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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Customs Union
Subject:	Firearms Regulation - presentation by Presidency

Delegations will find attached the Presidency presentation on Firearms Regulation as delivered during the meeting of the Working Party on Customs Union on 21 June 2023.

Firearms Proposal Presidency Compromise Proposal

Customs Union Working Party 21 June 2023



Disposition

- Scope COM Proposal doc. st14244/22
- Scope PRES Proposal doc. st10261/23
- Regulation Firearms Directive
- Procedures of import and export authorisations an explanation
- Entry into force (application)



Scope – COM Proposal exclusion

- State to State transactions or State transfers
 - > All goods imported/exported/transited excluded
- Firearms, their essential components and ammunition when destined for the armed forces, the police, or the public authorities
 - ➤ All goods exported to armed forces, police etc. in any country <u>excluded</u>, meaning also
 - ➤ All goods imported/exported to persons and companies included
 - ➤ Goods other than firearms, essential components and ammunition when imported/exporter to armed forces, police or public authorities in any country included
- Antique firearms manufactured before 1900 excluded

Scope – PRES Proposal exclusions

- State to State transactions or State transfers
 - ➤ All goods imported/exported/transited excluded
- Goods listed in the Common Military List of the European Union, if specially designed for military use
 - ➤ All goods not in the military list are <u>included</u>;
 - ➤ All goods in the military list, but not designed for military use are <u>included</u>
- Goods listed in Annex I when destined for the armed forces, the police, or the public authorities in Member States excluded
- Antique firearms manufactured before 1900 excluded



Scope – COM/PRES Proposal no differences

- State to State transactions or State transfers
 - > All goods imported/exported/transited excluded
- Antique firearms manufactured before 1900 excluded



Scope – differences

COM

- Firearms, their essential components and ammunition when destined for the armed forces, the police, or the public authorities
 - ➤ All goods exported to armed forces, police etc. in any country <u>excluded</u>, meaning also
 - All goods imported/exported to persons and companies included
 - ➤ Goods other than firearms, essential components and ammunition when imported/exporter to armed forces, police or public authorities in any country included

PRES

 Goods listed in Annex I when destined for the armed forces, the police, or the public authorities of the Member States excluded



Scope – differences

COM

PRES

- firearms, their parts and essential components and ammunition if specially designed for military use and, in any case, firearms of the fully automatic firing;
- Goods listed in the Common Military List of the European Union, if specially designed for military use
 - All goods not in the military list are included;
 - All goods in the military list, but not designed for military use are included

Regulation v/s Directive

Regulation

- Applies until release for free circulation
- Harmonised rules for import and export applies in all MS.

Examples:

- Alarm- and signal weapons
- Silencers

Directive

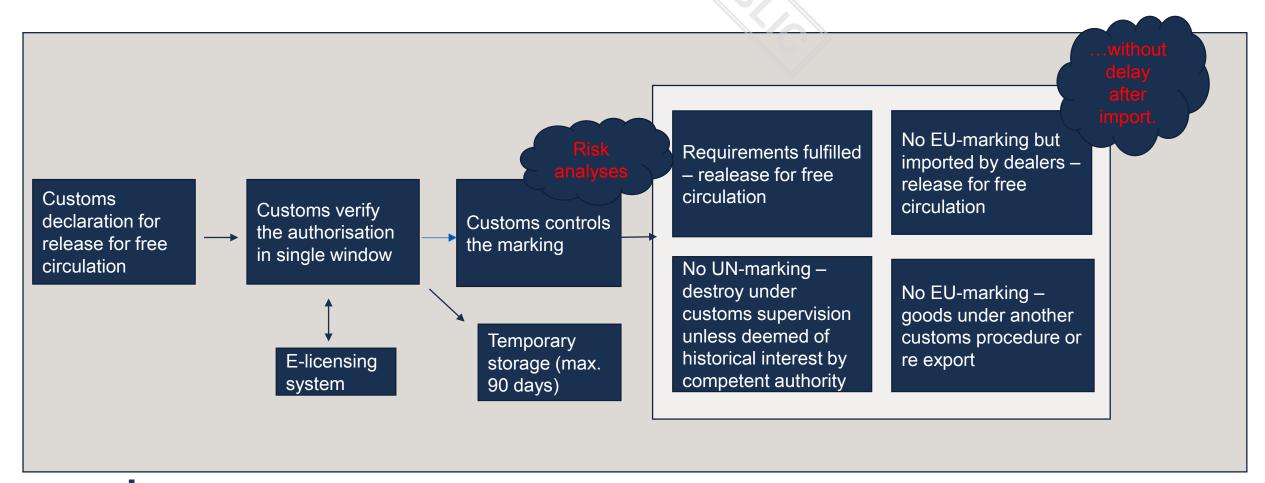
- Applies for goods in free circulation
- Allows for stricter national rules.

Examples:

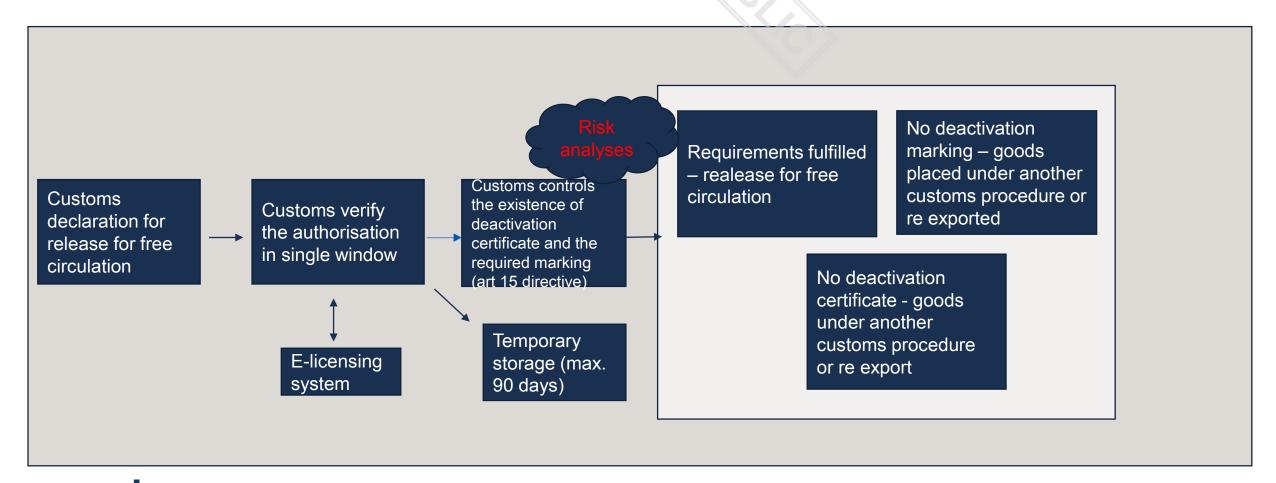
- Alarm- and signal weapons
- Silencers



Marking at import (Art. 6)

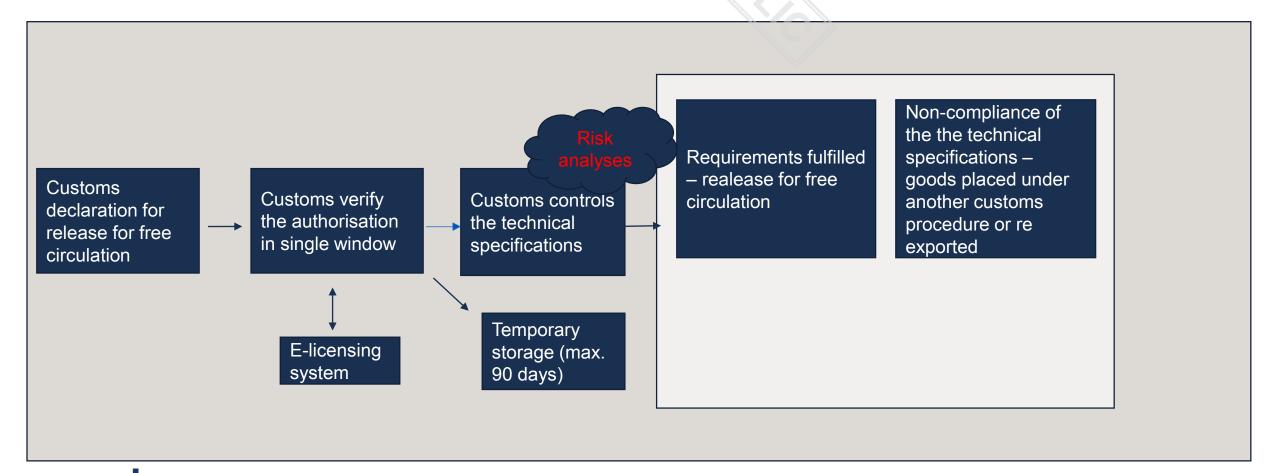


Deactivated firearms (Art. 7)





Alarm & signal weapons (Art. 8)





Import authorisation (Art. 9 and 9a)

What?

Who?

How

Requirements?

An import authorisation is necessary for the entry of non –Union goods listed in annex 1 in order to release them for free circulation or placing them under a special procedure

A **single authorisation** for one shipment of one or more goods valid for a maximum of **9 months**:

A multiple authorisation for multiple shipments of one or more valid for a maximum of **3 years**;

An **Union general** authorisation for goods available to authorised economic operators

Any person entitled, pursuant to Firearms Directive, to manufacture, acquire, possess, hold or trade goods listed in Annex I

Except for semi-finished firearms and semi-finished essential component
Only dealers and brokers may apply to import semi-finished firearms and semi-finished essential components

The authorisation shall be **applied for** and issued through the e-licensing system

The application shall contain the information listed in Annex II Part I

Entitlement pursuant to the **Firearms directive**

No criminal record

The firearm to be imported can't be declared lost, stolen, under investigation or otherwise sought for

No indications suggesting that the applicant (natural or legal person) constitute a **security threat or a threat to public safety**

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



Tasks

Competent authority

- The authorisation shall be handled (including grant or refuse) by the competent authority of the Member State of final destination.
- Process the application within 60 working days (this period may be extended to 90 working days).
- Request information on previous criminal record. convictions of the applicant from other Member States.
- Annul, suspend, modify or revoke in certain cases.
- Responsible for administration of fee.

Customs

- Perform risk analyses.
- Control customs declaration including the existence of an authorisation.
- Customs controls.
- Act in case of irregularities or suspicion thereof.



Import authorisation for non-union goods temporarily entering the customs territory of the Union (Art.10)

take into account all relevant

foreign and security policy

considerations, including those of national

What? Who? Requirements? How? Importers without establishment in the The authorisation shall be applied for and No criminal record An import authorisation for **non-union** customs territory of the Union issued through the e-licensing system goods listed in Annex I temporarily The firearm to be imported can't be **declared** entering the customs territory of the Union lost, stolen, under investigation or The application shall contain the information listed in Annex II Part II otherwise sought for Required from importers without establishment in the customs territory of The application and any supporting No indications suggesting that the **applicant** the Union (natural or legal person) or the person inviting documents shall be submitted before the planned entry of the goods into the the applicant to an activity constitute a security Temporary admission for evaluation, customs territory of the Union threat or a threat to public safety exhibition or inward processing for repair, When deciding whether to grant an import authorisation, the competent authority shall The temporary admission by hunters,

placed under a **customs transit procedure** with the final destination in a third country. Exit the EU in accordance with Article 17(1), point (a)(iii). (E.g. Moldova – Romania – Serbia)

historical reenactors or sport shooters

Non-Union goods **entering and passing through** the customs territory of the Union

as part of their accompanied personal

effects.

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Tasks

Competent authority

- The authorisation regarding temporary admission shall be handled (including grant or refuse) by the competent authority of the Member State of final destination.
- The authorisation regarding transit shall be handled (including grant or refuse) by the competent authority of the Member State where the goods enter the customs territory of the Union.
- Process the application within 60 working days (this period may be extended to 90 working days).
- Responsible for administration of fees.

Customs

- Perform risk analyses. ´.
- Control customs declaration including the existance of an authorisation.
- Customs controls.
- When the goods are placed under the temporary admission procedure using the ATA carnet, the customs authorities shall inform the competent authority through electronic means.
- Act in case of irregularities or suspision thereof.



Administrative simplification (Art. 11)

What?

Who?

How?

Requirements?

No authorisation is required in the following cases

(1) import of goods **previously temporary exported** in accordance with Article 17(1), point (a)(i) and Article 17(2), point (c).

Or

(2) **Union-goods re-entering** the customs territory of the Union having previously been placed under a **customs transit procedure** for exit the EU in accordance with Article 17(1), point (a)(iv), **passing through** a country or territory **outside** the customs territory of the Union with the **final destination in the Union**. (E.g. Ireland – England – France)

Any person holding a European Firearms pass or in other cases entitled, pursuant to Firearms directive to manufacture, acquire, possess, hold or trade goods listed in Annex I to Firearms Regulation

- (1) The **person importing** the goods shall provide **information** about the temporary export and the **reference number** received from the competent authority at export **to the competent authority of destination** prior to the re-entry into the customs territory of the Union
- (2) The **person moving goods** under 2 shall provide the competent authority with the reference number of the customs declaration.

The **person importing** goods according to this article (**both 1 & 2**) shall state in the customs declaration the reference number of the customs declaration used for temporarily bringing the goods out of the Customs territory of the Union and the reference number provided by competent authority in accordance with Article 17(1), point (d)

Entitlement pursuant to the **Firearms** directive

No indications suggesting that the applicant (natural or legal person) constitute a **security threat or a threat to public safety**



Tasks

Competent authority

- Refuse import if the applicant does not fulfill the criteria for the administrative simplification.
- Refuse import if there are indications suggesting that any of the persons constitute a security threat or a threat to public safety.
- Register any refusals of import in the e-licensing system.

Customs

- Perform risk analyses.
- Control customs declaration including the existance of an authorisation.
- Customs controls.
- When the goods are placed under the temporary admission procedure using the ATA carnet, the customs authorities shall inform the competent authority through electronic means.
- Act in case of irregularities or suspicion thereof.



Export authorisathion (Art. 14)

What?

Who?

How?

Requirements?

An export authorisation is necessary for the export of **goods listed in annex 1**

The application/authorisation shall contain the information listed in annex III, part 1

- a single authorisation granted to one specific person for one shipment of one or more goods to one identified final recipient or consignee in a third country;
- a multiple authorisation granted to one specific person for multiple shipments of one or more goods to one identified final recipient or consignee in a third country;
- a **Union general authorisation** available to authorised economic operators for exports to specified countries of destination.

Any person authorised, pursuant to Firearms Directive to manufacture, acquire, possess or trade goods listed in Annex I.

The authorisation shall be applied for and issued through the e-licensing system.

The application shall contain the information listed in Annex III Part I.

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 of transit had no objection to the transit.

Entitlement pursuant to the **Firearms** directive

The importing third country has authorised the relevant import.

No criminal record

The firearm to be exported can't be declared lost, stolen, under investigation or otherwise sought for seizure.

No indications suggesting that the applicant (natural or legal person) constitute a security threat or a threat to public safety

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

If transit, third countries of transit, may object in some cases (maintained from previous scope)



Tasks

Competent authority

- The authorisation shall be handled (including grant or refuse) by the competent authority of the Member State where the applicant is established.
- Process the application within 60 working days (this period may be extended to 90 working days).
- Request information on previous criminal record convictions of the applicant from other Member States.
- When deciding whether to grant an export authorisation, the competent authority shall take into account all relevant considerations, including those of national foreign and security policy. Annul, suspend, modify or revoke in certain cases.
- Responsible for administration of fee.
- Where the export of goods listed in Annex I requires an export authorisation pursuant and that export is also subject to authorisation requirements in accordance with Common Position 2008/944/CFSP, Member States may use a single procedure to carry out the obligations imposed on them by this Regulation and by that Common Position.

Customs

- Perform risk analyses.
- Control customs declaration including the existence of an authorisation.
- Customs controls.
- Act in case of irregularities or suspicion thereof.



Administrative simplifications (Art 17(1)(a)(i))

What?

Who?

How?

Requirements?

No export authorisation shall be required for

 the temporary export (Union goods) by hunters, historical reenactors or sport shooters as part of their accompanied personal effects, during a journey to a third country, Hunters, historical reenactors or sport shooters holding a European Firearms pass or in other cases entitled, pursuant to Firearms directive to manufacture, acquire, possess, hold or trade goods listed in Annex I to Firearms Regulation Provided that they inform the competent authority at exit, electronic through the system referred to in Article 28, at least 10 working days before bringing the goods out of the customs territory of the Union.

- the reasons for the journey, in particular by producing an invitation or other proof of the hunting, historical reenactment or sport shooting activities in the third country of destination;
- the European Firearms Pass referred to in Article 17 of Directive (EU) No 2021/555 or the authorisation to possess, pursuant Directive (EU) No 2021/555, goods listed in Annex I;
- one or more which of the firearms as specified in the European Firearms Pass and other goods, besides firearms, listed in Annex I intended be brought out of the customs territory of the Union and the reasons for the type and amount of those goods which shall be appropriate for the reasons of the journey. The amount of ammunition shall be limited to a maximum of 800 rounds for hunters and a maximum of 1 200 rounds for sport shooters.,



Administrative simplifications (Art.17(1)(a)(ii))

What?

Who?

Requirements?

No export authorisation shall be required for

 the re-export, within 90 days from the entry in to the customs territory, by hunters, historical reenactors or sport shooters as part of their accompanied personal effects following temporary admission for hunting, historical reenacting or sport shooting activities, Hunters, historical reenactors or sport shooters as part of their accompanied personal effects following temporary admission for hunting, historical reenacting or sport shooting activities,

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



Administrative simplifications (Article 17(1)(a)(iii))

No export authorisation shall be required for:

Non-Union goods entering EU and temporarily passing through fand leaving with the final destination in a third country. Entry in accordance with article 10.1.c

E.g. Moldavia – Romania – Serbia



Administrative simplifications (Article 17(1)(a)(iv))

No export authorisation shall be required for:

Union-goods leaving the EU temporarily passing through a third country with the final destination in the EU. Entry in accordance with article 11.1.b

E.g. Ireland - England - France



Movement covered by the Firearms Directive.



Simplified export authorisation (Art. 17(2))

What?

- The authorisation shall be applied for and issued through the e-licensing system
- The application shall contain the **information**

How?

listed in Annex II Part II.

Requirements?

- No criminal record
- The firearm to be imported can't be declared lost, stolen, under investigation or otherwise sought for

No indications suggesting that the applicant (natural or legal person) constitute a security threat or a threat to public safety

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.

the re-export, within 90 days, of firearms, their parts and essential components and ammunition if they are goods listed in Annex I held in temporary storage from the moment they enter the customs territory of the Union until their exit

the re-export, within 180 days, of firearms goods listed in Annex I

or inward processing for repair, provided that the firearms goods

remain the property of a person established outside the customs

following temporary admission for evaluation, exhibition without sale,

territory of the Union and the firearms are re-exported to that person;

the temporary export of firearms goods listed in Annex I for the purpose of evaluation and repair and exhibition without sale, provided that the person exporting the goods exporter substantiates the lawful possession of those goods firearms and exports them under the outward processing or temporary exportation customs procedures.



Tasks

Competent authority

- The authorisation shall be handled (including grant or refuse) by the competent authority of the Member State where the applicant is established.
- Process the application within 60 working days (this period may be extended to 90 working days).
- Request information on previous criminal record convictions of the applicant from other Member States.
- When deciding whether to grant an export authorisation, the competent authority shall take into account all relevant considerations, including those of national foreign and security policy. Annul, suspend, modify or revoke in certain cases
- Responsible for administration of fee.
- Where the export of goods listed in Annex I requires an export authorisation pursuant and that export is also subject to authorisation requirements in accordance with Common Position 2008/944/CFSP, Member States may use a single procedure to carry out the obligations imposed on them by this Regulation and by that Common Position.

Customs

- Perform risk analyses.
- Control customs declaration including the existance of an authorisation.
- Customs controls.
- When the goods are placed under the temporary admission procedure using the ATA carnet, the customs authorities shall inform the competent authority through electronic means.
- Act in case of irregularities or suspicion thereof.



Procedures at import and export (Art. 24)

When completing customs formalities for the import or export of goods listed in Annex I the declarant shall state the reference number of the import or export authorisation in the customs declaration.

All information and documentation necessary shall be provided, upon request of the competent authority.

Upon acceptance of a customs declaration for import or export or a reexport, customs shall verify the validity of the authorisation through Single Window.

requirements and formalities established in the Union customs and firearms legislation have been fulfilled, customs shall release the goods to a customs procedure or re-export.



Procedures at import and export (Art. 24(5)(6))

Without prejudice to any powers conferred on them under Regulation (EU) No 952/2013, **customs** shall, for a period not exceeding **10 working days**, **not release the goods** to a customs procedure or re-export and **inform** through electronic **means the competent authority**, 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.

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

Customs shall refuse the release of the goods for the customs procedure concerned, if they, in other circumstances, have grounds to believe that those goods do not comply with the Firearms Regulation. In such a case, they shall inform through electronic means the competent authority, which shall take the decision on the treatment of those goods.

The competent authority shall in those cases reply to the customs authority through electronic means within 10 working days.

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



Detection of a non-compliant shipment

(Article 25),

Customs discovers an illicit shipment and take appropriate measures to ensure that the goods remains under customs supervision. Customs informs the competent authority.

The competent authority shall without delay decide on the handling of the goods and inform the customs authority of that decision.

In cases of non-compliance regarding marking, the competent authority shall assess the marking and take a decision and than inform customs of this decision.

The importer shall be responsible for any costs for destruction.

The customs authority shall without delay execute the decision of the competent authority in accordance with the customs legislation.

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

In case of suspicion of illicit trafficking the information related to the goods seized or retained shall be shared by the customs authority with the competent authority.



Entry into force

Transitional rules are not necessary if the Regulation start applying when the IT-systems are operational.

Date of application only dependent on COM completing the e-licesing system and the connection to EU Single Window.

