



Plenary sitting

A9-0312/2023

27.10.2023

*****I**

REPORT

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

Committee on International Trade

Rapporteur: Bernd Lange

(Recast – Rule 110 of the Rules of Procedure)

Rapporteur for the opinion of the associated committee pursuant to Rule 57 of the Rules of Procedure:

Emil Radev, Committee on Civil Liberties, Justice and Home Affairs

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0480),
 - having regard to Article 294(2) and Articles 33 and 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0365/2022),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹,
 - having regard to the letter of XX XX 2023 from the Committee on Legal Affairs to the Committee on International Trade in accordance with Rule 110 (3) of its Rules of Procedure,
 - having regard to Rules 110 and 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Foreign Affairs,
 - having regard to the report of the Committee on International Trade (A9-0312/2023),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

¹ OJ C 77, 28.3.2002, p. 1.

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) Multiple definitions are directly copied from Directive (EU) 2021/555 of the European Parliament and the Council²⁸ or from Regulation (EU) No 952/2013 of the European Parliament and of the Council²⁹.

²⁸ 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).

²⁹ 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).

Amendment

(13) Multiple definitions are directly copied from Directive (EU) 2021/555 of the European Parliament and the Council²⁸ or from Regulation (EU) No 952/2013 of the European Parliament and of the Council²⁹. ***Any reference to firearms, their essential components, ammunition and alarm and signal weapons in this Regulation should be understood as including goods manufactured with the use of 3D-printing technology where the relevant definitions are fulfilled.***

²⁸ 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).

²⁹ 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).

Amendment 2

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) When firearms and their essential components are not properly marked according to Article 8 of the UN Firearms Protocol or pursuant to the Firearms Directive, Member States ***may*** decide to destroy seized firearms at the expense of

Amendment

(17) When firearms and their essential components are not properly marked according to Article 8 of the UN Firearms Protocol or pursuant to the Firearms Directive, Member States ***should*** decide to destroy seized firearms at the expense of

the importer.

the importer.

Amendment 3

Proposal for a regulation

Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Due to the return of armed conflict to the European continent and the risks of the proliferation of illegal weapons that this kind of conflict inevitably causes;

Justification

This recital is needed to further explain the issues at stake with this regulation. It is well known and documented that some of the weapons delivered to Ukraine to enable it to resist the Russian aggression are sold on the European black market.

Amendment 4

Proposal for a regulation

Recital 30

Text proposed by the Commission

Amendment

(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.

(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. ***If that confirmation of receipt cannot be obtained for any reason, that information should be recorded in the electronic licensing system for future reference.***

Amendment 5

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) Member States should provide access to the European Criminal Records Information System (ECRIS) to the competent authorities for the purpose of the implementation of this Regulation.

Amendment

(32) Member States should provide access to the European Criminal Records Information System (ECRIS) to the competent authorities for the purpose of the implementation of this Regulation, ***and they should have available the human and material resources needed for this task.***

Amendment 6

**Proposal for a regulation
Recital 34**

Text proposed by the Commission

(34) In order to ensure the traceability of firearms, their essential components and ammunition, it is of the utmost importance that customs are granted access to the secure information exchange network application (SIENA) of Europol. Member States that apply the Regulation (EU) 2016/794 of the European Parliament and the Council³⁷ should grant this access.

Amendment

(34) ***For the purpose of this regulation,*** in order to ensure the traceability of firearms, their essential components and ammunition, it is of the utmost importance that customs are granted access to the secure information exchange network application (SIENA) of Europol. ***This access should be limited and proportional for the purpose of fulfilling the obligations laid down in this regulation.*** Member States that apply the Regulation (EU) 2016/794 of the European Parliament and the Council³⁷ should grant this access.

³⁷ Council Regulation (EU) 2016/794 of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53–114)

³⁷ Council Regulation (EU) 2016/794 of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53–114)

Amendment 7

**Proposal for a regulation
Recital 35**

Text proposed by the Commission

(35) To enable the risk-based approach referred to in Article 22(6) for the firearms, their essential components, ammunition, and alarm and signal weapons 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 shall cooperate closely and exchange information.

Amendment

(35) To enable the risk-based approach referred to in Article 22(6) for the firearms, their essential components, ammunition, and alarm and signal weapons 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 shall ***have an obligation to*** cooperate closely and exchange information. ***To that end, it is vital for the competent authorities, at both EU and Member State level, to have the necessary means to fulfil their public service mission as effectively as possible.***

Amendment 8

**Proposal for a regulation
Recital 36**

Text proposed by the Commission

(36) In order to facilitate the tracing of firearms and efficiently combat trafficking in firearms, their essential components and ammunition, it is ***necessary to improve*** the exchange of information between Member States, in particular through the better use of existing communication channels

Amendment

(36) In order to facilitate the tracing of firearms and efficiently combat trafficking in firearms, their essential components and ammunition, it is ***of the utmost importance that*** the exchange of information between Member States ***is improved***, in particular through the better use of existing communication channels ***as well as through the strengthening of the Coordination Group. The improved and strengthened international cooperation through systematic sharing of information on arms trafficking routes, training of customs officials on firearms trafficking, and joint investigations and operations to disrupt illicit arms flows will help to combat illegal arms trafficking and other forms of transnational organized crime.***

Amendment 9

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) Personal data is to be processed in accordance with the rules laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council³⁸ and Regulation (EU) 2018/1725 of the European Parliament and of the Council³⁹.

³⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

³⁹ 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).

Amendment

(38) Personal data is to be processed ***with the utmost vigilance and*** in accordance with the rules laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council³⁸ and Regulation (EU) 2018/1725 of the European Parliament and of the Council³⁹.

³⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

³⁹ 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).

Justification

The protection of personal data is one of the pillars of EU action and principles and therefore recital 38 needs to be strengthened.

Amendment 10

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) The Schengen Acquis notably includes a Decision of the Executive Committee of 28 April 1999 on the illegal trade in firearms (SCH/Com-ex (99) 10)⁴⁰, 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, the Commission recommended in the 2018 that Member States should collect detailed statistics of the preceding year about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination, and submit these statistics to the Commission⁴¹.

⁴⁰ OJ L 239, 22.9.2000, p. 469–473

⁴¹ 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

Amendment

(41) The Schengen Acquis notably includes a Decision of the Executive Committee of 28 April 1999 on the illegal trade in firearms (SCH/Com-ex (99) 10)⁴⁰, 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, the Commission recommended in the 2018 that Member States should collect detailed statistics of the preceding year about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination, and submit these statistics to the Commission⁴¹. ***The Commission should compile the data received by Member States and publish those data as part of an annual report by 31st of October each year. The report should be made public and submitted to the Parliament.***

⁴⁰ OJ L 239, 22.9.2000, p. 469–473

⁴¹ 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

Amendment 11

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) The overall enforcement of this Regulation will be facilitated by the interconnection between the electronic licensing system established by this Regulation and the EU Single Window

Amendment

(42) The overall enforcement of this Regulation will be facilitated by the interconnection between the electronic licensing system established by this Regulation and the EU Single Window

Environment for Customs established by [insert corresponding title and all the information in the footnote as soon as it is adopted]. The electronic licencing system will provide for a number of features, including registration of economic operators and natural persons, who are authorised according to the Firearms Directive to manufacture, acquire, possess or trade firearms, their essential components, ammunition or alarm and signal weapons. They will need to register before they request import or export authorisations. Consequently, firearms owners benefitting from administrative simplifications will not be required to register in the system.

Environment for Customs established by [insert corresponding title and all the information in the footnote as soon as it is adopted]. The electronic licencing system will provide for a number of features, including registration of economic operators and natural persons, who are authorised according to the Firearms Directive to manufacture, acquire, possess or trade firearms, their essential components, ammunition or alarm and signal weapons. They will need to register ***in the electronic licensing system*** before they request import or export authorisations. Consequently, firearms owners benefitting from administrative simplifications will not be required to register in the system. ***As the electronic licensing system is the technical basis for the traceability of firearms and their essential components, of ammunition and of alarm and signal weapons, it should be fully functioning as soon as possible. Member States should therefore take all measures necessary to achieve that goal. Where national systems with the same or similar functionalities already exist, an interconnection between them and the electronic licencing system can be established, so that all granted import and export authorisations are available in one central database.***

Amendment 12

Proposal for a regulation Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) The electronic license system should not be used for purposes outside of the scope of this Regulation.

Amendment 13

Proposal for a regulation
Recital 47

Text proposed by the Commission

(47) In order to ***set out the technical characteristics of semi-finished firearms and essential components, to amend Annex II and III to this Regulation and to maintain the list of firearms, their essential components, ammunition and alarm and signal weapons for which an authorisation is required under*** this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union, in respect of aligning Annex I to this Regulation to Annex I to Council Regulation (EEC) No 2658/87⁴³ and to Annex I to Directive (EU) 2021/555 ***and*** of setting out the technical characteristics of semi-finished firearms and essential components and of adapting Annex II and III to this Regulation to the digitalisation and changes in customs procedures ***should be delegated to the Commission***. 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-Making⁴⁴. 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.

⁴³ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical

Amendment

(47) In order to ***supplement or*** amend ***non-essential elements of*** this Regulation, 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 2658/87⁴³ and to Annex I to Directive (EU) 2021/555 ***as well as in respect of establishing rules defining Union general import authorisation and Union general export authorisation, establishing a uniform end-user certificate, establishing the additional rules for providing the statistical data and for the exchange of information regarding refusals to grant import or export authorisations, and in respect*** of setting out the technical characteristics of semi-finished firearms and ***semi-finished*** essential components and of adapting Annex II and III to this Regulation to the digitalisation and changes in customs procedures. 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-Making⁴⁴. 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.

⁴³ 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).

⁴⁴ OJ L 123, 12.5.2016, p. 1.

nomenclature and on the Common
Customs Tariff (OJ L 256 7.9.1987, p. 1).

⁴⁴ OJ L 123, 12.5.2016, p. 1.

Amendment 14

Proposal for a regulation

Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

1a. ‘personal data’ means personal data as defined in Article 4(1) of Regulation (EU) 2016/679;

Amendment 15

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

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

deleted

Amendment 16

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

3. ‘essential components’ means the barrel, the frame, the receiver, whether an upper or lower receiver, where applicable, the slide, the cylinder, the bolt or the breech block, which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;

3. ‘essential component’ means an essential component as defined in Article 1(1)(2) of Directive 2021/555

Amendment 17

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

7. ‘deactivated firearms’ means ***objects otherwise corresponding to the definition of a firearm which have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or modification that would permit the firearm to be reactivated in any way, in accordance with Implementing Regulation (EU) 2015/2403*** ;

Amendment

7. ‘deactivated firearms’ means ***deactivated firearms as defined in Article 1(1)(6) of Directive 2021/555;***

Amendment 18

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

8. ‘alarm and signal weapons’ means ***devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant;***

Amendment

8. ‘alarm and signal weapons’ means ***alarm and signal weapons as defined in Article 1(1)(4) of Directive 2021/555;***

Amendment 19

Proposal for a regulation

Article 2 – paragraph 1 – point 29 – introductory part

Text proposed by the Commission

29. ‘dealer’ means ***any person whose trade or business consists wholly or partly of either of the following:***

Amendment

29. ‘dealer’ means ***a dealer as defined in Article 1(1)(9) of Directive 2021/555:***

Amendment 20

Proposal for a regulation

Article 2 – paragraph 1 – point 29 – point a

Text proposed by the Commission

Amendment

(a) the manufacture, trade, exchange, hiring out, repair, modification or conversion of firearms or essential components; **deleted**

Amendment 21

Proposal for a regulation

Article 2 – paragraph 1 – point 29 – point b

Text proposed by the Commission

Amendment

(b) the manufacture, trade, exchange, modification or conversion of ammunition; **deleted**

Amendment 22

Proposal for a regulation

Article 2 – paragraph 1 – point 30 – introductory part

Text proposed by the Commission

Amendment

30. ‘broker’ means **any person, other than a dealer, whose trade or business consists wholly or partly of either of the following:**

30. ‘broker’ means **a broker as defined in Article 1(1)(10) of Directive 2021/555:**

Amendment 23

Proposal for a regulation

Article 2 – paragraph 1 – point 30 – point a

Text proposed by the Commission

Amendment

(a) the negotiation or arrangement of **deleted**

transactions for the purchase, sale or supply of firearms, essential components or ammunition;

Amendment 24

Proposal for a regulation

Article 2 – paragraph 1 – point 30 – point b

Text proposed by the Commission

Amendment

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

Amendment 25

Proposal for a regulation

Article 2 – paragraph 1 – point 31 – point c

Text proposed by the Commission

Amendment

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

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

Amendment 26

Proposal for a regulation

Article 2 – paragraph 1 – point 32 – point c

Text proposed by the Commission

Amendment

(c) a Union general export authorisation for exports to certain countries of destination that is available to all exporters who respect the conditions

(c) a Union general export authorisation for exports to certain countries of destination that is available to all exporters who respect the conditions

and requirements listed in chapter III of this Regulation and in the *implementing* act referred to in Article 15(7) ;

and requirements listed in chapter III of this Regulation and in the *delegated* act referred to in Article 15(7) ;

Amendment 27

Proposal for a regulation

Article 5 – paragraph 2 – point d

Text proposed by the Commission

(d) when having reason to believe that a firearm, their essential components, ammunition and alarm and signal weapons in question may not comply with the Union firearms legislation, inform the authorities referred to in Article 34(2) of this Regulation thereof;

Amendment

(d) when having reason to believe that a firearm, their essential components, ammunition and alarm and signal weapons in question may not comply with the Union firearms legislation, ***without delay*** inform the authorities referred to in Article 34(2) of this Regulation thereof;

Amendment 28

Proposal for a regulation

Article 5 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) be registered in national databases kept by respective national authorities

Amendment 29

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 30

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 31

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

4. Competent authorities shall process applications for import authorisations within a period of time, which shall not exceed **60** working days, from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended to **90** working days.

Amendment

4. Competent authorities shall process applications for import authorisations within a period of time, which shall not exceed **45** working days, from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended to **70** working days.

Amendment 32

Proposal for a regulation Article 9 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In deciding whether to grant an

import authorisation under this Regulation, Member States shall take into account all relevant considerations including their obligations and commitments as parties to relevant international treaties, considerations of national foreign and security policy, including those covered by Common Position 2008/944/CFSP. They shall also respect their obligations with regard to sanctions imposed by decisions adopted by the Council, by decisions of the Organisation for Security and Cooperation in Europe (OSCE) or by binding resolutions of the Security Council of the United Nations, in particular as regards arms embargoes.

Amendment 33

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the applicant is a natural person who has been found to be mentally incapacitated to manage some or all of his or her affairs by a decision of a court or an independent administrative authority which is in effect at the time of lodging the application;

Amendment 34

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

Amendment

6. Competent authorities shall annul, suspend, modify or revoke an import authorisation if the conditions for granting it are not met or are no longer met. Where competent authorities take these decisions, they shall make this information available

6. Competent authorities shall **immediately** annul, suspend, modify or revoke an import authorisation if the conditions for granting it are not met or are no longer met. Where competent authorities take these decisions, they shall

to the customs authorities through the electronic licensing system referred to in Article 28.

make this information available to the customs authorities *as well as the Commission* through the electronic licensing system referred to in Article 28 *immediately after those decisions are taken and no later than two working days thereafter. All national customs authorities shall enforce such decisions.*

Amendment 35

Proposal for a regulation Article 9 – paragraph 7

Text proposed by the Commission

7. For the purpose of the paragraph 5, Member **States** shall check the absence of a criminal record in the European Criminal Record Information System ‘ECRIS’ and if the firearm is reported as lost, stolen or under investigation in the relevant EU, national or international databases.

Amendment

7. For the purpose of the paragraph 5, **the relevant authorities in each Member State** shall check the absence of a criminal record in the European Criminal Record Information System ‘ECRIS’ and if the firearm is reported as lost, stolen or under investigation in the relevant EU, national or international databases.

Amendment 36

Proposal for a regulation Article 9 – paragraph 8

Text proposed by the Commission

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

Amendment

8. The Commission shall **be empowered to adopt delegated acts in accordance with Article 36 in order to supplement this Regulation by establishing rules defining a** adopt an implementing act to establish an Union general import authorisation and setting out the conditions for the import of firearms, their essential components and ammunitions by authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013.

Amendment 37

Proposal for a regulation Article 9 – paragraph 9

Text proposed by the Commission

9. The importer shall not be required to pay a fee or charge for the application for an import authorisation, except for escorting *fees*.

Amendment

9. The importer shall not be required to pay a fee or charge for the application for an import authorisation, except for *fees for escorting the consignment*.

Amendment 38

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Competent authorities may only grant export authorisations for firearms of categories A and B of Annex I if the application for such authorisation is accompanied by an *export* certificate *compliant with Annex IV issued* by the *importer in* 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.*

Amendment 39

Proposal for a regulation Article 14 – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt *an implementing act to establish an uniform end-user certificate. Those implementing acts shall be adopted* in accordance with *the advisory procedure referred to in* Article 37(2).

Amendment

3. The Commission shall *be empowered to adopt delegated acts* in accordance with Article 36 *in order to establish a uniform export certificate in Annex IV, Part II.*

Amendment 40

Proposal for a regulation Article 15 – paragraph 4

Text proposed by the Commission

4. Member States shall process applications for export authorisations within a period of time, which shall not exceed **60** working days, from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended by the competent authorities to **90** working days.

Amendment

4. Member States shall process applications for export authorisations within a period of time, which shall not exceed **45** working days, from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended by the competent authorities to **70** working days.

Amendment 41

Proposal for a regulation Article 15 – paragraph 6

Text proposed by the Commission

6. Member States shall make use of electronic documents for the purpose of processing the applications for export authorisation.

Amendment

deleted

Amendment 42

Proposal for a regulation Article 15 – paragraph 7

Text proposed by the Commission

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

Amendment

7. The Commission shall ***be empowered to adopt delegated acts in accordance with Article 36 in order to supplement this Regulation by establishing rules defining*** an Union general export authorisation and setting out the conditions for the export of firearms, their essential components and ammunitions by authorised economic operators for security and safety pursuant

advisory procedure referred to in Article 37.

to Article 38(2), point (b), of Regulation (EU) 952/2013.

Amendment 43

Proposal for a regulation Article 15 – paragraph 8

Text proposed by the Commission

Amendment

8. The exporter shall not be required to pay a fee or charge for the application for an export or intra-EU transit authorisation, except for escorting *fees*.

8. The exporter shall not be required to pay a fee or charge for the application for an export or intra-EU transit authorisation, except for *fees for* escorting *the consignment*.

Amendment 44

Proposal for a regulation Article 16 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) the final recipient, *if known at the time of the shipment*;

(g) the final recipient;

Justification

This amendment is necessary for the internal logic of the text and is inextricably linked to other admissible amendments relating to the import and export of firearms.

Amendment 45

Proposal for a regulation Article 17 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) The competent authorities of a Member State shall, for a period not exceeding 10 working days, suspend the process of export or, if necessary, otherwise prevent firearms, their essential components or ammunition from leaving the customs territory of the Union through

(c) The competent authorities of a Member State shall, for a period not exceeding 10 working days, suspend the process of export or, if necessary, otherwise prevent firearms, their essential components or ammunition from leaving the customs territory of the Union through

that Member State, where they have grounds for suspicion that the reasons substantiated by hunters or sport shooters are not in conformity with the relevant considerations and the obligations laid down in Article 18 of this Regulation. In exceptional circumstances and for duly justified reasons, the period referred to in this point may be extended by the competent authorities to **30** working days.

that Member State, where they have grounds for suspicion that the reasons substantiated by hunters or sport shooters are not in conformity with the relevant considerations and the obligations laid down in Article 18 of this Regulation. In exceptional circumstances and for duly justified reasons, the period referred to in this point may be extended by the competent authorities to **20** working days.

Amendment 46

Proposal for a regulation

Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

1. In deciding whether to grant an export authorisation under this Regulation, Member States shall take into account all relevant considerations including, **where appropriate**:

Amendment

1. In deciding whether to grant an export authorisation under this Regulation, Member States shall take into account all relevant considerations including:

Justification

This amendment is necessary for the internal logic of the text and is inextricably linked to other admissible amendments relating to the import and export of firearms.

Amendment 47

Proposal for a regulation

Article 19 – paragraph 1 – subparagraph 1 – point a – point i a (new)

Text proposed by the Commission

Amendment

(ia) the applicant is a natural person who has been found to be mentally incapacitated to manage some or all of his or her affairs by a decision of a court or an independent administrative authority which is in effect at the time of lodging the application;

Amendment 48

Proposal for a regulation Article 19 – paragraph 3

Text proposed by the Commission

3. Where competent authorities refuse, annul, suspend, modify or revoke an export authorisation, they shall make this information available to the customs authorities through the electronic licensing system referred to in Article 28.

Amendment

3. Where competent authorities refuse, annul, suspend, modify or revoke an export authorisation, they shall make this information ***without delay*** available to the customs authorities through the electronic licensing system referred to in Article 28. ***That obligation to make information available shall be without prejudice to any appeals procedure which may be applicable under national law.***

Amendment 49

Proposal for a regulation Article 19 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Where the competent authorities have suspended an export authorisation, their final assessment shall be ***immediately*** communicated to the other Member States at the end of the period of suspension, through the electronic licensing system as referred to in Article 28, ***as soon as such final assessment is made and no later than two working days thereafter.***

Amendment 50

Proposal for a regulation Article 19 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Article 29.

Article 29, *immediately after that final assessment is made and no later than two working days thereafter.*

Amendment 51

Proposal for a regulation

Article 19 – paragraph 6 – subparagraph 2

Text proposed by the Commission

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

Amendment

They may first consult the competent authorities of the Member State or Member States which issued refusals, annulments, suspensions, modifications or revocations under paragraphs 1 , 3 and 5 . If, following such consultation, the competent authorities of the Member State decide to grant an authorisation, they shall ***without delay*** notify the competent authorities of the other Member States, ***as well as the Commission***, providing all relevant information ***and justifications*** to explain the decision.

Amendment 52

Proposal for a regulation

Article 19 – paragraph 8

Text proposed by the Commission

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

Amendment

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

Amendment 53

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Within **one month** after the exit of the customs territory of the Union, the exporter shall provide to competent authority that delivered the export authorisation, proof of the receipt of the dispatched shipment of firearms, essential components or ammunition in the third country of import, which shall notably be ensured by producing the relevant customs import documents.

Amendment 54

Proposal for a regulation Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The competent authority shall upload the proof of receipt referred in in paragraph 1 of this Article into the electronic licensing system referred to in Article 28. Where the competent authority does not obtain a proof of receipt from the exporter, it shall record that information in that electronic licencing system.

Amendment 55

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. In the absence of such a proof of receipt of the dispatched shipments as referred to in paragraph 1 of this Article within **two months** after the exit of the customs territory of the Union, or in case of suspicion, Member States' competent

Amendment

2. In the absence of such a proof of receipt of the dispatched shipments as referred to in paragraph 1 of this Article within **one month** after the exit of the customs territory of the Union, or in case of suspicion, Member States' competent

authority shall immediately request from the customs authorities of export to confirm that the export declaration has been lodged and that firearms, their essential components and ammunition as listed in Annex I have exited the customs territory of the Union, and , request the importing third country to confirm receipt of the dispatched shipment of firearms, their essential components or ammunition.

authority shall immediately request from the customs authorities of export to confirm that the export declaration has been lodged and that firearms, their essential components and ammunition as listed in Annex I have exited the customs territory of the Union, and , request the importing third country to confirm receipt of the dispatched shipment of firearms, their essential components or ammunition.

Amendment 56

Proposal for a regulation

Article 20 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the competent authority is unable to obtain a confirmation of receipt by the importing third country as set out in paragraph 2 of this Article, it shall record that information in the electronic licencing system referred to in Article 28.

Amendment 57

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission and competent authorities granting the export authorisation, ***in case of suspicion***, shall carry out post-shipment checks to ensure that the exported firearms, their essential components and ammunition are in line with the commitments made in the ***end-user*** certificate as set out in Annex IV.

1. The Commission and competent authorities granting the export authorisation shall carry out ***regular*** post-shipment checks, ***not only in case of suspicion but also randomly*** to ensure that the exported firearms, their essential components and ammunition are in line with the commitments made in the ***export*** certificate as set out in Annex IV.

Amendment 58

Proposal for a regulation

Article 21 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 59

Proposal for a regulation Article 22 – paragraph 4

Text proposed by the Commission

4. The custom authorities shall have the necessary powers and resources for the proper performance of their tasks under this Regulation.

Amendment

4. The custom authorities shall have the necessary powers and resources ***proportionate to the quantity of total annual authorisations and declarations for firearms, their essential components, ammunition or alarm and signal weapons as listed in Annex I*** for the proper performance of their tasks under this Regulation.

Amendment 60

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

1. The Commission, competent authorities and customs authorities shall cooperate closely and exchange information.

Amendment

1. The Commission, competent authorities and customs authorities shall ***on a regular and binding basis*** cooperate closely and exchange information.

Amendment 61

Proposal for a regulation Article 23 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Where in relation to firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I that are either in temporary storage or placed under any customs procedure, customs authorities have reason to believe that those products are not compliant, they shall in addition to taking the necessary measures as described in Article 22 transmit all relevant information to the competent authorities ***as well as to the Commission without delay.***

Amendment 62

Proposal for a regulation

Article 24 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Customs authorities ***may*** suspend the import of the goods for the customs procedure concerned, if they have certain doubts and in such a case, they shall inform through electronic means the competent national authority, which shall take the decision on the treatment of the goods. If the national competent authority does not reply to the customs authority within ***10*** working days, then the customs authority shall release the goods.

Amendment

Customs authorities ***shall*** suspend the import of the goods for the customs procedure concerned, if they have certain ***reasonable*** doubts and in such a case, they shall inform ***immediately***, through electronic means the competent national authority, which shall take the decision on the treatment of the goods. If the national competent authority does not reply to the customs authority within ***20*** working days, then the customs authority shall release the goods ***without delay.***

Amendment 63

Proposal for a regulation

Article 24 – paragraph 5

Text proposed by the Commission

5. Within the period or extended period referred to in paragraph 4, Member States shall either ***import*** the firearms, their essential components or ammunition, or take action pursuant to Article 19 (1), point

Amendment

5. Within the period or extended period referred to in paragraph 4, Member States shall either ***release*** the firearms, their essential components or ammunition, or take action pursuant to Article 19 (1),

(b).

point (b).

Amendment 64

Proposal for a regulation

Article 25 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Where customs authorities discover an illicit shipment of firearms, their components, ammunition or alarm and signal weapons, they shall without delay inform the competent authority in the country of the customs authority thereof. That competent authority shall:

Amendment

Where customs authorities discover an illicit shipment of firearms, their components, ammunition or alarm and signal weapons, they shall without delay ***and no later than two working days from that discovery*** inform the competent authority in the country of the customs authority thereof. That competent authority shall:

Amendment 65

Proposal for a regulation

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

The customs authorities, which discovered the illicit shipment of firearms, their components and ammunition, shall seize the firearms, their essential components, ammunition or alarm and signal weapons until the competent authority of destination in the customs territory of the Union has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs authority in which the illegal shipment of firearms, their components, ammunition or alarm and signal weapons is detained.
Where the competent authority of destination in the customs territory of the Union has taken such a decision, it shall communicate it to the customs authorities which discovered the illicit shipment, in writing no later than two working days from taking that decision.

Amendment 66

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

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

Amendment

2. In case of **reasonable** suspicion of trafficking of firearms, their essential components, ammunition or alarm and signal weapons, the information related to firearms, their essential components and ammunition seized during customs controls shall be shared by the customs authority with the competent authorities referred to in Article 34(2) of this Regulation through Europol's Secure Information Exchange Network Application, ***specifying the justification and evidence relating to the reasonable suspicion.***

Amendment 67

Proposal for a regulation Article 25 – paragraph 3 – introductory part

Text proposed by the Commission

3. Seizure data shall include, ***if available***, the following information:

Amendment

3. Seizure data shall include the following information:

Amendment 68

Proposal for a regulation Article 25 – paragraph 3 – point g

Text proposed by the Commission

(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';

Amendment

(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', ***along with***,

where applicable, the registration number of the means of transport used;

Amendment 69

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Member States shall submit to the Commission **via suitable confidential means, including via the secure and encrypted system to be provided according to Article 29**, each year by 31 July, their national annual data for the preceding year on:

Amendment 70

Proposal for a regulation

Article 27 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) the number of authorisations and refusals **and the reasons thereof**, the quantities and values of actual imports and exports of firearms, their essential components and ammunition, by category and sub-category as listed in Annex I, by origin and by destination, **the quantity and results of post-shipment checks at Member State level, the quantity and results of undertaken enforcement actions referred to in Article 32 at Member State level**;

Amendment 71

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt

Amendment

3. The Commission shall **be**

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

empowered to adopt delegated acts in accordance with Article 36 in order to supplement this Regulation by establishing ***additional*** rules and ***a*** format to be used by Member States for providing the Commission with anonymised statistical data as referred to in paragraph 1 and 2 of this Article.

Amendment 72

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission shall establish and maintain an electronic licensing system for import and export authorisations and decisions related to them pursuant to Articles 9 and 14 of this Regulation.

Amendment

The Commission shall ***without delay*** establish and maintain an electronic licensing system for import and export authorisations and decisions related to them pursuant to Articles 9 and 14 of this Regulation. ***Member States shall take all necessary measures to speed up the implementation of the electronic licensing system. All the functionalities of the licensing system shall be established by ... [five years after the adoption of this Regulation].***

Amendment 73

Proposal for a regulation

Article 28 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The Commission shall, by means of implementing acts, establish rules for the functioning of the electronic licensing system, including rules relating ***exchange of data with other IT systems of Union bodies and Member State authorities competent for implementing this Regulation***. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37.

Amendment 74

Proposal for a regulation Article 28 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The processing of personal data within the electronic licencing system shall be carried out in compliance with Regulation (EU) 2018/1725 or Regulation (EU) 2016/679, as applicable.

Amendment 75

Proposal for a regulation Article 29 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission, in consultation with the Coordination Group established by Article 33, shall develop or chose a secure and encrypted system to **support** direct cooperation and the exchange of information between Member States regarding refusals to grant import or export authorisations.

1. The Commission, in consultation with the Coordination Group established by Article 33, **the European Parliament and the Council** shall develop or chose a secure and encrypted system to **guarantee** direct cooperation and the exchange of information between Member States regarding refusals to grant import or export authorisations. **The system shall be established by ... [two years after the adoption of this Regulation].**

Amendment 76

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall, **by means of implementing acts, establish** rules for the functioning of the exchange of information between Member States regarding refusals to grant import or export authorisations. **Those implementing acts shall be adopted**

3. The Commission shall, **be empowered to adopt delegated acts in accordance with Article 36 in order to supplement this Regulation by establishing additional** rules for the functioning of the exchange of information

in accordance with the advisory procedure referred to in Article 37(2) of this Regulation.

between Member States regarding refusals to grant import or export authorisations.

Amendment 77

Proposal for a regulation Article 29 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The processing of personal data within the electronic licencing system shall be carried out in compliance with Regulation (EU) 2018/1725 or Regulation (EU) 2016/679, as applicable.

Amendment 78

Proposal for a regulation Article 31 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. In order to ensure that this Regulation is properly applied, Member States shall take necessary and proportionate measures to enable their competent authorities to:

1. In order to ensure that this Regulation is properly applied, Member States shall take necessary and proportionate measures **and provide the necessary resources** to enable their competent authorities to:

Amendment 79

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

Amendment

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.

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

infringements of this Regulation may be linked to the global annual revenue of the undertaking concerned.

Amendment 80

Proposal for a regulation

Article 34 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) the national authority *in every Member State* responsible *of* the integral control of firearms and the coordination of the different authorities with competences in the fight against firearms trafficking (national firearms focal points);

Amendment

(a) the national authority responsible *for* the integral control of firearms and the coordination of the different authorities with competences in the fight against firearms trafficking (national firearms focal points);

Amendment 81

Proposal for a regulation

Article 34 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Based on that information, the Commission shall publish and update on its website a list of those authorities *on a yearly basis*,

Amendment

Based on that information, the Commission shall publish and update on its website a list of those authorities *as and when changes occur*.

Amendment 82

Proposal for a regulation

Article 34 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall, in consultation with the Firearms Imports and Exports Coordination Group, submit an annual report on the implementation and enforcement of this regulation to the European Parliament and the Council. That annual report shall be public. It shall include information about the number of authorisations and refusals,

the quantities and values of actual imports and exports of firearms, their essential components and ammunition, by category and sub-category as listed in Annex I, by origin and by destination at Union and at Member States level. It shall also include information on the administration, in particular staffing, and the enforcement of controls, in particular the number and results of the post-shipment checks at Union and national level. The report shall also inform about penalties applied by the Member States and assess their effectiveness.

Amendment 83

Proposal for a regulation Article 34 – paragraph 3

Text proposed by the Commission

3. 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.

Amendment

3. Upon request of the Coordination Group **or the European Parliament** and in any event every **5** years, the Commission **on the basis of the annual implementation reports** 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 **3** years after the entry into force of this Regulation.

Amendment 84

Proposal for a regulation Article 36 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts

Amendment

2. The power to adopt delegated acts

referred to in **Article** 35 shall be conferred on the Commission for an indeterminate period of time.

referred to in **Articles 9(8), 14(3), 15(7), 27(3), 29(3) and 35** shall be conferred on the Commission for an indeterminate period of time.

Amendment 85

Proposal for a regulation Article 36 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. The delegation of power referred to in **Articles 9(8), 14(3), 15(7), 27(3), 29(3) and 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.

Amendment 86

Proposal for a regulation Article 36 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. A delegated act adopted pursuant to **Articles 9(8), 14(3), 15(7), 27(3), 29(3) and 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.

Amendment 87

Proposal for a regulation Annex IV – subheading 1

Text proposed by the Commission

Amendment

End-user certificate

Export certificate

Amendment 88

Proposal for a regulation Annex IV – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

The **export** certificate is to include at least the following information:

Amendment 89

Proposal for a regulation Annex IV – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) details of the **end-user** (including name, address, business name and, if available, company registration number). In the case of export to a private company that resells the goods on a local market, that company will be regarded as the **end-user** for the purposes of this Regulation. This shall not prevent Member States from evaluating licence applications that concern exports to resellers differently from licence applications concerning exports to **end-users**;

(b) details of the **importer** (including name, address, business name and, if available, company registration number). In the case of export to a private company that resells the goods on a local market, that company will be regarded as the **importer** for the purposes of this Regulation. This shall not prevent Member States from evaluating licence applications that concern exports to resellers differently from licence applications concerning exports to **importers**;

Amendment 90

Proposal for a regulation Annex IV – paragraph 1 – point f

Text proposed by the Commission

(f) signature, name and title of the ***end-user***;

Amendment

(f) signature, name and title of the ***importer***;

Amendment 91

Proposal for a regulation
Annex IV – paragraph 1 – point i

Text proposed by the Commission

(i) the date of issue of the ***end-user*** certificate;

Amendment

(i) the date of issue of the ***export*** certificate;

Amendment 92

Proposal for a regulation
Annex IV – paragraph 1 – point j

Text proposed by the Commission

(j) if applicable, a unique identifying number or contract number relating to the ***end-user*** certificate;

Amendment

(j) if applicable, a unique identifying number or contract number relating to the ***export*** certificate;

EXPLANATORY STATEMENT

The numbers are shocking: An estimated 35 million illicit firearms are in the hands of civilians, accounting for over 50 percent of all firearms in the European Union. Around 630,000 of civilian firearms are reported as lost or stolen in the Schengen Information System. Evidently, the current rules are insufficient. The proliferation of illicit firearms poses a significant threat to public safety. This is unacceptable and it is time to set up a stronger legal framework for the fight against the illicit trade of firearms for civilian use.

More responsibility must be taken regarding the traceability of firearms sold, for example to the U.S market - one of the main destinations of European firearms. We must work towards more transparency in order to gain insight of who is receiving firearms for civilian use from the European Union. Looking at the progress made recently with the stricter rules for the Dual- Use Export Control system and the Anti-Torture regulation, it is about high time to also update and strengthen the rules on the import, export and transit measures for firearms, their essential components and ammunition. We have to make certain that these arms are not being diverged and minimize the risk of misuse. I urge furthermore, that firearms entering into the European Union are properly checked, especially those coming from former conflict regions.

This being said, I welcome the proposal of the European Commission. I strongly agree that the main focus needs to be put on the traceability. The basis to achieve this is on the one hand the digitalisation of the required data and on the other hand a proper exchange of information between the competent and custom authorities, not only at national level but also between the Member States. In order to achieve traceability, it is of the utmost importance to track import, transit and export while ensuring dealers are licensed, and that semi-components and parts are also checked and registered.

Traceability and transparency are the key elements for the functioning of the new rules. As the Rapporteur for this Proposal presented by the European Commission, I find the proposed steps taken towards enhancing firearm regulations to be a good starting point. However, I believe that further improvements are necessary to ensure that the updated rules are even more effective in the fight against illicit firearms.

Firstly, we must turn our focus on the quality of data. The annual reports by the Member States should not only contain the number of refusals but also the reasons for the refusals. Moreover, they should also include the number of post shipment checks and the results. With this information, it becomes much simpler to evaluate and to improve the legislation in future times.

To increase transparency, the annual report statistics should be made publically available. This step allows the citizens of the European Union to have direct access to relevant information. There should be no secrets about the number of civilian firearms, their essential components and ammunition, entering and leaving the European Union. European citizens have the right to know the numbers.

Additionally, it is imperative to involve the European Parliament more extensively in the control of implementation and the further development of the regulation. Therefore most of the foreseen implementing acts should be changed into delegated acts. For example, it is of significant importance for the European Parliament's participation in establishing uniform

end-user certificates as well as the rules for providing anonymized statistical data from the Member State or for the functioning of the exchange of information between Member States. Our active participation will ensure democratic oversight and reinforce accountability.

Fast digitalisation is another crucial aspect that demands attention. It is unacceptable that the vast majority of the Member States are still using paperwork. The whole system will only work at its best when the EU-wide centralised digital control of authorisations is completely in place. We must therefore stress the importance of a swift implementation time with clear deadlines for the central database, as there is an urgency of the matter. By achieving faster digitalisation, we can effectively track firearms movement.

Furthermore, I advocate for the addition of an end-user certificate for “category C” firearms. This certification will provide an additional layer of control, ensuring all firearms within the scope are tracked sufficiently.

Post-shipment controls must also be a focal point in our efforts to maintain transparency. Regular checks following shipments are essential to guarantee that the regulation put forth in the proposal is being adhered to effectively. This reporting mechanism must be transparent and comprehensive, providing a clear overview of compliance levels. The Member States must ensure that they provide sufficient resources in order to carry out checks and controls.

Lastly, we must establish clear sanctions in order to reinforce the regulation. It is imperative that Member States actively participate and display transparency. In case of breaches of this regulation, clear and robust sanctions for companies and persons will strengthen the integrity of the regulations. These company’s shall be penalised accordingly and proportionately in line with their annual worldwide turnover.

To conclude, while the current proposal is a step forward, it requires further enhancements to ensure more transparency within the import, export, and transit of firearms. Moving forward, we need to focus on the quality of data, transparency and digitalisation, as these components are crucial in the fight against illicit firearms both within and outside of our borders. By implementing the above mentioned changes, we can strengthen the regulation and provide a safer future for the citizens of the European Union.

ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

Mr Bernd Lange
Chair
Committee on International Trade
BRUSSELS

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

Dear Mr Chair,

The Committee on Legal Affairs has examined the proposal referred to above pursuant to Rule 110 of Parliament's Rules of Procedure, on recasting.

Paragraph 3 of that Rule reads as follows:

“If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible for the subject matter thereof.

In such a case, over and above the conditions laid down in Rules 180 and 181, amendments shall be admissible within the committee responsible for the subject-matter only if they concern those parts of the proposal which contain changes.

However, amendments to parts of the proposal which remain unchanged may, by way of exception and on a case-by-case basis, be accepted by the Chair of the committee responsible for the subject matter if he or she considers that this is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments.”

Following the here attached opinion of the Consultative Working Party of the Legal Services of Parliament, the Council and the Commission, which has examined the recast proposal, and in keeping with the recommendations of the Rapporteur, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such and that, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, the proposal contains a straightforward codification of the existing text, without any change in its substance.

In conclusion, at its meeting of 7 September 2023, the Committee on Legal Affairs

unanimously¹ decided to recommend that the Committee on International Trade, as the committee responsible, proceed to examine the above proposal in accordance with Rule 110.

Yours sincerely,

Adrián Vázquez Lázara

Encl.: Opinion of the Consultative Working Party.

¹ The following were present for the final vote: Adrián Vázquez Lázara (Chair), Pascal Arimont, Gunnar Beck, Caterina Chinnici, Ilana Cicurel, Pascal Durand, Ibán García Del Blanco, Virginie Joron, Gilles Lebreton, Antonius Manders, Karen Melchior, Sabrina Pignedoli, Jiří Pospíšil, Emil Radev, Javier Zarzalejos.



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 23 June 2023

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT THE COUNCIL THE COMMISSION

**Proposal for a regulation of the European Parliament and of the Council on import, export and transit measures for firearms, their essential components and ammunition, implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol) (recast)
COM(2022)0480 of 27.10.2022 – 2022/0288(COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 15 February 2023 for the purpose of examining the aforementioned proposal submitted by the Commission.

At that meeting², an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition, resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. The following should have been marked with the grey-shaded type generally used for identifying substantive amendments:

- in the title, the deletion of the word '*authorisation*' and of the words '*parts and*';
- in recital 6, the deletion of the words '*parts and*';
- in recital 11, the replacement of the word '*is*' with the words '*should be*';
- in Article 2, point 26, the adding of the words '*or temporary export*' and the deletion of the words '*that is to say the person who, at the time when the declaration is accepted, holds the*

² The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

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’ and of the words *‘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’*;

- the entire wording of Article 2, point 32(c);
- in Article 2, point 40, the adding of the words *‘firearms, their essential components and ammunition’*;
- in Article 3, point b, the deletion of the words *‘of the Member States’*;
- in Article 14(1), the deletion of the words *‘required for the export of firearms, their parts and essential components and ammunition listed in Annex I’*;
- in Article 15(5), the adding of the words *‘a single’* before the words *‘export authorisation’*;
- in Article 17(1)(a)(i), the adding of the word *‘customs’* before the word *‘authorities’*;
- in Article 19(3), the replacements of the word *‘notify’* with the words *‘make this information available to’* and of the word *‘competent’* with the word *‘customs’*;
- in Article 22(2), the replacement of the words *‘customs offices empowered to that end’* with the words *‘customs authorities designated to that end’*;
- in Article 22(3), the replacement of the word *‘offices’* with the word *‘authorities’*;
- in Article 24(4), the adding of the words *‘import to or’* before the words *‘export from’*;
- in Article 24(5), the deletion of the words *‘parts and’*;
- in Article 34(2), second subparagraph, the deletion of the words *‘in the C series of the Official Journal of the European Union’*;
- in Article 34(3), the deletion of the words *‘By 19 April 2017, and thereafter’* and of the words *‘including information about the use of the single procedure provided for in Article 4(2)’*;
- the replacement of Annex I to Regulation (EU) No 258/2012 with a new Annex I;
- the replacement of Annex II to Regulation (EU) No 258/2012 with a new Annex II;
- the adding of Annexes III and IV.

2. In Article 2, point 3, the words *‘of a firearm’* should have been present after the words *‘the barrel’* in the draft recast text. The proposed deletion of those words should have been identified as a formal adaptation.

3. In Article 14(1), the adding of the words *‘shall be’* before the word *‘established’* should have been identified as a formal adaptation.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER
Jurisconsult

E. FINNEGAN
Jurisconsult

D. CALLEJA CRESPO
Director-General

OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

for the Committee on International Trade

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

Rapporteur for opinion: Emil Radev

(*) Associated committee – Rule 57 of the Rules of Procedure

SHORT JUSTIFICATION

The implementation of effective import, export, and transit measures for firearms, their essential components, and ammunition, in accordance with 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, is of paramount importance. Illicit manufacturing and trafficking of firearms pose significant threats to public safety, security and stability, both within and across national borders.

By enacting robust import, export, and transit measures, we can enhance our ability to prevent, detect, and counteract these criminal activities, reducing the availability of illegal firearms in the hands of criminals and terrorist organizations. By establishing stringent controls, including effective licensing, marking, and record-keeping requirements, we can trace the movement of firearms and ensure that they are used only for authorized purposes. This will help prevent the diversion of legally acquired firearms into illicit markets and reduce the risk of their misuse for criminal activities or human rights abuses.

The amendments proposed by the rapporteur of this opinion aim to strengthen the report on these critical issues. Some of the main issues tackled by the rapporteur are the availability to interconnect the new electronic licencing system with any existing national system, so that all granted import and export authorisations are available in one central database; the strengthening of the personal data protection; the possibility to appeal competent authority's decisions in certain cases; as well as new provisions regarding the proof of receipt, for better traceability of firearms shipments.

AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on International Trade, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 7

Text proposed by the Commission

(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, nor has this Regulation any impact on Directive 2009/43/EC of the European Parliament and of the Council **or** Directive (EU) 2021/555 . Moreover, the UN Firearms Protocol, and consequently this Regulation, do not apply to State-to-State transactions or to State transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

Amendment

(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, nor has this Regulation any impact on Directive 2009/43/EC of the European Parliament and of the Council. ***In line with the administrative simplification procedures laid down in Articles 10 and 17 of this Regulation, Member States are required to implement the European Firearms Pass system, in accordance with*** Directive (EU) 2021/555. Moreover, the UN Firearms Protocol, and consequently this Regulation, do not apply to State-to-State transactions or to State transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

Amendment 2

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) Multiple definitions are directly copied from Directive (EU) 2021/555 of the European Parliament and the Council²⁸ or from Regulation (EU) No 952/2013 of the European Parliament and of the

Amendment

(13) Multiple definitions are directly copied from Directive (EU) 2021/555 of the European Parliament and the Council²⁸ or from Regulation (EU) No 952/2013 of the European Parliament and of the

Council²⁹ .

Council²⁹ . ***Any reference to firearms, their essential components, ammunition and alarm and signal weapons in this Regulation should be understood as including goods manufactured with the use of 3D-printing technology where the relevant definitions are fulfilled.***

²⁸ 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).

²⁹ 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).

²⁸ 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).

²⁹ 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).

Amendment 3

Proposal for a regulation Recital 30

Text proposed by the Commission

(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.

Amendment

(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. ***If that confirmation of receipt cannot be obtained for any reason, that information should be recorded in the electronic licensing system for future reference.***

Amendment 4

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) Member States should provide

Amendment

(32) Member States should provide

access to the European Criminal Records Information System (ECRIS) to the competent authorities for the purpose of the implementation of this Regulation.

access to the European Criminal Records Information System (ECRIS) to the competent authorities for the purpose of the implementation of this Regulation, ***and they should have available the human and material resources needed for this task.***

Amendment 5

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) In order to ensure the traceability of firearms, their essential components and ammunition, it is of the utmost importance that customs are granted access to the secure information exchange network application (SIENA) of Europol. Member States that apply the Regulation (EU) 2016/794 of the European Parliament and the Council³⁷ should grant this access.

³⁷ Council Regulation (EU) 2016/794 of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53–114)

Amendment

(34) ***For the purpose of this regulation,*** in order to ensure the traceability of firearms, their essential components and ammunition, it is of the utmost importance that customs are granted access to the secure information exchange network application (SIENA) of Europol. ***This access should be limited and proportional for the purpose of fulfilling the obligations laid down in this regulation.*** Member States that apply the Regulation (EU) 2016/794 of the European Parliament and the Council³⁷ should grant this access.

³⁷ Council Regulation (EU) 2016/794 of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53–114)

Amendment 6

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) In order to facilitate the tracing of firearms and efficiently combat trafficking

Amendment

(36) In order to facilitate the tracing of firearms and efficiently combat trafficking

in firearms, their essential components and ammunition, it is necessary to improve the exchange of information between Member States, in particular through the better use of existing communication channels

in firearms, their essential components and ammunition, it is necessary to improve the exchange of information between Member States, in particular through the better use of existing communication channels. ***The improved and strengthened international cooperation through systematic sharing of information on arms trafficking routes, training of customs officials on firearms trafficking, and joint investigations and operations to disrupt illicit arms flows will help to combat illegal arms trafficking and other forms of transnational organized crime.***

Amendment 7

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) The Schengen Acquis notably includes a Decision of the Executive Committee of 28 April 1999 on the illegal trade in firearms (SCH/Com-ex (99) 10)⁴⁰, 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, the Commission recommended in the 2018 that Member States should collect detailed statistics of the

preceding year about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination, and submit these statistics to the Commission⁴¹.

Amendment

(41) The Schengen Acquis notably includes a Decision of the Executive Committee of 28 April 1999 on the illegal trade in firearms (SCH/Com-ex (99) 10)⁴⁰, 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, the Commission recommended in the 2018 that Member States should collect detailed statistics of the

preceding year about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination, and submit these statistics to the Commission⁴¹. ***The Commission should compile the data received by Member States and publish those data as part of an annual report by 31st of October each year. The report should be made public and submitted to the Parliament.***

⁴⁰ OJ L 239, 22.9.2000, p. 469–473

⁴⁰ OJ L 239, 22.9.2000, p. 469–473

⁴¹ 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

⁴¹ 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

Amendment 8

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) The overall enforcement of this Regulation will be facilitated by the interconnection between the electronic licensing system established by this Regulation and the EU Single Window Environment for Customs established by [insert corresponding title and all the information in the footnote as soon as it is adopted]. The electronic licencing system will provide for a number of features, including registration of economic operators and natural persons, who are authorised according to the Firearms Directive to manufacture, acquire, possess or trade firearms, their essential components, ammunition or alarm and signal weapons. They will need to register before they request import or export authorisations. Consequently, firearms owners benefitting from administrative simplifications will not be required to register in the system.

Amendment

(42) The overall enforcement of this Regulation will be facilitated by the interconnection between the electronic licensing system established by this Regulation and the EU Single Window Environment for Customs established by [insert corresponding title and all the information in the footnote as soon as it is adopted]. The electronic licencing system will provide for a number of features, including registration of economic operators and natural persons, who are authorised according to the Firearms Directive to manufacture, acquire, possess or trade firearms, their essential components, ammunition or alarm and signal weapons. They will need to register ***in the electronic licencing system*** before they request import or export authorisations. Consequently, firearms owners benefitting from administrative simplifications will not be required to register in the system. ***Where national systems with the same or similar functionalities already exist, an interconnection between them and the electronic licencing system can be established, so that all granted import and export authorisations are available in one central database.***

Amendment 9

Proposal for a regulation
Recital 42 a (new)

Text proposed by the Commission

Amendment

(42 a) *The electronic license system should not be used for purposes outside of the scope of this Regulation.*

Amendment 10

Proposal for a regulation
Recital 47

Text proposed by the Commission

Amendment

(47) In order to set out the technical characteristics of semi-finished firearms and essential components, to amend Annex II and III to this Regulation **and** to maintain the list of firearms, their essential components, ammunition and alarm and signal weapons for which an authorisation is required under this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union, in respect of aligning Annex I to this Regulation to Annex I to Council Regulation (EEC) No 2658/87⁴³ and to Annex I to Directive (EU) 2021/555 and of setting out the technical characteristics of semi-finished firearms and essential components and of adapting Annex II and III to this Regulation to the digitalisation and changes in customs procedures should be delegated to the Commission. 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-Making⁴⁴. 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

(47) In order to set out the technical characteristics of semi-finished firearms and essential components, to amend Annex II and III to this Regulation, to maintain the list of firearms, their essential components, ammunition and alarm and signal weapons for which an authorisation is required under **this Regulation, to specify the conditions for the import and export of goods regulated by this Regulation, to set out clear rules on the design of an EU-wide export certificate and to unify the way in which Member States provide statistical data to the Commission and in which they exchange information with each other as required by** this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union, in respect of aligning Annex I to this Regulation to Annex I to Council Regulation (EEC) No 2658/87⁴³ and to Annex I to Directive (EU) 2021/555 and of setting out the technical characteristics of semi-finished firearms and essential components and of adapting Annex II and III to this Regulation to the digitalisation and changes in customs procedures, **of setting out the conditions for the import and export of firearms, their essential components and ammunitions, of establishing a uniform export certificate, of establishing the rules and format to be**

Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

used by Member States for providing the Commission with anonymized statistical data and of establishing rules for the functioning of the exchange of information between Member States regarding refusals of import or export authorisations should be delegated to the Commission. 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-Making⁴⁴. 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.

⁴³ 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).

⁴⁴ OJ L 123, 12.5.2016, p. 1.

⁴³ 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).

⁴⁴ OJ L 123, 12.5.2016, p. 1.

Amendment 11

Proposal for a regulation

Article 2 – paragraph 1 – point 49 a (new)

Text proposed by the Commission

Amendment

49 a. ‘personal data’ means personal data as defined in Article 4, point (1), of Regulation (EU) 2016/679

Amendment 12

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Upon entry into the customs territory of the Union, alarm and signal weapons which do not comply with the technical specifications referred to in Article 14 of Directive (EU) 2021/555 shall be classified as firearms pursuant to Annex I to this Regulation **and be subject to Article 6 of this Regulation.**

Amendment 13

**Proposal for a regulation
Article 8 – paragraph 4**

Text proposed by the Commission

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

Amendment

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

Amendment 14

**Proposal for a regulation
Article 9 – paragraph 1**

Text proposed by the Commission

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

Amendment

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

Amendment 15

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

4. Competent authorities shall process applications for import authorisations within a period of time, which shall not exceed **60** working days, from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended to **90** working days.

Amendment

4. Competent authorities shall process applications for import authorisations within a period of time, which shall not exceed **50** working days, from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended to **80** working days.

Amendment 16

Proposal for a regulation Article 9 – paragraph 5 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the applicant is a natural person who has been found to be mentally incapacitated to manage some or all of his or her affairs by a decision of a court or an independent administrative authority which is in effect at the time of lodging the application;

Amendment 17

Proposal for a regulation Article 9 – paragraph 6

Text proposed by the Commission

6. Competent authorities shall annul, suspend, modify or revoke an import authorisation if the conditions for granting it are not met or are no longer met. Where competent authorities take these decisions, they shall make this information available to the customs authorities through the

Amendment

6. Competent authorities shall annul, suspend, modify or revoke an import authorisation if the conditions for granting it are not met or are no longer met. Where competent authorities take these decisions, they shall make this information available to the customs authorities through the

electronic licensing system referred to in Article 28.

electronic licensing system referred to in Article 28, ***as soon as such decisions are taken and no later than two working days thereafter.***

Amendment 18

Proposal for a regulation Article 9 – paragraph 7

Text proposed by the Commission

7. For the purpose of the paragraph 5, Member ***States*** shall check the absence of a criminal record in the European Criminal Record Information System ‘ECRIS’ and if the firearm is reported as lost, stolen or under investigation in the relevant EU, national or international databases.

Amendment

7. For the purpose of the paragraph 5, ***the relevant authorities in each*** Member ***State*** shall check the absence of a criminal record in the European Criminal Record Information System ‘ECRIS’ and if the firearm is reported as lost, stolen or under investigation in the relevant EU, national or international databases.

Amendment 19

Proposal for a regulation Article 9 – paragraph 8

Text proposed by the Commission

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

Amendment

8. The Commission shall adopt an implementing act to establish an Union general import ***authorisation. That*** implementing ***act*** shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

Amendment 20

Proposal for a regulation Article 9 – paragraph 9

Text proposed by the Commission

9. The importer shall not be required to pay a fee or charge for the application for an import authorisation, except for escorting *fees*.

Amendment

9. The importer shall not be required to pay a fee or charge for the application for an import authorisation, except for *fees for* escorting *the consignment*.

Amendment 21

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 22

Article 14 – paragraph 3

Text proposed by the Commission

3. *The Commission shall adopt an implementing act to establish an uniform end-user certificate. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).*

Amendment

deleted

Amendment 23

Proposal for a regulation
Article 15 – paragraph 6

Text proposed by the Commission

6. *Member States shall make use of electronic documents for the purpose of processing the applications for export authorisation.*

Amendment

deleted

Amendment 24

Proposal for a regulation Article 15 – paragraph 7

Text proposed by the Commission

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

Amendment

7. The Commission shall adopt an implementing act to establish an Union general export authorisation. ***That*** implementing ***act*** shall be adopted in accordance with the advisory procedure referred to in Article 37.

Amendment 25

Proposal for a regulation Article 15 – paragraph 8

Text proposed by the Commission

8. The exporter shall not be required to pay a fee or charge for the application for an export or intra-EU transit authorisation, except for escorting ***fees***.

Amendment

8. The exporter shall not be required to pay a fee or charge for the application for an export or intra-EU transit authorisation, except for ***fees for*** escorting ***the consignment***.

Amendment 26

Proposal for a regulation Article 16 – paragraph 3

Text proposed by the Commission

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

Amendment

deleted

Amendment 27

Proposal for a regulation

Article 17 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) The competent authorities of a Member State shall, for a period not exceeding 10 working days, suspend the process of export or, if necessary, otherwise prevent firearms, their essential components or ammunition from leaving the customs territory of the Union through that Member State, where they have grounds for suspicion that the reasons substantiated by hunters or sport shooters are not in conformity with the relevant considerations and the obligations laid down in Article 18 of this Regulation. In exceptional circumstances and for duly justified reasons, the period referred to in this point may be extended by the competent authorities to **20** working days.

Amendment 28

Proposal for a regulation

Article 19 – paragraph 1 – subparagraph 1 – point a – point i a (new)

Text proposed by the Commission

Amendment

(i a) the applicant is a natural person who has been found to be mentally incapacitated to manage some or all of his or her affairs by a decision of a court or an independent administrative authority which is in effect at the time of lodging the application;

Amendment 29

Proposal for a regulation

Article 19 – paragraph 3

Text proposed by the Commission

3. Where competent authorities refuse, annul, suspend, modify or revoke an export authorisation, they shall make this information available to the customs authorities through the electronic licensing system referred to in Article 28.

Amendment

3. Where competent authorities refuse, annul, suspend, modify or revoke an export authorisation, they shall make this information available ***without delay*** to the customs authorities through the electronic licensing system referred to in Article 28. ***That obligation to make information available is without prejudice to any appeals procedure which may be applicable under national law.***

Amendment 30

**Proposal for a regulation
Article 19 – paragraph 4**

Text proposed by the Commission

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

Amendment

4. Where the competent authorities have suspended an export authorisation, their final assessment shall be ***without delay*** communicated to the other Member States at the end of the period of suspension, through the electronic licensing system as referred to in Article 28, ***as soon as such final assessment is made and no later than two working days thereafter.***

Amendment 31

**Proposal for a regulation
Article 19 – paragraph 5**

Text proposed by the Commission

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

Amendment

5. Where the competent authorities have refused to grant an export authorisation, their final assessment shall be ***without delay*** registered in the system referred to in Article 29, ***as soon as such final assessment is made and no later than two working days thereafter.***

Amendment 32

Proposal for a regulation

Article 19 – paragraph 6 – subparagraph 2

Text proposed by the Commission

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

Amendment

They may first consult the competent authorities of the Member State or Member States which issued refusals, annulments, suspensions, modifications or revocations under paragraphs 1, 3 and 5. If, following such consultation, the competent authorities of the Member State decide to grant an authorisation, they shall ***without delay*** notify the competent authorities of the other Member States, providing all relevant information to explain the decision.

Amendment 33

Proposal for a regulation

Article 19 – paragraph 8

Text proposed by the Commission

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

Amendment

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

Amendment 34

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Within **one month** after the exit of the customs territory of the Union, the exporter shall provide to competent authority that delivered the export authorisation, proof of the receipt of the dispatched shipment of firearms, essential components or ammunition in the third country of import, which shall notably be ensured by producing the relevant customs import documents.

Amendment 35

Proposal for a regulation

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The competent authority shall upload the proof of receipt referred in in paragraph 1 of this Article into the electronic licensing system referred to in Article 28. Where the competent authority does not obtain a proof of receipt from the exporter, it shall record that information in that electronic licencing system.

Amendment 36

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. In the absence of such a proof of receipt of the dispatched shipments as referred to in paragraph 1 of this Article within **two months** after the exit of the customs territory of the Union, or in case of suspicion, Member States' competent authority shall immediately request from the customs authorities of export to confirm that the export declaration has been lodged and that firearms, their

2. In the absence of such a proof of receipt of the dispatched shipments as referred to in paragraph 1 of this Article within **one month** after the exit of the customs territory of the Union, or in case of suspicion, Member States' competent authority shall immediately request from the customs authorities of export to confirm that the export declaration has been lodged and that firearms, their

essential components and ammunition as listed in Annex I have exited the customs territory of the Union, and , request the importing third country to confirm receipt of the dispatched shipment of firearms, their essential components or ammunition.

essential components and ammunition as listed in Annex I have exited the customs territory of the Union, and , request the importing third country to confirm receipt of the dispatched shipment of firearms, their essential components or ammunition.

Amendment 37

Proposal for a regulation

Article 20 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where the competent authority is unable to obtain a confirmation of receipt by the importing third country as set out in paragraph 2 of this Article, it shall record that information in the electronic licencing system referred to in Article 28.

Amendment 38

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission and competent authorities granting the export authorisation, ***in case of suspicion***, shall carry out post-shipment checks to ensure that the exported firearms, their essential components and ammunition are in line with the commitments made in the ***end-user*** certificate as set out in Annex IV.

1. The Commission and competent authorities granting the export authorisation, shall carry out ***regular*** post-shipment checks, ***not only in case of suspicion but also randomly***, to ensure that the exported firearms, their essential components and ammunition are in line with the commitments made in the ***export*** certificate as set out in Annex IV.

Amendment 39

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission, competent

1. The Commission, competent

authorities and customs authorities shall cooperate closely and exchange information.

authorities and customs authorities shall cooperate closely and **regularly** exchange information ***to the extent that is necessary and proportionate for the performance of the tasks under their respective remits.*** ***Any information containing personal data shall be handled in accordance with Regulation (EU) 2016/679 and equivalent laws and regulations, as well as in respect of the Charter of Fundamental Rights of the European Union. The exchange of information shall be strictly limited to information relevant for this specific Regulation.***

Amendment 40

Proposal for a regulation Article 23 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Where in relation to firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I that are either in temporary storage or placed under any customs procedure, customs authorities have reason to believe that those products are not compliant, they shall in addition to taking the necessary measures as described in Article 22 transmit all relevant information ***without delay*** to the competent authorities.

Amendment 41

Proposal for a regulation Article 24 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Customs authorities ***may*** suspend the import of the goods for the customs procedure concerned, if they have certain doubts and in such a case, they shall inform through electronic means the competent national authority, which shall take the

Amendment

Customs authorities ***shall*** suspend the import of the goods for the customs procedure concerned, if they have certain ***reasonable*** doubts and in such a case, they shall inform ***immediately***, through electronic means the competent national

decision on the treatment of the goods. If the national competent authority does not reply to the customs authority within 10 working days, then the customs authority shall release the goods.

authority, which shall take the decision on the treatment of the goods. If the national competent authority does not reply to the customs authority within 10 working days, then the customs authority shall release the goods ***without delay***.

Amendment 42

Proposal for a regulation

Article 25 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Where customs authorities discovers an illicit shipment of firearms, their components, ammunition or alarm and signal weapons, they shall without delay inform the competent authority in the country of the customs authority thereof. That competent authority shall:

Amendment

Where customs authorities discovers an illicit shipment of firearms, their components, ammunition or alarm and signal weapons, they shall without delay ***and no later than two working days from that discovery*** inform the competent authority in the country of the customs authority thereof. That competent authority shall:

Amendment 43

Proposal for a regulation

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

communicate it to the customs authorities which discovered the illicit shipment, in writing no later than two working days from taking that decision.

Amendment 44

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

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

Amendment

2. In case of **reasonable** suspicion of trafficking of firearms, their essential components, ammunition or alarm and signal weapons, the information related to firearms, their essential components and ammunition seized during customs controls shall be shared by the customs authority with the competent authorities referred to in Article 34(2) of this Regulation through Europol's Secure Information Exchange Network Application, ***specifying the justification and evidence relating to the reasonable suspicion.***

Amendment 45

Proposal for a regulation Article 25 – paragraph 3 – introductory part

Text proposed by the Commission

3. Seizure data shall include, ***if available***, the following information:

Amendment

3. Seizure data shall include, the following information:

Amendment 46

Proposal for a regulation Article 25 – paragraph 3 – point g

Text proposed by the Commission

(g) the means of transport and the nationality of the transportation company or person, including as the case may be

Amendment

(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’;

‘container’, ‘lorry or van’, ‘personal vehicle’, ‘bus or coach’, ‘train’, ‘commercial aviation’, ‘general aviation’ or ‘postal freight and parcels’, ***along with, where applicable, the registration number of the means of transport used;***

Amendment 47

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

1. In accordance with their national law ***or practice in force***, Member States shall keep, for not less than 20 years, all information relating to firearms and, their essential components and ammunition, which is necessary to trace and identify those firearms, their essential components and ammunition, and to prevent and detect trafficking therein. That information shall include the place, dates of issue and expiry of the export authorisation; the country of export; the country of import; where applicable, the third country of transit; the consignee; the final recipient if known at the time of export; and the description and quantity of the items, including the unique marking referred to in Article 4 of Directive (EU) 2021/555 .

Amendment

1. In accordance with their national law, Member States shall keep, for not less than 20 years, all information relating to firearms and, their essential components and ammunition, which is necessary to trace and identify those firearms, their essential components and ammunition, and to prevent and detect trafficking therein. That information shall include the place, dates of issue and expiry of the export authorisation; the country of export; the country of import; where applicable, the third country of transit; the consignee; the final recipient if known at the time of export; and the description and quantity of the items, including the unique marking referred to in Article 4 of Directive (EU) 2021/555 .

Amendment 48

Proposal for a regulation Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 49

Proposal for a regulation
Article 27 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall compile the data received from the Member States in accordance with this Article and, in consultation with the Firearms Imports and Exports Coordination Group, submit to the European Parliament and the Council, by 31 October each year, an annual report on the implementation of this Regulation. That annual report shall be public. It shall include information on the number of authorizations and refusals, quantities and values of actual imports and exports of firearms, their essential components and ammunition by the categories and subcategories as listed in Annex I, by origin and by destination, at Union and at Member States level. It shall also include information on the quantity of undertaken national enforcement actions referred to in Article 32, the quantity and results of post-shipment checks and the allocated resources and staffing levels of national competent authorities tasked with the implementation and enforcement of this Regulation.

Amendment 50

Proposal for a regulation
Article 27 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

referred to in Article 37.

Amendment 51

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission shall establish and maintain an electronic licensing system for import and export authorisations and decisions related to them pursuant to Articles 9 and 14 of this Regulation.

Amendment

The Commission shall ***without delay*** establish and maintain an electronic licensing system for import and export authorisations and decisions related to them pursuant to Articles 9 and 14 of this Regulation. ***Member States shall take all necessary measures to speed up the implementation of the electronic licensing system. All the functionalities of the licensing system shall be established by ... [five years after the adoption of this Regulation].***

Amendment 52

Proposal for a regulation

Article 28 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The Commission shall, by means of implementing acts, establish rules for the functioning of the electronic licensing system, including rules relating exchange of data with other IT systems ***of Union bodies and Member State authorities competent for implementing this Regulation.*** Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37.

Amendment 53

Proposal for a regulation

Article 28 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The processing of personal data within the electronic licencing system shall be carried out in compliance with Regulation (EU) 2018/1725 or Regulation (EU) 2016/679, as applicable.

Amendment 54

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

1. The Commission, in consultation with the Coordination Group established by Article 33, shall develop or chose a secure and encrypted system to **support** direct cooperation and the exchange of information between Member States regarding refusals to grant import or export authorisations.

Amendment

1. The Commission, in consultation with the Coordination Group established by Article 33, **the European Parliament and the Council** shall develop or chose a secure and encrypted system to **guarantee** direct cooperation and the exchange of information between Member States regarding refusals to grant import or export authorisations. **The system shall be established by ... [two years after the adoption of this Regulation].**

Amendment 55

Proposal for a regulation

Article 29 – paragraph 3

Text proposed by the Commission

3. The Commission shall, by means of implementing acts, establish rules for the functioning of the exchange of information between Member States regarding refusals to grant import or export authorisations. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2) of this Regulation.

Amendment

deleted

Amendment 56

Proposal for a regulation

Article 29 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The processing of personal data within the system developed or chosen pursuant to paragraph 1 shall be carried out in compliance with Regulation (EU) 2018/1725 or Regulation (EU) 2016/679, as applicable.

Amendment 57

Proposal for a regulation

Article 32 – paragraph 1

Text proposed by the Commission

Amendment

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.

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

Amendment 58

Proposal for a regulation

Article 34 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

By six months after the entry into force of this Regulation at the latest, each Member State shall inform the **other Member States and the** Commission of

By six months after the entry into force of this Regulation at the latest, each Member State shall inform the Commission of

Amendment 59

Proposal for a regulation

Article 34 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) the national authority ***in every Member State*** responsible of the integral control of firearms and the coordination of the different authorities with competences in the fight against firearms trafficking (national firearms focal points);

Amendment

(a) the national authority responsible of the integral control of firearms and the coordination of the different authorities with competences in the fight against firearms trafficking (national firearms focal points);

Amendment 60

Proposal for a regulation

Article 34 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Based on that information, the Commission shall publish and update on its website a list of those authorities ***on a yearly basis***,

Amendment

Based on that information, the Commission shall publish and, ***in case of any change***, update on its website a list of those authorities,

Amendment 61

Proposal for a regulation

Article 34 – paragraph 3

Text proposed by the Commission

3. 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 .

Amendment

3. Upon request of the Coordination Group ***or the European Parliament*** and in any event every ***5*** years, the Commission ***on the basis of the annual implementation reports*** shall review ***in detail*** 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 .

Amendment 62

Proposal for a regulation

Article 35 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) set out the conditions for the import of firearms, their essential components and ammunitions by authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013;

Amendment 63

Proposal for a regulation

Article 35 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) establish a uniform export certificate;

Amendment 64

Proposal for a regulation

Article 35 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) set out the conditions for the export of firearms, their essential components and ammunitions by authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013;

Amendment 65

Proposal for a regulation

Article 35 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(c d) establish the rules and format to be used by Member States for providing the Commission with anonymized statistical data as referred to in Article 27;

Amendment 66

Proposal for a regulation

Article 35 – paragraph 1 – point c e (new)

Text proposed by the Commission

Amendment

(c e) and establish rules for the functioning of the exchange of information between Member States regarding refusals to grant import or export authorisations.

Amendment 67

Proposal for a regulation

Annex IV – subheading 1

Text proposed by the Commission

Amendment

End-user certificate

Export certificate

Amendment 68

Proposal for a regulation

Annex IV – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

The ***export*** certificate is to include at least the following information:

Amendment 69

Proposal for a regulation

Annex IV – paragraph 1 – point b

Text proposed by the Commission

(b) details of the **end-user** (including name, address, business name and, if available, company registration number). In the case of export to a private company that resells the goods on a local market, that company will be regarded as the **end-user** for the purposes of this Regulation. This shall not prevent Member States from evaluating licence applications that concern exports to resellers differently from licence applications concerning exports to **end-users**;

Amendment

(b) details of the **importer** (including name, address, business name and, if available, company registration number). In the case of export to a private company that resells the goods on a local market, that company will be regarded as the **importer** for the purposes of this Regulation. This shall not prevent Member States from evaluating licence applications that concern exports to resellers differently from licence applications concerning exports to **importers**;

Amendment 70

Proposal for a regulation
Annex IV – paragraph 1 – point f

Text proposed by the Commission

(f) signature, name and title of the **end-user**;

Amendment

(f) signature, name and title of the **importer**;

Amendment 71

Proposal for a regulation
Annex IV – paragraph 1 – point i

Text proposed by the Commission

(i) the date of issue of the **end-user** certificate;

Amendment

(i) the date of issue of the **export** certificate;

Amendment 72

Proposal for a regulation
Annex IV – paragraph 1 – point j

Text proposed by the Commission

(j) if applicable, a unique identifying number or contract number relating to the **end-user** certificate;

Amendment

(j) if applicable, a unique identifying number or contract number relating to the **export** certificate;

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	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)
References	COM(2022)0480 – C9-0365/2022 – 2022/0288(COD)
Committee responsible Date announced in plenary	INTA 9.11.2022
Opinion by Date announced in plenary	LIBE 9.11.2022
Associated committees - date announced in plenary	16.3.2023
Rapporteur for the opinion Date appointed	Emil Radev 22.3.2023
Discussed in committee	28.6.2023
Date adopted	20.9.2023
Result of final vote	+: 54 –: 3 0: 6
Members present for the final vote	Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Pietro Bartolo, Theresa Bielowski, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Annika Bruna, Jorge Buxadé Villalba, Damien Carême, Patricia Chagnon, Clare Daly, Laura Ferrara, Nicolaus Fest, Sylvie Guillaume, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Fabienne Keller, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Erik Marquardt, Nuno Melo, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Emil Radev, Paulo Rangel, Karlo Ressler, Diana Riba i Giner, Isabel Santos, Birgit Sippel, Sara Skytvedal, Vincenzo Sofo, Tineke Strik, Tomas Tobé, Yana Toom, Tom Vandendriessche, Anders Vistisen, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Delara Burkhardt, Loucas Fourlas, Anne-Sophie Pelletier, Bergur Løkke Rasmussen, Petar Vitanov, Charlie Weimers
Substitutes under Rule 209(7) present for the final vote	Pascal Arimont, Dacian Cioloş, Jarosław Duda, Thierry Mariani, Karen Melchior, Pina Picierno, Antonio Maria Rinaldi, Helmut Scholz

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

54	+
ECR	Jorge Buxadé Villalba, Patryk Jaki, Vincenzo Sofo
ID	Antonio Maria Rinaldi
NI	Laura Ferrara
PPE	Pascal Arimont, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Jarosław Duda, Loucas Fourlas, Jeroen Lenaers, Nuno Melo, Nadine Morano, Emil Radev, Paulo Rangel, Karlo Ressler, Javier Zarzalejos
Renew	Abir Al-Sahlani, Malik Azmani, Dacian Cioloș, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Karen Melchior, Maite Pagazaurtundúa, Bergur Løkke Rasmussen, Yana Toom
S&D	Pietro Bartolo, Theresa Bielowski, Delara Burkhardt, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Pina Picierno, Isabel Santos, Birgit Sippel, Petar Vitanov, Elena Yoncheva
The Left	Konstantinos Arvanitis, Clare Daly, Anne-Sophie Pelletier, Helmut Scholz
Verts/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Alice Kuhnke, Erik Marquardt, Diana Riba i Giner, Tineke Strik

3	-
ECR	Charlie Weimers
PPE	Sara Skyttedal, Tomas Tobé

6	0
ID	Annika Bruna, Patricia Chagnon, Nicolaus Fest, Thierry Mariani, Tom Vandendriessche, Anders Vistisen

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	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)			
References	COM(2022)0480 – C9-0365/2022 – 2022/0288(COD)			
Date submitted to Parliament	27.10.2022			
Committee responsible Date announced in plenary	INTA 9.11.2022			
Committees asked for opinions Date announced in plenary	AFET 9.11.2022	BUDG 9.11.2022	IMCO 9.11.2022	LIBE 9.11.2022
Not delivering opinions Date of decision	AFET 23.1.2023	BUDG 18.11.2022	IMCO 29.11.2022	
Associated committees Date announced in plenary	LIBE 16.3.2023			
Rapporteurs Date appointed	Bernd Lange 30.11.2022			
Discussed in committee	26.6.2023			
Date adopted	24.10.2023			
Result of final vote	+: 26 -: 2 0: 3			
Members present for the final vote	Anna-Michelle Asimakopoulou, Saskia Bricmont, Jordi Cañas, Raphaël Glucksmann, Heidi Hautala, Danuta Maria Hübner, Miapetra Kumpula-Natri, Danilo Oscar Lancini, Bernd Lange, Thierry Mariani, Margarida Marques, Sara Matthieu, Helmut Scholz, Joachim Schuster, Sven Simon, Kathleen Van Brempt, Marie-Pierre Vedrenne, Jörgen Warborn, Iuliu Winkler, Jan Zahradil, Juan Ignacio Zoido Álvarez			
Substitutes present for the final vote	Reinhard Bütikofer, Marco Campomenosi, Clare Daly, José Manuel García-Margallo y Marfil, Svenja Hahn, Seán Kelly, Javier Moreno Sánchez, Urmas Paet, Pedro Silva Pereira			
Substitutes under Rule 209(7) present for the final vote	Dacian Cioloș			
Date tabled	30.10.2023			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

26	+
PPE	Anna-Michelle Asimakopoulou, José Manuel García-Margallo y Marfil, Danuta Maria Hübner, Seán Kelly, Sven Simon, Iuliu Winkler, Juan Ignacio Zoido Álvarez
Renew	Jordi Cañas, Dacian Cioloș, Svenja Hahn, Urmas Paet, Marie-Pierre Vedrenne
S&D	Raphaël Glucksmann, Miapetra Kumpula-Natri, Bernd Lange, Margarida Marques, Javier Moreno Sánchez, Joachim Schuster, Pedro Silva Pereira, Kathleen Van Brempt
The Left	Clare Daly, Helmut Scholz
Verts/ALE	Saskia Bricmont, Reinhard Bütikofer, Heidi Hautala, Sara Matthieu

2	-
ID	Marco Campomenosi, Danilo Oscar Lancini

3	0
ECR	Jan Zahradil
ID	Thierry Mariani
PPE	Jörgen Warborn

Key to symbols:

+ : in favour

- : against

0 : abstention