



Council of the European Union  
General Secretariat

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**Interinstitutional files:  
2022/0288 (COD)**

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**Brussels, 22 June 2023**

**WK 8524/2023 INIT**

**LIMITE**

**UD  
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**ENFOPOL  
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## **MEETING DOCUMENT**

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

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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.

PUBLIC

# 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 excluded, 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 included;
  - All goods in the military list, but not designed for military use are included
- 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 excluded, 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

- ~~firearms, their parts and essential components and ammunition if specially designed for military use and, in any case, firearms of the fully automatic firing;~~

## PRES

- 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

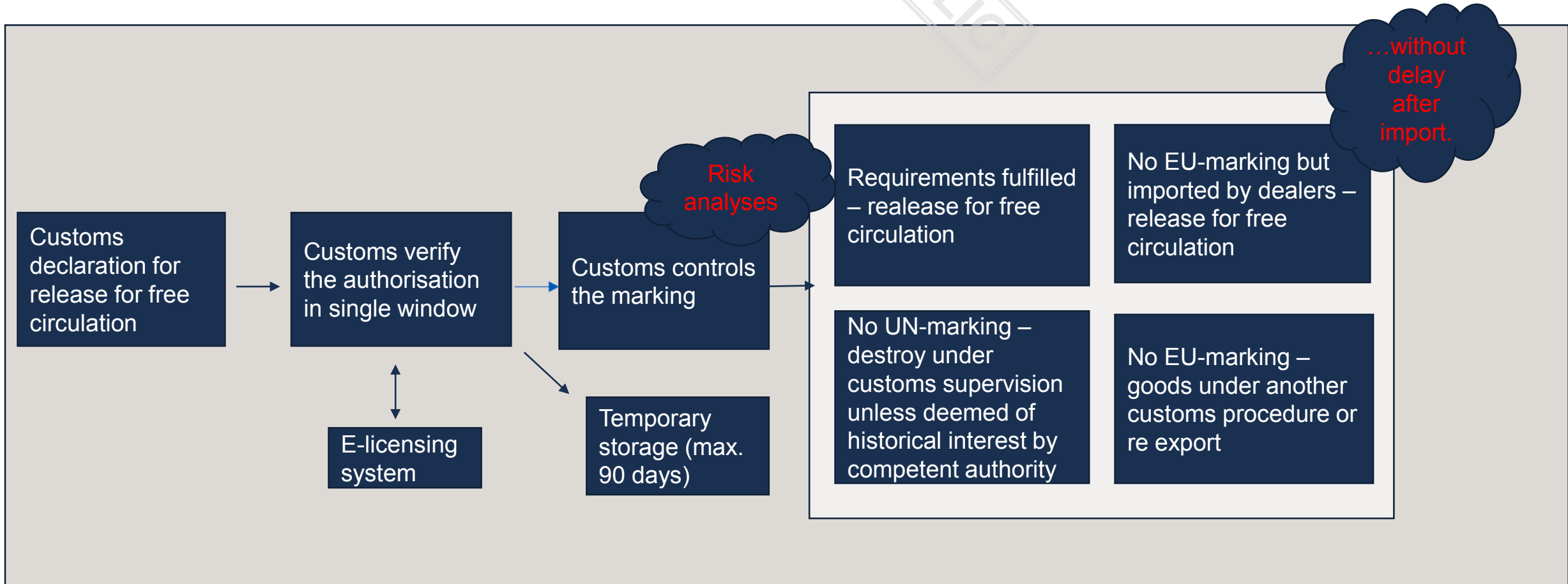
## Directive

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

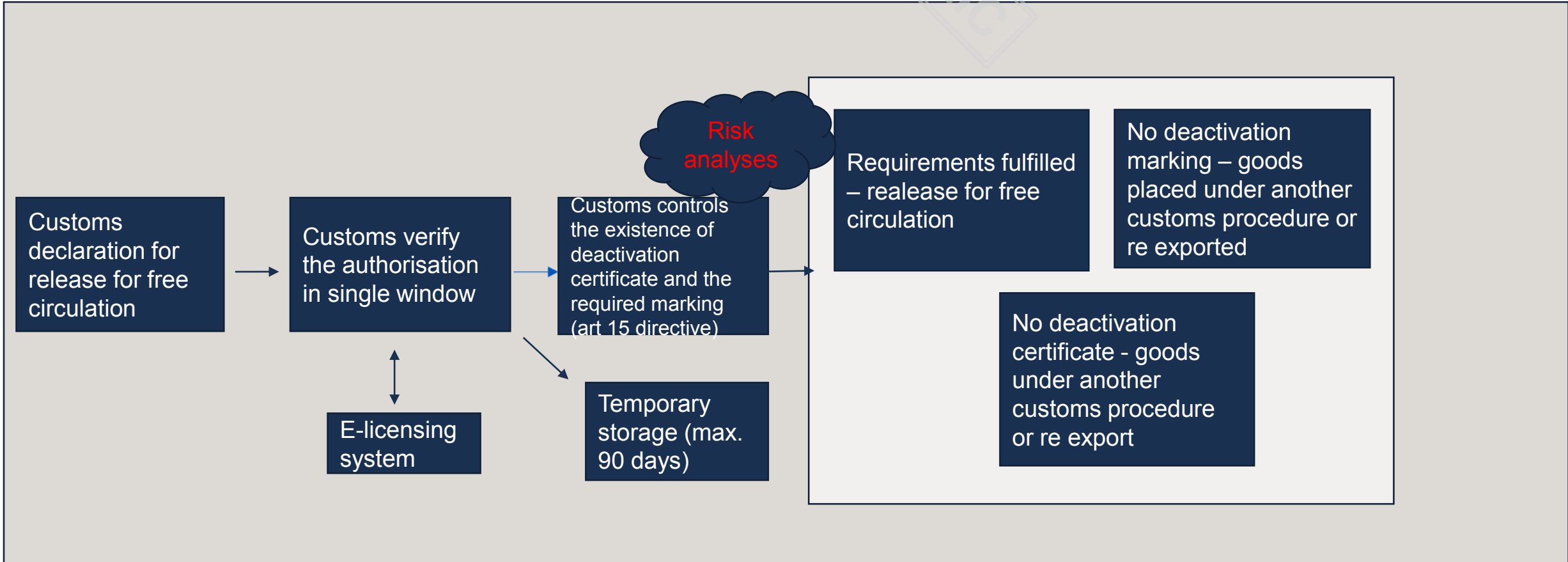
### Examples:

- Alarm- and signal weapons
- Silencers

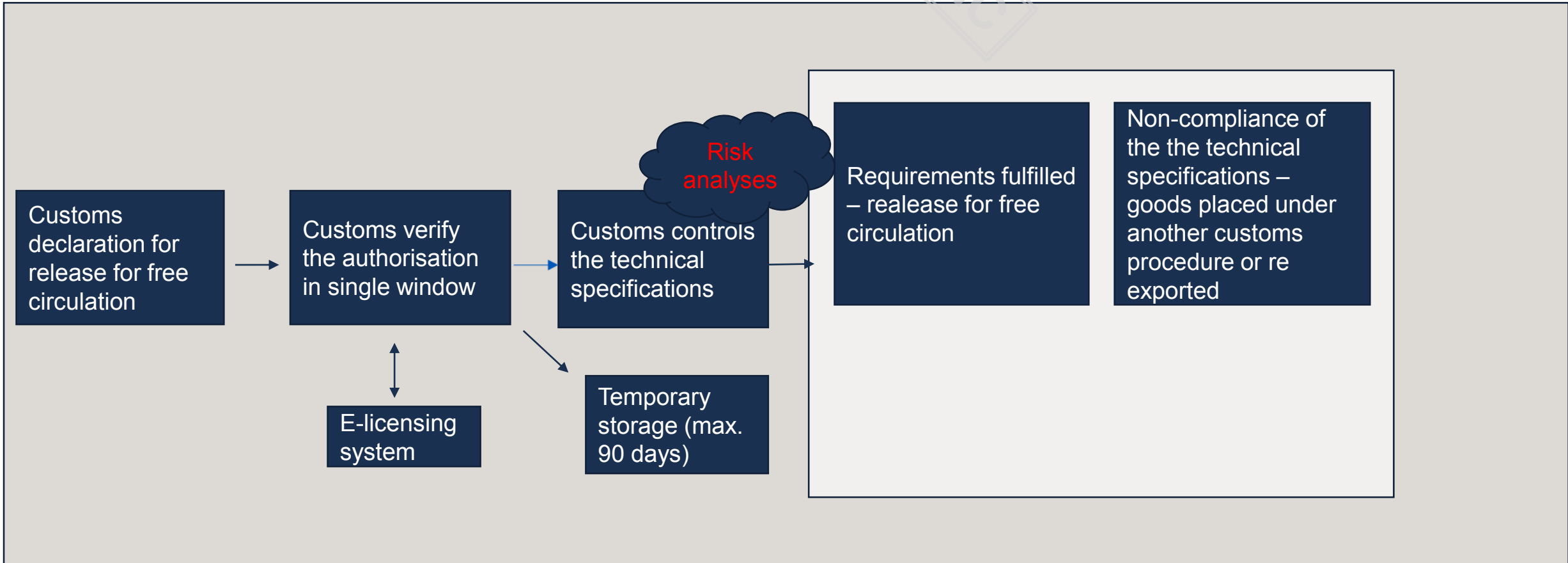
# Marking at import (Art. 6)



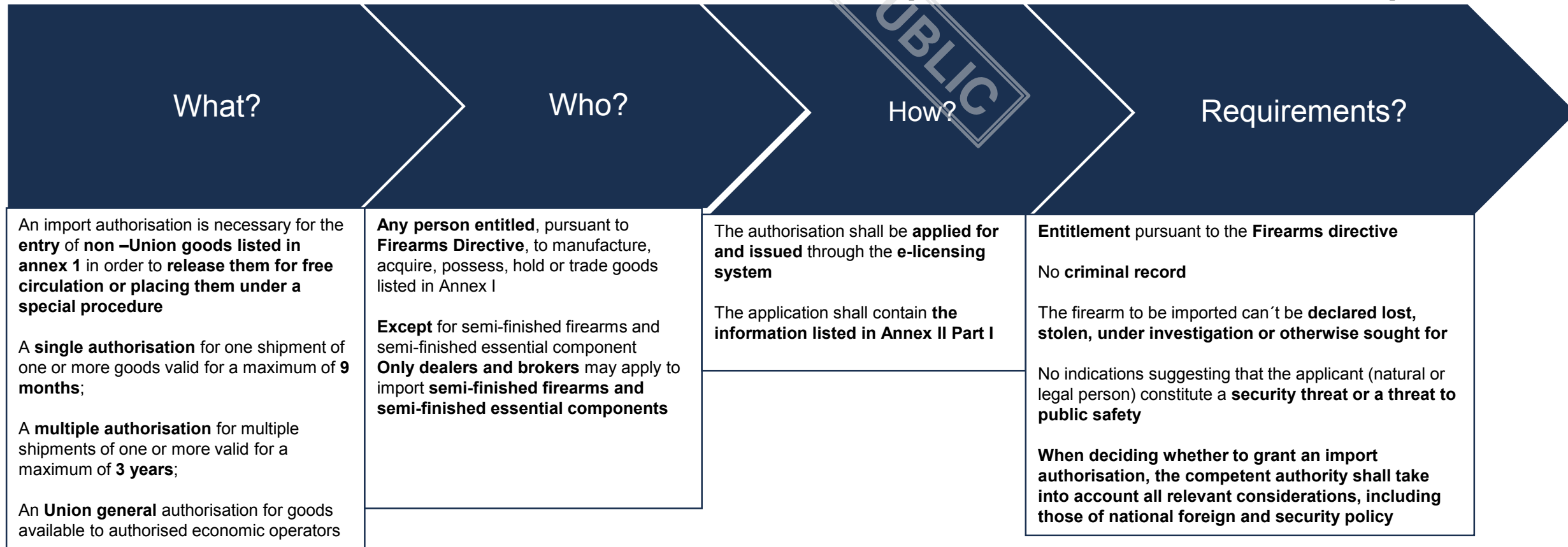
# Deactivated firearms (Art. 7)



# Alarm & signal weapons (Art. 8)



# Import authorisation (Art. 9 and 9a)



# Tasks

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graph TD; Tasks --> CompetentAuthority[Competent authority]; Tasks --> Customs[Customs];
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## 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)

| What?  | Who?  | How?   | Requirements?   |
|--|---|--|---|
| <p>An import authorisation for <b>non-union goods</b> listed in Annex I <b>temporarily</b> entering the customs territory of the Union</p> <p>Required from <b>importers without establishment in the customs territory of the Union</b></p> <p><b>Temporary admission for evaluation, exhibition or inward processing for repair,</b></p> <p>The <b>temporary admission</b> by <b>hunters, historical reenactors or sport shooters</b> as part of their accompanied <b>personal effects</b>,</p> <p>Non-Union goods <b>entering and passing through</b> the customs territory of the Union placed under a <b>customs transit procedure</b> 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)</p> | <p>Importers <b>without establishment</b> in the customs territory of the Union</p> | <p>The authorisation shall be <b>applied for and issued</b> through the <b>e-licensing system</b></p> <p>The application shall contain the <b>information listed in Annex II Part II</b></p> <p>The application and any supporting documents shall be <b>submitted before the planned entry of the goods</b> into the customs territory of the Union</p> | <p>No <b>criminal record</b></p> <p>The firearm to be imported can't be <b>declared lost, stolen, under investigation or otherwise sought for</b></p> <p>No indications suggesting that the <b>applicant</b> (natural or legal person) or the <b>person inviting</b> the applicant to an activity constitute a <b>security threat or a threat to public safety</b></p> <p><b>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</b></p> |

# Tasks

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graph TD; Tasks --> CompetentAuthority[Competent authority]; Tasks --> Customs[Customs];
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## Competent authority

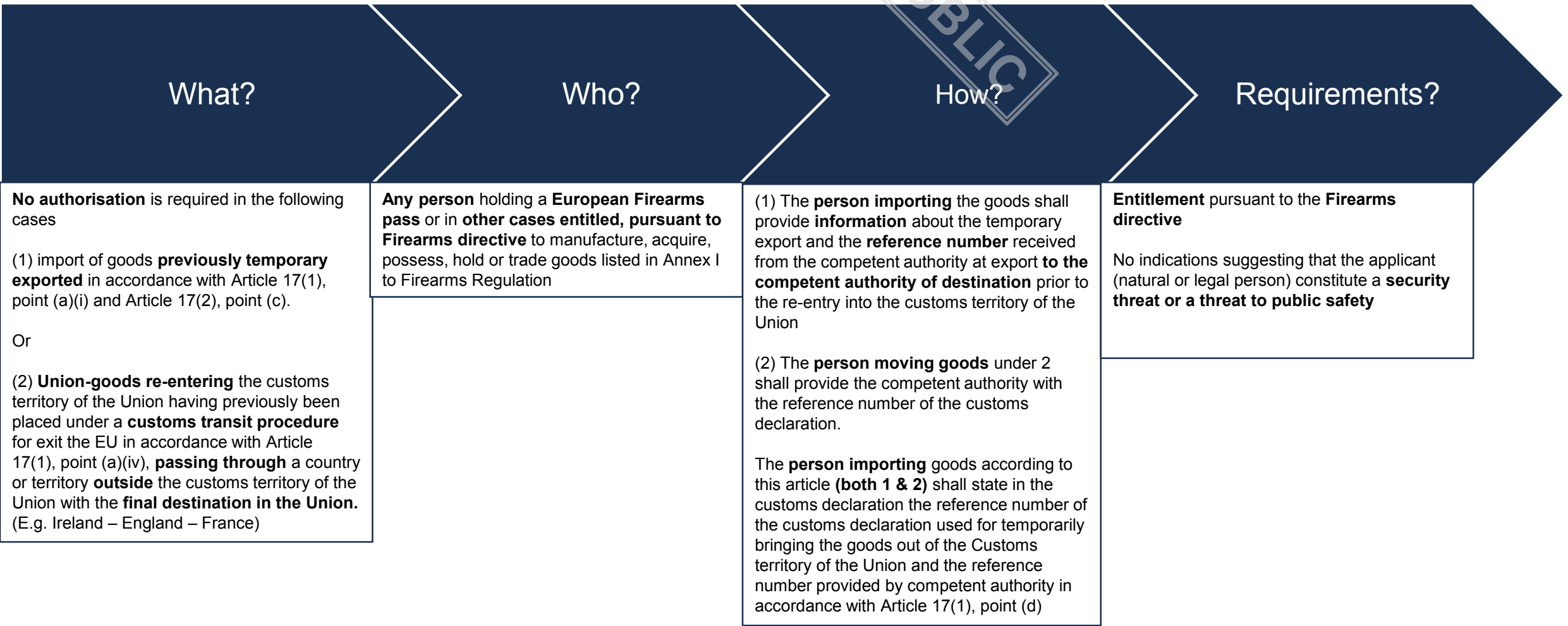
- The authorisation regarding temporary admission shall be handled (including grant or refuse) by the competent authority of the Member State of final destination.
- The authorisation regarding transit shall be handled (including grant or refuse) by the competent authority of the Member State where the 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 existence 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.



# Administrative simplification (Art. 11)



# Tasks

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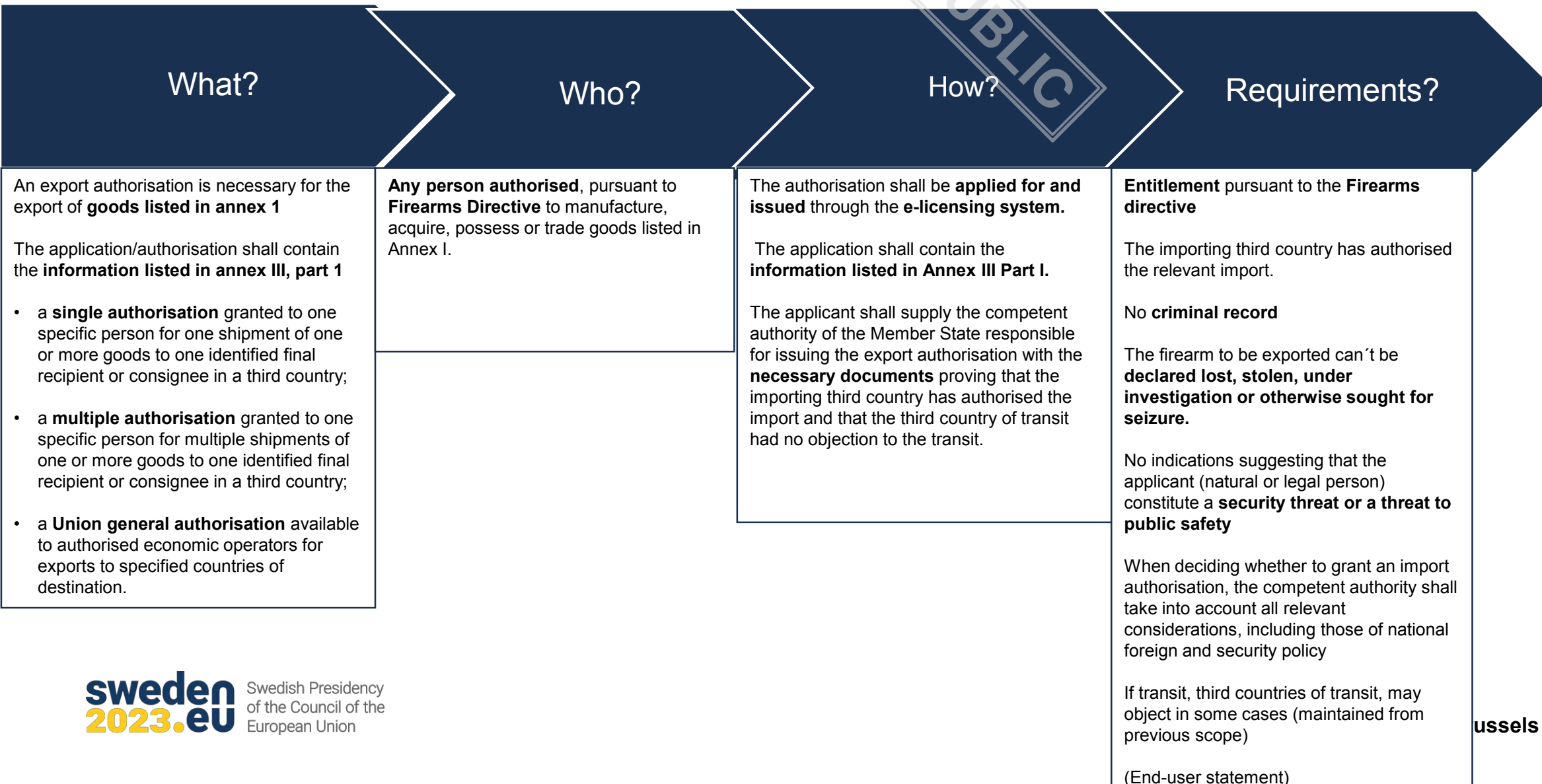
## Competent authority

- 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 existence 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 authorisation (Art. 14)



# 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.

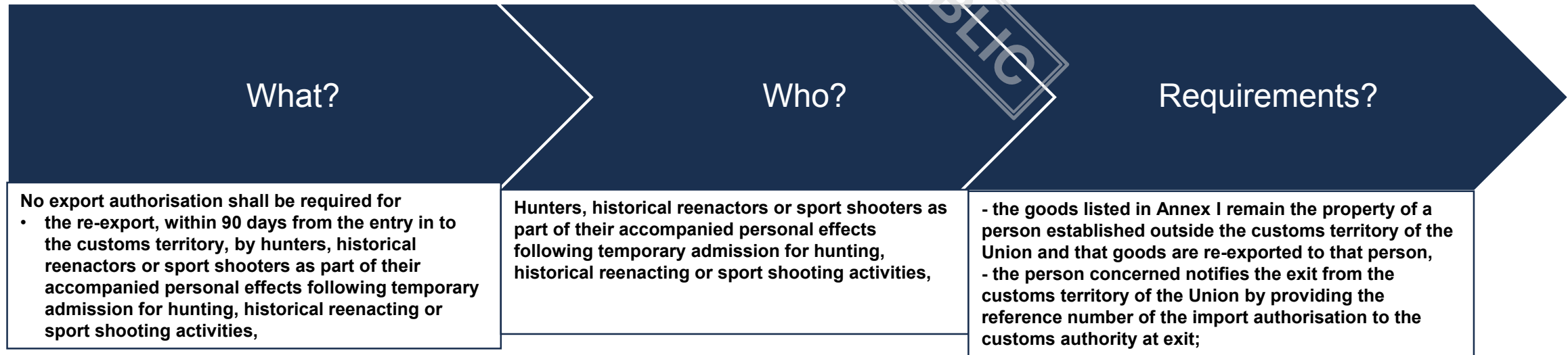
## Customs

- **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?   |
|---|---|--|---|
| <p><b>No export authorisation shall be required for</b></p> <ul style="list-style-type: none"> <li>• <b>the temporary export</b> (Union goods) by hunters, historical reenactors or sport shooters as part of their accompanied personal effects, during a journey to a third country,</li> </ul> | <p><b>Hunters, historical reenactors or sport shooters</b> holding a <b>European Firearms pass</b> or in <b>other cases entitled, pursuant to Firearms directive</b> to manufacture, acquire, possess, hold or trade goods listed in Annex I to Firearms Regulation</p> | <p>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.</p> | <ul style="list-style-type: none"> <li>– 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;</li> <li>– 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;</li> <li>– 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.,</li> </ul> |

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



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

**No export authorisation shall be required for:**

**Non-Union goods entering EU and temporarily passing through and 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**

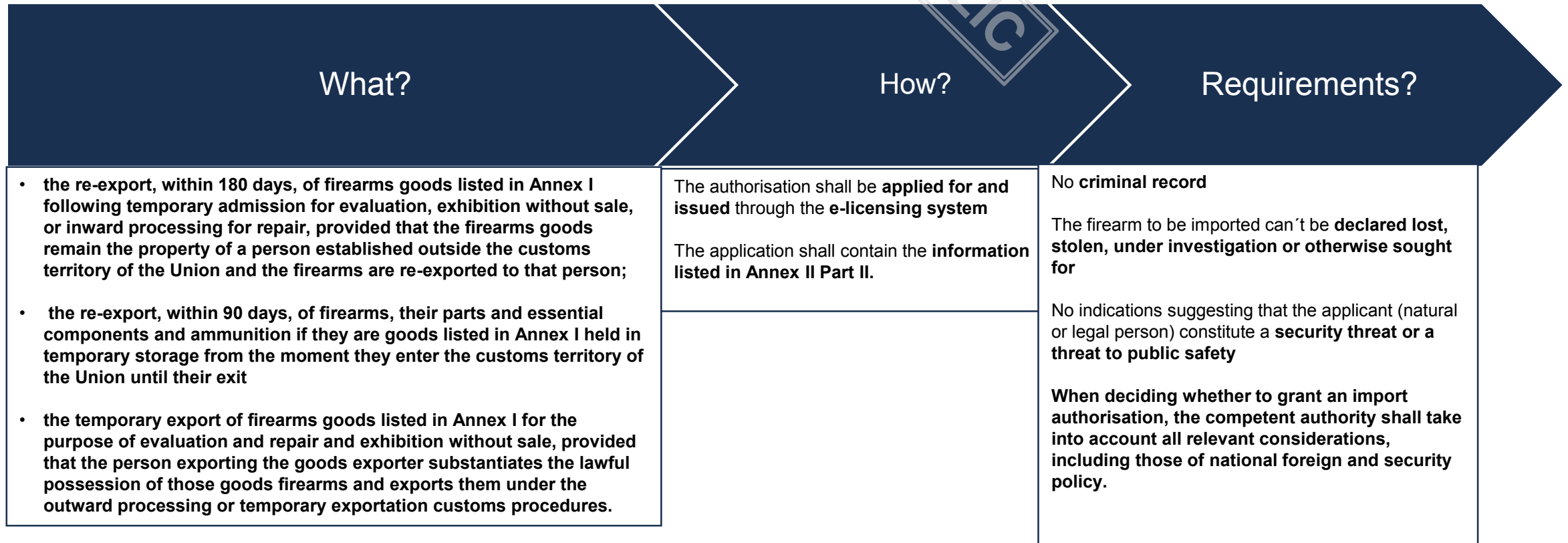
**E.g. Ireland – England – France**



**Movement covered by the Firearms Directive.**



# Simplified export authorisation (Art. 17(2))



# Tasks



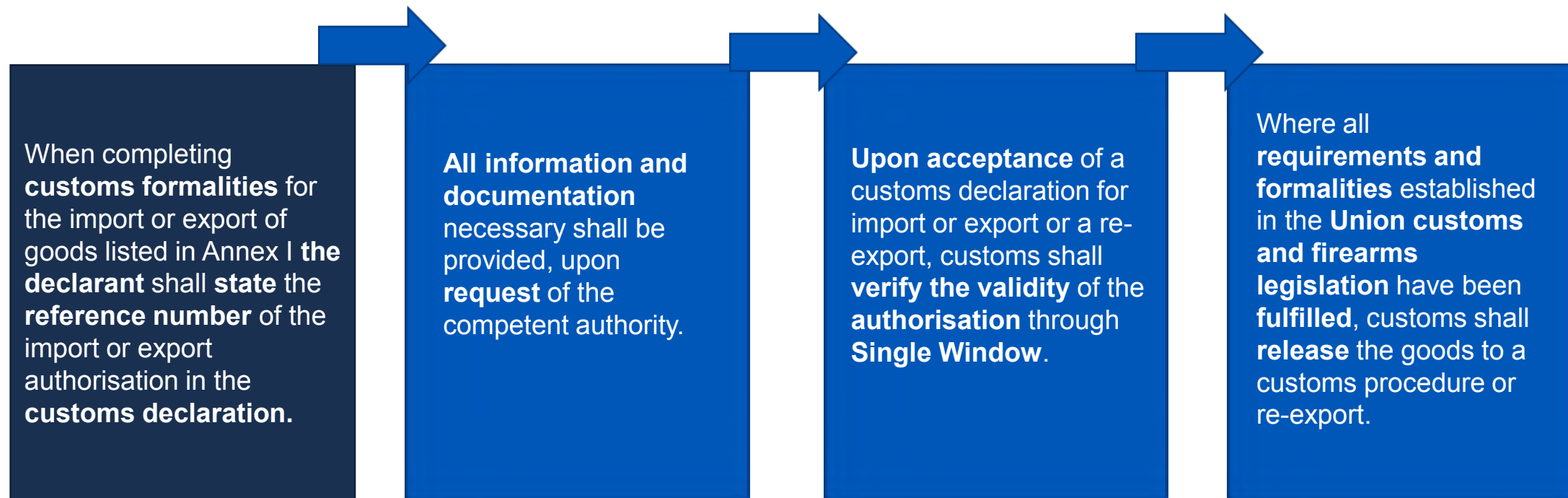
## Competent authority

- 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.
- 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)



# 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.

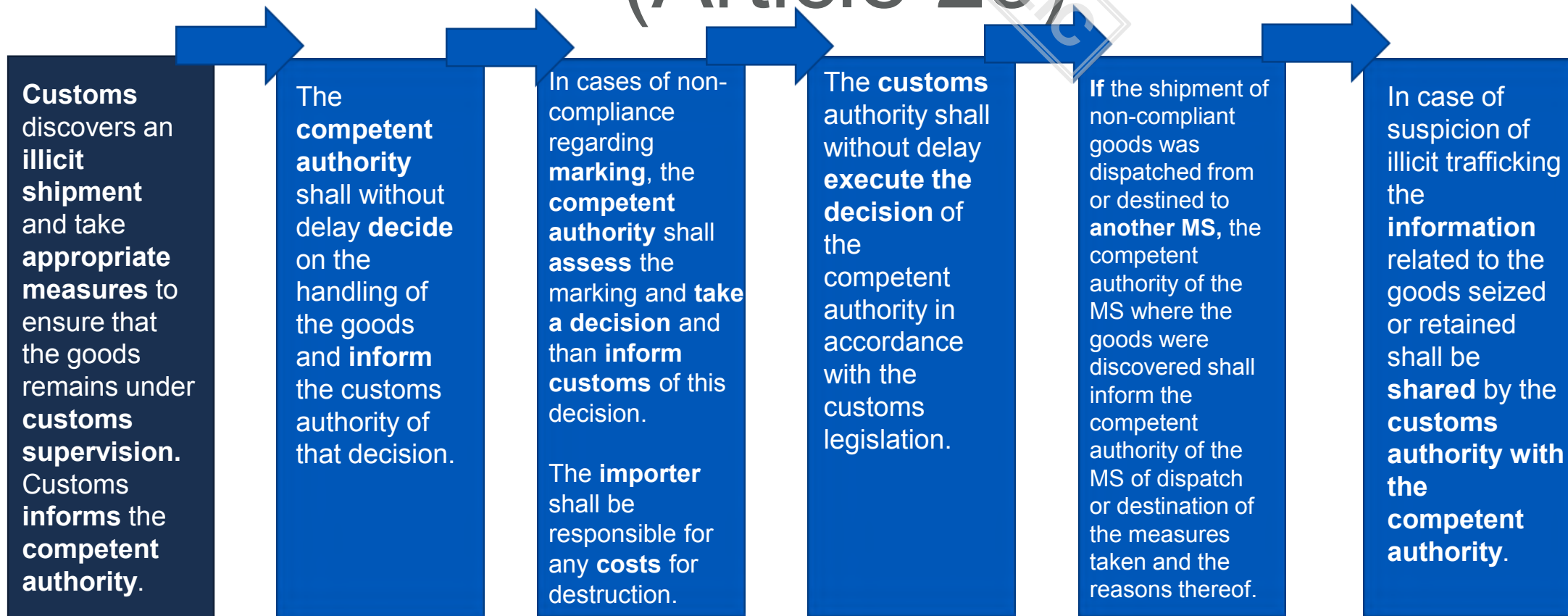
In exceptional circumstances and for duly substantiated reasons, that period may be **extended to 30 working days**. If the competent authority does not respond within the given time frame the customs authority shall release the goods in accordance with Article 194 of Regulation (EU) No 952/2013.

**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)



# 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-licensing system and the connection to EU Single Window.