles 9, 10, 14 and 17a]*.

2. Authorisations for the import or export of goods listed in Annex I, requested before *[date of entry into application of Articles 9, 10, 14 and 17a]* and pending on that date, shall be granted in accordance with the provisions applicable before that date. These authorisations shall be valid for a maximum twelve month period from *[date of entry into application of Articles 9, 10, 14 and 17a]*.
3. Quantitative restrictions on imports of the goods listed in Annex I referred to in Article 13, which are in force in the Member States at the date of entry into force of this Regulation, shall be notified to the Commission, in accordance with the procedure established under Articles 13 bis to 13 quater. Such a notification shall take place at the latest before the date of application indicated in paragraph 2 of Article 40.

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

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.
2. It shall apply from ... **[the date]** 48 months after the date of entry into force of this Regulation].
3. Notwithstanding paragraph 2, Articles 2(2), 8(2), 9(6), 10(6), 13, 13 bis, 13 ter, 13 quater, 13 quinquies, 14(8), 25(7), 28, 29, 32, 33, 34, 35, 36, 37, 38, 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: – a loading device with a capacity exceeding 20 rounds is part of that firearm; or – a detachable loading device with a capacity exceeding 20 rounds is inserted into it;	ex 9302 00 00
	(b) long firearms which allow the firing of more than 11 rounds without reloading, if: – 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.	ex 9303 30 00 9301 90 00 ex 9303 90 00 ex 9303 20 10 ex 9303 20 95
(8)	Semi-automatic long firearms, that is to say firearms that are originally intended to be fired from the shoulder, that can be reduced to a length of less than 60 cm without losing functionality by means of a folding or telescoping stock or by a stock that can be removed without using tools.	9301 90 00 ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
(9)	Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds, or into a salute or acoustic weapon.	9301 90 00 ex 9302 00 00 ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00

Category B – Firearms subject to authorisation		
(10)	Repeating short firearms	ex 9302 00 00
(11)	Single-shot short firearms with centre-fire percussion.	ex 9302 00 00
(12)	Single-shot short firearms with rimfire percussion whose overall length is less than 28 cm.	ex 9302 00 00
(13)	Semi-automatic long firearms the loading device and chamber of which can together hold more than three rounds in the case of rimfire firearms, and more than three but fewer than twelve rounds in the case of centre-fire firearms.	ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
(14)	Semi-automatic short firearms other than those listed under point 7(a) of category A.	ex 9302 00 00
(15)	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
(16)	Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length	ex 9303 20 10 ex 9303 20 95
(17)	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
(18)	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		
(19)	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
(20)	Long firearms with single-shot rifled barrels.	ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
(21)	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
(22)	Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm	ex 9302 00 00
(23)	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
(24)	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
(25)	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.

(26)	Collections and collectors' pieces of historical interest Antiques manufactured after 1899	ex 9705 10 00 ex 9706 10 00 ex 9706 90 00
(27)	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
(28)	Any essential components of firearms, even semi-finished, including semi-finished firearms.	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

(29)	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: Silencers

(30)	Silencers	ex 9305 10 00
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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.
- (2) When an ‘ex’ code is indicated, the scope is to be determined by application of the CN code and corresponding description taken together.

PUBLIC

ANNEX II

(import authorisation data set)

(referred to in Article 9a 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 ☐ multiple ☐ national general ☐			
Movements before import applicable? Yes ☐ transit procedure for non-union goods applicable? Yes ☐			
Non-convertible alarm and signal weapons ☐		Deactivated certified firearms ☐	
		Deactivated firearms without certificate ☐	
1	1. importer No	2. identification number of the authorisation ³²	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		
	(If different from importer) (EORI	8. country(ies) of import	Code ³³
		9. country(ies) of export and number(s) of	Code ²

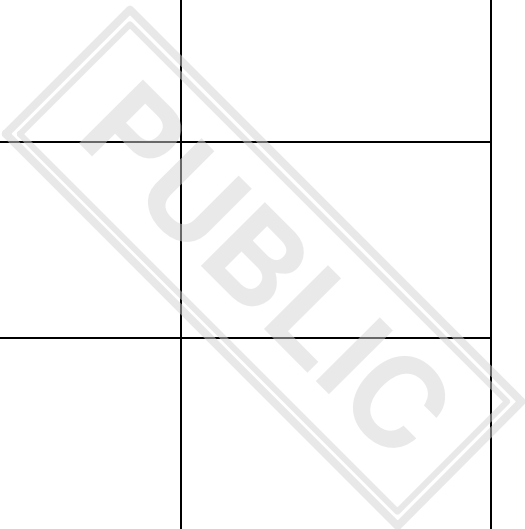
³² For completion by the competent authority.

³³ 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
	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 1 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		

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2			



ANNEX III

(export authorisation data set)

(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 ☐ multiple ☐			
Intra-EU Transit after export applicable yes ☐			
Non-convertible alarm and signal weapons ☐		Deactivated firearms ☐	
1a. Owner (if applicable)	1. applicant/exporter No	2. identification number of the authorisation ³⁴	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 ³⁵
	(If different from applicant/holder of the authorisation) (EORI	9. country(ies) of import and number(s) of import authorisation(s)	Code ⁴

³⁴ For completion by the competent authority.

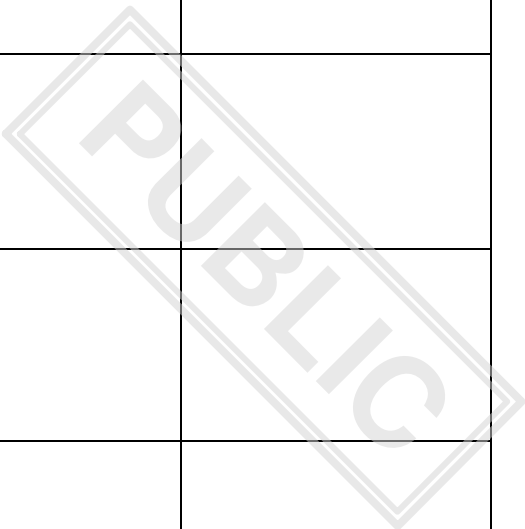
³⁵ See Council Regulation (EC) No 1172/95 (OJ L 118. 25.5.1995, p.10).

	number if applicable)		
	10. Final recipient(s) (if know at the time of the shipment) (EORI number if applicable)	11. Third countries where the consignment is passing through (if applicable)	Code ⁴
		12. Member State(s) of intended entry into the customs export procedure	Code ⁴
	13. Description of the items	14. Harmonised System or Combined Nomenclature Code (if applicable – 8 digits)	
	13a. Marking	15. currency and value	16. quantity of the items
	17. End use	18. contract date (if applicable)	19. customs export procedure
	20. Additional information required by national legislation (to be specified on the form)		
	Available for pre-printed information		
	At discretion of Member States		
		For completion by issuing authority	
		Signature	Stamp
		Issuing authority	
		Place and date	
EUROPEAN UNION			
1a. (a separate template shall be filled in for each consignee)	1. Applicant/exporter	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 1 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		
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ANNEX IV

End-user statement

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

- details of the exporter (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);
- 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;
- 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 statement;
- if applicable, a unique identifying number or contract number relating to the end-user statement;
- 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
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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
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Article 2, point 10	Article 2, point 20
-	Article 2, point 20
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-	Article 2, point 22
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-	Article 2, point 28
-	Article 2, point 29
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-	Article 2, point 31
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-	Article 2, point 34
-	Article 2, point 35

Article 2, point 12

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Article 2, point 13

Article 2, point 15

Article 2, point 16

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Article 3(1), points (a), (c) and (f)

Article 3(1), points (b), (d) and (e)

Article 3(2)

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Article 2, point 36

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Article 2, point 37

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Article 3(1), points (a), (b) and (c)

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Article 4

Article 5

Article 6

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-	Article 8
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-	Article 12
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Article 4(1), first and second sentence	Article 14(1) second and third sentence
-	Article 14(1) forth sentence
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-	Article 14(2)
-	Article 14(3)
Article 4(3)	Article 14(4)
Article 5	Article 35(1), introductory wording and point (a)
-	Article 35(1), point (b) and (c)
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-	Article 15(5), second sentence
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-	Article 15(7)
-	Article 15(8)
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-	Article 16(3)
Article 9	Article 17, point 1 and 2
-	Article 17, point 3
Article 10	Article 18
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-	Article 19(1) point a, second part
Article 11(1) point b	Article 19(1) point b
Article 11(1), last sentence	Article 19(1), last sentence
-	Article 19(2)
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-	Article 19(5)

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-	Article 19(8)
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Article 13(1)	Article 20(2), last sentence
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-	Article 24(1), second and third sentence
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-	Article 24(3)
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-	Article 34(3) last sentence

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-	Article 39
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