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COMMISSION STAFF WORKING DOCUMENT

Accompanying document to the

**Proposal for a EUROPEAN PARLIAMENT and COUNCIL REGULATION
implementing Article 10 of the United Nations' Firearms Protocol and establishing
export authorisation, import and transit measures for firearms, their parts and
components and ammunition**

Impact Assessment

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COMMISSION STAFF WORKING DOCUMENT

Accompanying document to the

Proposal for a EUROPEAN PARLIAMENT and COUNCIL REGULATION IMPLEMENTING ARTICLE 10 OF THE UNITED NATIONS' FIREARMS PROTOCOL AND ESTABLISHING EXPORT AUTHORISATION, IMPORT AND TRANSIT MEASURES FOR FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION

Impact Assessment

1. PROCEDURAL ISSUES AND CONSULTATION OF INTERESTED PARTIES

1.1. Legal basis, political mandate and existing instruments:

The Council and Commission Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union listed among its relevant actions¹ a proposal on the conclusion - on behalf of the European Community² - of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition supplementing the United Nations Convention against Transnational Organised Crime (so called "UNTOC Convention")³, hereinafter referred to as the "UN Firearms Protocol" or "UNFP". Its successor, the Stockholm Programme "an open and secure Europe, serving and protecting citizen"⁴, highlighted trafficking in arms as one of the illegal activities that continue to challenge the internal security of the EU and reaffirms that the Union should continue to promote ratification of international Conventions (and their Protocols) in particular those developed under the auspices of the United Nations.

In response to the terrorist attacks in Madrid on 11 March, the European Council adopted a "Declaration on combating terrorism" on 25 March 2004. The Declaration states that the "European Council recognises that there is a need to ensure terrorist organizations and groups are starved of the components of their trade. In particular there is a need to ensure greater security of firearms, explosives, bomb-making equipment, and the technologies that contribute to the perpetration of terrorist outrages."

¹ 4.2, International legal Order, (p)

² When historical reference is made to the "European Community" the reader should take into account that the European Union replaced and succeeded the European Community on the date of entry into force of the "Lisbon Treaty", 1st of December 2009, pursuant to article 1 third paragraph of the Treaty on the European Union/TEU (OJ, C115 of 9 May 2008),

³ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&lang=en

⁴ EU Council Document 17024/09, CO EUR-PREP 3 JAI 896 POLGEN 229 of 2 December 2009.

The Commission's Communication on measures to ensure greater security in explosives, detonators, bomb-making equipment and fire-arms of 18.07.2005⁵ the Commission informed the public of the need and intention to implement Art 10 of the UNFP (Annex I) as part of the overall transposition work⁶ that would facilitate the Commission's obligation to produce its proposal for a Council decision on the conclusion of the UNFP on behalf of the Union.

One of the principal aims of Commission's current policy on firearms is the "Conclusion" (ratification)" of the UNFP. The purpose of the Protocol is to "promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition".

Under Art 10 of the UNFP, all parties shall in particular put in place, or improve administrative procedures or systems to exercise effective control over the manufacturing, marking, import and export of firearms.

Under the authorization by the Council, the Commission (from 1990 to 2001) negotiated on behalf of the European Community the articles of the UNFP falling under Community Competence and eventually signed it on 16 January 2002 on behalf of the European Community⁷ under Articles 95 (internal market) and 133 TEC⁸ (common commercial policy⁹, exclusive competence of the Union, within which Art. 10 UNFP provisions fall). Being a mixed instrument, the UNFP has also been signed by 18 EU Member States. However, up to the end of 2009 only 13 EU Member States are Contracting Parties (they have either ratified or acceded to it¹⁰).

The UNFP entered into force on 3 July 2005. Its "Conclusion" (ratification) by the Union is pending and subject to the transposition of those provisions falling under Union's competence into EU legislation. The legislative proposal this impact assessment is accompanying is part of that work on which a political decision was already taken by the Members States.

As said, the UNFP is a "mixed" international instrument from the EU perspective. This means that for those parts falling under Union's Competence it is up to the European Commission to take action to transpose those provisions into the EU legislation. The articles linked to internal market (markings, record keeping, etc) were addressed by an internal Market Directive (Directive 2008/51/EC). Art 10 is an article whose provisions fall under the (exclusive) Union's competence (common commercial policy), on which Member States are not entitled to take legislative initiative at national level. Nevertheless this IA includes also an analysis of compliance of Member States legislation with Art 10 (see chapter 3).

⁵ COM(2005) 329 final,

⁶ Work that included the update of Directive 91/477/EEC on possession and transfers of firearms within the EU, as amended by Directive 2008/51/EC, addressing other parts of the UNFP from the internal market perspective.

⁷ (Council Decision 2001/748/EC of 16 October 2001. OJ European Communities, L 280 of 24 October 2001).

⁸ Now respectively Art. 114 and 207 of the Treaty on the Functioning of the European Union /TFEU (OJ, C115 of 9 May 2008).

⁹ According to Article 207 TFEU, the common commercial policy "shall be based on uniform principles, particularly with regard to changes in tariff rates, the conclusion of tariff and trade agreements.... the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in the event of dumping or subsidies....".

¹⁰ <http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-firearmsprotocol.html>

The current EU Acquis with regards to firearms for civilian use is mainly addressed by Directive 91/477/EEC (as amended by 'Directive 2008/51/EC' on control of the acquisition and possession of weapons). However, Directive 91/477 relates to the control of the acquisition and possession of weapons within the EU during a journey through two or more Member States. It called upon Member States to intensify controls on the possession of weapons on the external frontiers of the Community but did not establish in itself any trade regime for import/export.

Other important EU instruments, such as the EU Code of Conduct only apply to conventional military arms.

The approach aimed at concluding the UNFP is also in line with the with the current EU policy regarding the measures aimed at reducing the proliferation and spread of small arms around the world, in the frame of the (former) second pillar.

With regard to security, the objective of limiting the diversion and that of ensure better tracing is the objective of the UNFP as a whole. It is not possible and would be an error to make an attempt to address how only a small piece of the UNFP contributes to that objective. This is why we use the formula "contribute to improvement of security". Moreover the overall measures of the UNFP are there to make it possible to ensure a backtracking investigation by means of which to see how and at what stage a firearm left the legal market. Virtually all firearms in the illegal market come from the legal market.

Articles 207 and 346 TFEU provide a framework with which the new proposal for implementing Article 10 has to comply. First of all, the proposal should match the common commercial policy requirements of Article 207. Second, the proposal would be without prejudice of Article 346 which refers to the national security of the Member States. Each Member State has the right to take measures necessary to protect its national security. Therefore, the proposal should not apply to firearms that are intended specifically for military purposes.

The opinion of the Impact Assessment Board of 7 December 2009 underlined generally good quality of the report and asked for some clarifications with regard to the problem definition and presentation of options. The IA has been revised along those lines. In particular the revision included pages 6 point 1.1, 20, p.5.8, 42 and 43 on the recommendation on the scope of the initiative and security; pages 24 (table 4), 27, 33, 34 and 35 on the aspect linked to the simplification of the presentation of the options and rationale of some key elements; pages 29, 33, 34 and revised annex II (page 46) on figures and fulfilment of objectives. A new Annex (XIII, page 65) was added for matching the request for a hypothetical example of implementation.

1.2. Consultation and expertise.

The Impact Assessment is based on the consultation ensured by the European Commission in 2006 and 2007 by means of questionnaires distributed to all EU Member States, to all relevant stakeholders representing different interest groups (representatives of European associations of manufacturers of firearms and ammunitions for civil use, civil commerce of weapons, hunters, collectors), two dedicated meetings organised in Brussels in March and June 2007 with the Member States and the private parties (included NGOs), the opening of a specific e-mail account

(JLS-FIREARMS@ec.europa.eu) for permanent consultation. The consultation therefore was addressed to all Member States. With regard to the Member States, a representative sample (19 out of 27) either sent replies or participated to the meetings or were interviewed: AT, BE, BG, CZ, DE, DK, EE, EL, FI, FR, HU, IE, IT, LU, NL, RO, SE, SK, UK.

With regards to the consultation of private stakeholders and NGOs, the Commission ensured a similar wide consultation. The list of the consulted parties is included in Annex II.

To note that the questionnaires and invitations were sent to a wide range of private European stakeholders which - besides the ones mentioned in Annex II - included the "Association of European Chambers of Commerce and Industry", the "Union des Industries de la Communauté européenne" (UNICE) now called "BusinessEurope" and the "European Association of Craft, Small and Medium-sized Enterprises" (UEAPME); as well as to other NGOs/Research institutions like SIPRI and ISIS Europe. The UN Office in Geneva was notified as well.

The results and opinions expressed at the different stage of the consultations are included in the parts of this Impact Assessment addressing the policy options (see chapters 6 and 7).

The Commission also commissioned an external study to support the preparation of this Impact Assessment¹¹. The result of the study - delivered in January 2009 - included factual findings information, further consultation of stakeholders and possible policy options.

The preliminary work also included the establishment of an internal consultation by setting up a specific Inter-Service Group on "firearms", chaired by DG JLS with the participation or contribution in particular of representatives of the SG, SJ, DG ENTR, TAXUD, RELEX, TRADE (DG MARKT was informed as well). The ISG met 7 times.

2. SCOPE OF ART. 10 UNFP

2.1. Article 10

Article 10 of the UNFP on 'General requirements for export, import and transit licensing or authorisation systems requires 'each State party to establish or maintain an effective system of export and import licensing or authorisation, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition', thereby improving scrutiny of transfers and allowing better enforcement of laws.

As described by the UN legislative Guidelines on implementation of the UNFP, *"the system underscores the central principle underlying the Protocol that firearms and related items cannot be imported or exported without the awareness and consent of all States involved and that cases in which this is not complied with attract criminal investigation, prosecution and punishment". "The Protocol requires States parties: (a) To establish a system to ensure that firearms are not exported to or through countries that have not authorized the transfer (art. 10, paras. 2 and 4); (b) To ensure that the content of the documents used for legal import and export is sufficient to*

¹¹ Ernst and Young/Regioplan.

*support the offence of trafficking (art. 10, para. 3); and (c) To enhance the accountability and security associated with the import and export system (art. 10, para. 5)". Besides the above mentioned **"Shall"** - i.e. mandatory - provisions, Art 10 also allows States parties to adopt simplified procedure for private individuals to temporarily import or export small numbers of firearms for "verifiable lawful purposes, such recreational, repair, exhibition (art. 10, para. 6). These latter provisions are referred after as **"May" – i.e. optional - provisions**.*

The trade in firearms we are addressing in this context only includes the **export /import to/from third countries**. The transit measures does not refer to the customs procedures as defined by the Community Customs Code but rather to the transit of goods exported from the EU Customs territory to a final destination in a third, passing through the territory of another third Country.

As also described in the mentioned UN legislative Guidelines, Art 10 (as any other article of the UNFP) cannot be seen in isolation but in connection with the proper implementation also of other articles like for example Art 5 on "criminalization" and Art 8 on "markings"¹².

2.2. Definition of firearms

The UNFP definition of ‘firearm’¹³ does not distinguish between firearms for civilian or military use, a distinction that for as a matter of coherency with the current EU legal framework has to be taken into account for the purposes of the transposition into the Union legislation of Art 10. The Impact assessment only refers to the categories of firearms not specifically designed for military purposes (like the automatic firearms). Hence the firearms referred to in this impact assessment include categories B (Firearms subject to authorisation), C (Firearms subject to declaration) and D (Other firearms) as mentioned in Annex I, part II of Directive 91/477/EC amended by means of Directive 2008/51/EC¹⁴. These are the firearms for civilian use traded/used broadly by authorised arms traders, retailers, private companies providing security services, citizens for individual self protection, hunters, sport shooters, etc.

2.3. Key players and scale of transfer of firearms for civilian use¹⁵

The most detailed trade statistics that can be accessed are broken down by sub-headings of the Combined Nomenclature (CN). This tariff and statistical classification is based on the

¹² Art 5 for example refers to import and export without a licence. Art 8 refers to markings. Markings are the core information for the aim of tracing firearms. The markings should be included in the documents accompanying the request for licences.

¹³ Art. 3 UNFP " firearm shall mean any portable barreled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899".

¹⁴ For the purpose of Directive 91/477/EEC, as amended by Directive 2008/51/EC, a ‘firearm’ means: ‘any portable barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant, unless it is excluded for one of the reasons listed in part III of Annex I’. ‘For the purposes of this Directive, an object shall be considered as capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if it has the appearance of a firearm, and as a result of its construction or the material from which it is made, it can be so converted’

¹⁵ The following data are extracted from the Combined Nomenclature dataset of the Eurostat database.

international classification of the Harmonised System. Firearms specifically designed for military use (example NC code 9301) are excluded from this impact assessment. Consequently, the relevant categories of the Combined Nomenclature dataset were extracted from the Eurostat Database and are included in ANNEX III.

The following Table 1 represents the quantity and value of export and import of firearms for civilian use, their parts and components and ammunition to and from third countries in 2007.

Table 1 Extra-EU trade of firearms for civilian use, their parts and components and ammunition in 2007¹⁶

Member States	Export quantity	Export value	Import quantity	Import value
Austria	10 680	€ 28 451 164	7 321	€ 6 495 960
Belgium	3 442	€ 1 616 027	66 506	€ 16 499 381
Bulgaria				
Cyprus	40 534	€ 3 031 026	3 924	€ 974 098
Czech republic	385 768	€ 35 285 757	32 913	€ 3 843 784
Germany	431 593	€ 139 217 006	268 596	€ 51 337 308
Denmark	353 696	€ 4 600 932	383 603	€ 7 471 773
Estonia	0	€ 27	2 310	€ 1 151 218
Spain	2 853 206	€ 38 391 151	65 062	€ 12 381 015
Finland	58 393	€ 17 815 155	20 713	€ 5 825 931
France	2 233 958	€ 83 323 423	170 829	€ 20 702 311
United kingdom	1 445 926	€ 57 466 941	1 017 549	€ 45 723 313
Greece	681 531	€ 3 343 133	195 624	€ 2 276 643
Hungary	883 706	€ 5 187 670	65 642	€ 1 528 085
Ireland	3	€ 3 736	10 328	€ 1 142 922
Italy	789 974	€ 240 217 424	109 189	€ 26 609 533
Lithuania	1	€ 2 848 931	3 106	€ 666 391
Luxembourg	5	€ 26 602	19	€ 169 510
Latvia	54	€ 4 468	1 435	€ 469 701
Malta	100 000	€ 6 150	513	€ 131 463
Netherlands	475	€ 545 266	6 692	€ 3 808 625
Poland	13 073	€ 4 113 738	49 825	€ 3 014 288
Portugal	42 016	€ 17 472 665	3 951	€ 3 464 448

¹⁶ Analysis of Regioplan Policy Research (2008) of data extracted from the Combined Nomenclature dataset of the Eurostat database.

Romania				
Sweden	30 759	€ 9 890 637	6 695	€ 4 917 150
Slovenia	0	€ 664 862	0	€ 277 312
Slovakia	421	€ 353 654	297 242	€ 670 261
EU27	10 359 214	€ 693 877 545	2 789 587	€ 221 552 424

The value of imported firearms their parts and components and ammunition in the EU is more than three times lower than that of exports.

The following Table 2 represents instead the value and percentage of export and import of firearms for sporting, hunting and target shooting purposes their parts and components and ammunition to and from third countries in 2007.

Table 2 Export and import value of firearms for sporting, hunting and target shooting purposes expressed as a percentage of the total value of firearms for civilian use, their parts and components and ammunition transferred to and from third countries in 2007¹⁷

	Export sport, hunting and target shooting		Import sport, hunting and target shooting	
Member States	Export value	% of total	Import value	% of total
Austria	€ 5 887 841	21%	€ 534 350	8%
Belgium	€ 1 015 271	63%	€ 7 626 914	46%
Bulgaria				
Cyprus	€ 64 694	2%	€ 742 596	76%
Czech Republic	€ 11 031 481	31%	€ 423 328	11%
Germany	€ 38 581 521	28%	€ 8 550 407	17%
Denmark	€ 509 311	11%	€ 1 528 353	20%
Estonia			€ 125 531	11%
Spain	€ 4 961 547	13%	€ 2 649 004	21%
Finland	€ 11 187 094	63%	€ 1 685 679	29%
France	€ 2 067 702	2%	€ 5 897 307	28%
United Kingdom	€ 19 162 231	33%	€ 6 924 771	15%
Greece	€ 344 734	10%	€ 1 132 767	50%
Hungary	€ 17 225	0%	€ 250 422	16%
Ireland	€ 3 736	100%	€ 633 908	55%

¹⁷ Analysis of Regioplan Policy Research (2008) of data extracted from the Combined Nomenclature dataset of the Eurostat database.

Italy	€ 134 070 737	56%	€ 5 570 082	21%
Lithuania			€ 122 576	18%
Luxembourg	€ 3 131	12%	€ 21 628	13%
Latvia			€ 189 218	40%
Malta			€ 72 855	55%
Netherlands	€ 363 985	67%	€ 131 123	3%
Poland	€ 42 269	1%	€ 784 009	26%
Portugal	€ 8 238 230	47%	€ 90 852	3%
Romania				
Sweden	€ 592 707	6%	€ 756 731	15%
Slovenia	€ 92 217	14%	€ 40 132	14%
Slovakia	€ 1 225	0%	€ 63 496	9%
EU27	€ 238 238 889	34%	€ 46 548 039	21%

The percentage in terms of value of import for sporting, hunting and target shooting is significantly lower than the value of export of these types of firearms: 21 against 34. The comparison with table 1 before shows that these types of products amount to one third of the total value of export of firearms to third countries (238 MEU against 693) and 1 fifth with regard to imports (46 MEU against 221 MEU).

For information, the figures on numbers of imported/exported firearms for recreational purposes are in Annex IV.

Revolvers and pistols.

The number of revolvers and pistols¹⁸ imported and exported to and from the EU is only a small percentage of the total number of imported and exported firearms. The export of pistols and revolvers is only 13 percent of the total value of exported firearms for civilian use, their parts and components and ammunition. With regard to the import, this percentage is only four percent. The total value of exported revolvers and pistols is € 89 447 583. The total value of imported revolvers and pistols is € 9 539 482 (for the details see table in Annex V).

Parts and components.

Consideration should be given to the fact that a share of imported “parts and components” are at a later stage assembled in the final product and therefore exported as an “assembled firearm with its own (higher) value. Parts and components count for the 16 % of total export and 21 % of total

¹⁸ There is only an apparent overlap between military equipment and firearms for civilian use in the case of revolvers and pistols, since they are included in the "Common Military List of the EU" but subject to the exception that the list does *not apply to smooth-bore weapons used for hunting or sporting purposes, providing that they are not be specially designed for military use or of the fully automatic firing type.*)

imports of firearms for civilian use, their parts and components and ammunition (for the details see table in Annex VI).

Ammunition.

The value of imported ammunition is 52% of the total value of imported firearms for civilian use, their parts and components and ammunition (for the details see table in Annex VII).

Number of authorising and licensing procedures.

It was not possible to get definitive information on the number of licence/authorizations managed by Member States per year. A calculation based on replies received from Member States representatives and information of private stakeholders, compared to the statistics on quantities imported and exported in all the 27 Member States could lead to approximately 25 to 30 thousand licences/authorizations issued per year, in total, in all the 27 Member States. It is important to highlight that it remained unclear in some of the cases whether the licences were issued for export or/and import and whether these licences or authorisations were referring to military and/or firearms for civilian use.

Conclusions.

The total value of exported firearms for civilian use, parts and components and ammunition amounts to nearly 700 million Euros. The total value of imports is more than 200 million Euros. The export of firearms for the purposes of sporting, hunting and target shooting comprises more than one third of the total value of firearms export to third countries. The export and import of pistols and revolvers is only a small percentage of the total number of transferred firearms for civilian use, their parts and components and ammunition. Another significant finding is that the value of imported ammunition amounts to more than half of the total value of imported firearms, their parts and components and ammunition.

3. STATUS QUO

National legislations do not fully comply with the provisions of Article 10 of the UNFP.

Five Member States (France, Hungary, Ireland, Malta and Czech Republic) have neither signed nor acceded to the UNFP¹⁹ while 9 others (Austria, Denmark, Finland, Germany, Greece, Luxembourg, Portugal, Sweden and United Kingdom only signed it without any ratification. Only 13 Member States are contracting Parties of the UNFP (ratification or accession accomplished). See also chapter 6.1.

Compliance with the provisions of Article 10 of the UNFP

On the basis of questionnaires received from Member States who replied to the consultations the following table gives an overview of the most important aspects of the Member States'

¹⁹ UNODC, Status of ratification of the UNFP (Status as at: 08/02/2010). Retrieved from: <http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-firearmsprotocol.html>

legislation regarding the implementation of the provisions of Article 10 UNFP (all "Shall" provisions but the last one).

Table 3 Provisions of the UNFP against Member States legislation

Provisions of the UNFP against Member States legislation														
<i>Requirement</i>	SK	HU	UK	RO	DK	NL	DE	IE	SE	EE	BE	IT	BG	AT
1. Existence of a licensing/authorisation system	+	+	+	+	+	+	+	+	+	+	+	+	+	+
2.a. Receiving import licence/authorisation before issuing export licence	-	+	+	+	+	-	-	+	+	+	+	+	+	-
2.b. Receiving written notice of no objection of transit country before issuance of export licence	-	+/-	-	+/-	+	-	-	-	-	+/-	-	-	+	-
3.a. Required information in documentation	+/-	+	+	+	+	+/-	+/-	+/-	+/-	+/-	+	+	+	+/-
3.b. Provide information in the import licence to transit countries	-	-	-	+	-	-	-	-	-	+	-	-	+	-
4. Notification of receipt upon request	+	+	+	+	+	+	+	+/-	+/-	+	+	-	+	+
5. Verification of authorisation		+	+	+	-	+/-	+	+	+	+	+	+	+	+
6. Simplified procedures for temporary import/export		+	-	+	+	-	-	+	+	+	+	+	+	+

Legend: ‘+’ means: the legislation of the Member State complies with the specific requirement. ‘-’ means: the legislation of the Member State does not comply with the requirement. ‘+/-’ means: the legislation of the Member State partly complies with the requirement.

Conclusions from the analysis of Member States’ legislation

- Art 10 of the UNFP is not fully implemented in all the 27 Member States.
- The majority of the Member States distinguish firearms for military use from those for civilian use, based on the sort of firearm. However, the legislations often do not distinguish between military or civilian firearms with regards to the export/import/transit procedures.
- Uniform common principles are not established in the legislations of the Member States. Only four out of the fourteen countries who replied to the questionnaires, mentioned that their legislation concerning the authorisation of import and export of firearms complies with the provisions of Article 10 of the UNFP.
- Most of the Member States that replied to the consultations, mentioned that they require proof of an import licence or authorisation before issuing the export licence. Only in

particular cases the exporter is required to provide a copy of an import authorisation. In all Member States the burden is on the private party (the exporter/importer). In most of the consulted Member States, the original licence or a certified copy is required. Only in the United Kingdom an electronic copy of the import licence is sufficient.

- Eight Member States that replied to the consultation stated that they do not require - prior to issuing the export licence or the authorisations for shipment – to receive a notice in writing that the transit countries have no objection to the transfer. Within the EU, transit States are informed of the transit. The few Member States that require this notice of no objection stated that this notice should be in written form. Electronic documents are therefore not allowed.
- Most of the elements required in Art 10, Par. 3²⁰ are contained in the export and import licence or authorisation and accompanying documentation in the Member States. Four countries stated they do not include information on the transit States.
- Similarly to previous points, the legislation of the different Member States concerning Art 10 Par.4 (notification on receipt of dispatched firearms) is not uniform, even if the legislation of most of the Member States that replied to the consultation complies with this provision. Usually, notifications of receipt are only given on request.
- Art. 10 Par 5 of the UNFP reads that each State Party shall - within the available means - take such measures as may be necessary to ensure that licensing or authorisation procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated. The UN Guidelines suggest the use of standardised documents, as they may also increase the degree of security²¹. Most of the Member States that replied to the consultation make use of documents that are standardised within their country, but an EU common standardization is not in place (except for the End User Certificate and the International Import Certificate). This could facilitate the falsification of these documents. Some Member States require the standardised International Import Certificate whose layout would guarantee its authenticity. However, when this is not used, another certificate of the national authority of the importing State is sufficient as well. In cases of doubts, checks are made by diplomatic channels, via the competent national authorities of the importing State, etc.
- Ten out of fourteen Member States that replied to the consultations use simplified procedures for temporary export and import. Other Member States make a distinction between the type of temporary transfers, such as temporary import/export for commercial purposes and temporary import/export for non-commercial purposes. In one Member State for example, a special form is used for weapons and ammunition for hunting and shooting competitions that are exported to and re-imported from non-EU Member States within three months. This form is provided to the customs and taxation authorities when the goods are dispatched.

²⁰ The markings applied to the firearms for civilian use, the dates of issuance and expiry of licences or authorisations, the place of issue of permits or authorisations, the country of export, the country of import, the final recipient, a description of the articles imported or exported, the quantities of the articles imported or exported and, whenever there is transit, the countries of transit (Art. 10.3 and Art. 8 of UNFP).

²¹ Legislative guide for the implementation of the UNFP, chapter 4, part C, p.441.

- The average time to process an application form for export or import varies from 5 days to three months and in some cases up to one year. Most Member States that replied to the consultations, noted that the processing would not take more than 1 month. Some Member States stated that there is a maximum duration of processing the application forms. One Member State stated that the maximum duration was 90 days. Another said that no maximum duration is imposed.
- Most Member States that replied to the consultations, mentioned that they make use of open licences for the export of firearms. These licences contain a description of the sort of firearm and information on the quantity (or value) of firearms that they are allowed to export. It is up to the private party to decide in how many shipments they want to export the quantity of firearms. Hence, in most Member States, multiple shipments are allowed. The licences are usually valid for a maximum of 1 year.
- As mentioned before, all Member States but one (between those who replied) require proof of original documents or (certified) copies of original documents. In one Member State electronic documents are used while another was planning to introduce them.

Conclusions

Overall, the national legislations in place do not fully comply with the provisions of Article 10 of the UNFP. In the current situation, most but not all EU Member States require an import licence or authorisation before issuing an export licence (as requested by Art 10 UNFP). The Member States as whole do not have a harmonised procedure regarding the previous authorisation of transit of firearms. As results from the consultation undertaken, the acquisition of a notice of 'no objection' of the transit countries is not compulsory or required. Moreover, these Member States do not notify the transit States in advance. Also, in four Member States the required information on the transit States are not included in the export and import licence or authorisation and accompanying documentation. The current situation with regard to transit requirements is therefore not in line with the provisions of Art 10 UNFP. Firearms, their parts and components and ammunition can be temporarily transferred to third countries for verifiable purposes such as sport shooting, hunting, evaluation, exhibitions or repairs. However this simplified procedure, a "may" provision under Art 10 of the UNFP, is not in place in all Member States.

4. DEFINING THE PROBLEM

4.1. Legal aspects linked to UNFP

It follows from the fact that the Community (now Union) has signed the Protocol that the it should undertake all the necessary steps to be able to comply with the obligations created by the Protocol (which include - besides the aspects already recalled in paragraph 1.1 - the implementation of Art. 10) and to ratify (conclude) it.

In 2002 the European Community signed the UNFP in view of Articles 95 and 133 TEC. The latter - now article 207 of the TFEU - gives exclusive external competence to the Union for the common commercial policy.

The Common commercial policy is one of the main elements of the European Union's relations with the rest of the world. It is an area of exclusive Union's responsibility (Article 207 TFEU). The common commercial policy implies uniform conduct of trade relations with third countries, in particular by means of a common customs tariff and common import and export regimes. However, in the existing rules on the transfer of firearms for civilian use, the harmonisation required by the common commercial policy has not yet been achieved.

Failure to implement Art 10 would result in the corresponding failure to establish a common commercial policy, as requested by the Treaty on the EU, according to which the common commercial policy shall be based on uniform principles particularly in regard to export (and in this case also to import) policy.

Not all the provisions of Art. 10 UNFP are fully implemented in Member States legislation (see chapter 3 on "status quo"). However, even if in all the Member States the national legislation would be in line with Art 10 UNFP - in the absence of Union's legislation implementing a minimum horizontal harmonization, firstly - Union's international obligations would be breached, and secondly – nothing could prevent a Member State from making a step back and modifying its own legislation with the consequence that the legal frame in the EU would not be any longer in line with the provisions of Art 10 and fully implemented in all the EU territory.

4.2. Security problems linked to the transfer of firearms

Combating firearms trafficking is crucial in the fight against insecurity and criminality, especially against organized crime. This goes on to properly monitor the movement of firearms and to enhance cooperation between the national administrations in charge of controlling the movement of such firearms. This preventive activity involves the reinforcement of controls on the legal sale, acquisition and possession of firearms in the EU.

Improving the tracing of firearms - where tracing means the systematic tracking of firearms from manufacturers to last legal purchaser - is a key objective in the context of setting up an efficient preventive system against firearms trafficking. Despite the efforts made at national and European level, a significant amount of firearms leaves the legal market and enter into the illegal one. The primary method for obtaining a firearm for illicit use is its diversion from the legal market. It is a matter of fact that the majority of the firearms in the illegal market (or used in illegal activities) originate in the legal market. At some stage those firearms left the legal market (stolen, lost, illegally sold, etc.) and can fall in the hands of criminals or terrorists. Illegal trafficking of firearms, i.e. unauthorized transfer of firearms across borders and the transfer of unmarked firearms, is one important source of illegal firearms. One of the driving causes for this being the unclear and diverging provisions of export licensing. Implementing Art 10 of the UNFP is one of the responses to the need for improving tracing, as requested by the International Community.

The Council²² recalled that: *"In view of the threat posed to public security in the European Union by organised crime and international terrorism, particular importance attaches to combating*

²² Council Recommendation on a standard procedure in Member States for cross-border enquiries by police authorities in investigating supply channels for seized or recovered crime-related firearms 2807th JUSTICE and HOME AFFAIRS Council meeting Luxembourg, 12 and 13 June 2007

arms trafficking and other forms of arms crime. Tracing of supply channels provides an important aid in combating arms crime. Swift tracing of the full route taken by a firearm serves three crucial purposes in combating arms crime: to identify the person responsible for the disappearance of a firearm into illegality; to uncover arms-trafficking market structures within the European Union and detect offenders operating in that market; and to gather and assess material information on the present state of arms crime in Europe, for the production of an EU arms crime situation report based on solid facts. The Member States need to improve their use of cross-border tracing of supply channels as a factor in combating international arms crime".

Moreover, Saferworld has recently recalled²³, that "Virtually all States have committed themselves to ensure that they have effective national regulations, systems and practices in place to prevent and combat Small Arms and Light Weapons (SALW)"²⁴. These commitments are expressed and elaborated in UN agreements, particularly the UN PoA, and in the UN Firearms Protocol, and are further reinforced by national laws and numerous regional agreements and international arrangements. In this area at least, therefore, international norms and obligations relating to SALW are well-established, clear, and widely supported in principle. Unfortunately, implementation of these commitments agreements remains patchy and inadequate"²⁵ and "It is now timely for the international community to launch (or re-launch) concerted initiatives and measures to strengthen their systems for preventing and reducing diversion of all types of SALW (including ammunition, parts and components) from authorised transfers or holdings. This requires action to address the full complexity of such diversion processes and a combination of actions at national, regional and international levels."

It is therefore evident that if the Union does not fulfil its international obligations of concluding the UNFP, it will not ensure its contribution to the mentioned need for reducing the current difficulties in tracing international transfers of firearms and ammunition that are diverted for illegal purposes.

Firearms-related crimes - regardless if in the hands of organized criminal groups or of individual criminals - constitute serious problems for the society and concerns on generality of the public. These crimes are a serious concern in several Member States, like testified by the criminal acts being committed. Concerns are also related to some extent to the misuse of legally owned firearms that in particular cases have led - also in the recent past - in at least two EU Member States²⁵ - to tragic events and the loss of a high number of human lives.

According to the Small Arms Survey there is a strong relationship between arms availability and violence: 'Firearm availability affects the modus operandi of aggravated assault and the

²³ "Preventing Diversion of Small Arms and Light Weapons: Issues and Priorities for Strengthened Controls (SAFERWORLD and University of Bradford February 2009, Executive Summary page 3

²⁴ The international community frequently uses the United Nations' definitions of small arms: revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine-guns and light machine-guns; and light weapons: heavy machine-guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missile systems and mortars of less than 100 mm calibre'. Broadly speaking, light weapons are those designed for use by several persons serving as a crew, and small arms are weapons designed for personal use.

²⁵ Tuusula and Kauhajoki, (Finland 2007 and 2008); Erfurt, Emsdetten and Winnenden (Germany, 2002, 2006 and 2009).

likelihood of death or serious injury during a dispute or act of crime²⁶. A number of findings regarding firearms for civilian use from the Small Arms Survey 2007²⁷ are summarised in Annex VIII.

According to Small Arms Survey, in response to the growing concern over gun violence, most countries have implemented stringent regulations regarding the sale, purchase and possession of weapons by civilians. These regulations distinguish between a legal and an illegal market, on the basis of identification and registration of weapons and possession of weapons²⁸. The scope and contents of these regulations vary between countries, reflecting different Member States' attitudes towards weapons use, firearms trade and towards regulations as such.

4.3. Economic problems linked to the transfer of firearms for civilian use

The variety of rules between countries and the lack of transparency of obligations imposes costs on trade. Due to non-harmonised legislation the way export and import procedures on firearms are carried out varies between Member States (see table 3 above).

The lack of standardised documents causes delays and therefore increases costs. The UN Guidelines also points out this problem when stressing the importance of standardised documents: 'such measures may also increase the degree of security as required by Article 10, paragraph 5, and reduce costs'²⁹. According to the business representatives, a company active in the manufacture and business of firearms for civilian use and ammunition bears additional costs for bureaucratic requirements, controls, bookkeeping, reporting etc. that are at least 15 to 20 percent higher than those of a comparable company in the metalworking manufacturing industry.³⁰

The same risks to security of the transfer of firearms should be considered in terms of economic effects, and can lead to additional costs. Costs of crime³¹ can be subdivided into costs that can be readily expressed in cash terms, (i.e. costs for law enforcement, additional costs for insurance, health care and loss of income due to death or injury, stolen property or the cost of a prison place), and in costs that cannot be readily expressed in cash terms (in the first place the loss of lives, and moreover, the reduction in shops, services, facilities and job opportunities in high-crime areas, and emotional and physical impacts of crime). Misuse of firearms or their use for illegal purposes or in other words, a distortion of the security environment, increases these costs. Crime distortions of the security environment are directly related to the wider economic distortions (i.e. decline in productivity, diminished attraction to foreign direct investment, less

²⁶ Small Arms Survey, assessing the effects of the availability of small arms, 2001.

²⁷ Small Arms Survey, assessing the effects of the availability of small arms, 2001.

²⁸ Small Arms Survey 2007, p.52.

²⁹ Legislative guide for the implementation of the UNFP, chapter 4, p.441, paragraph 103 D.

³⁰ The Commission finds it legitimate the existence of stricter and/or more stringent procedures imposed to trade of goods/products which are in their nature "dangerous". This is not only the case of firearms, but also that - as a matter of example - of dual use products, chemicals, etc.

³¹ Numerous studies address the costs of crime, although they do not result in one generic model for EU Member States to estimate the costs of crime. Instead most researches use different techniques to estimate the costs of crime.

tourism expenditure and additional costs for trading in the country)³², and can therefore also be regarded as an economic problem that justifies government regulation. To this end it is useful to recall the same EU Strategy on Small arms and light weapons where the development is always linked to the need of security (Instrument for Stability).

4.4. Defining the problem and its underlying drivers/causes

General problems:

The first general problem is that the Union has not yet fulfilled its international obligations with regard to Article 10 of the UNFP. The EC signed the UNFP on 16 January 2002. The second general problem is the unaccomplished EU common commercial policy with regard to the establishment of uniform principle governing the export import and transit of firearms for civilian use. The third general problem is the distorted security with regard to export, import and transit of firearms for civilian use.

The driving causes of the general problems are the following:

- The Union has not concluded (ratified) yet the UNFP after more that 7 years from its signature.
- At national level, only few Member States' legislation already fully complies with Article 10 of the UNFP. The different approaches of Member States to Article 10 of the UNFP result in different licensing, authorisation and verification systems. There are also differences in the ways the export, import and transit legislation on firearms for civilian use is enforced.

Specific problems include:

- Possible diversion from the legal market
- Inefficient and difficult cooperation between Member States on tracing firearms.
- Inequalities between businesses acting in different Member States, with regard to export, import and transit of firearms for civilian use.
- Costs of crime

4.5. Analysis of the EU right to act and necessity test

Subsidiarity. The subsidiarity principle does not apply in this case. The import and export licensing or authorisation system, and measures for transit of firearms and ammunition, as required by Article 10 of the UNFP, fall within the exclusive competence of the Union, entitled

³² The negative effects of crime distortions to a country's economy can for example be observed in the Global Competitiveness Report (2007-2008) of the World Economic Forum with regard to a number of African and Caribbean countries.

to act in the field of the common commercial policy, based on Art 207 TFEU. The Member States are not entitled to take legislative initiatives at national level in this matter.

5. SETTING THE OBJECTIVES

General objectives:

1. To fulfil international obligations of the EC with regard to implementation of Art. 10 of the UNFP.
2. To ensure accomplishment of the Common Commercial Policy in a matter of exclusive competence of the Union with respect to export, import and transit measures for firearms for civilian use.
3. To contribute to the improvement of security with respect to firearms for civilian use.

Specific objectives

The specific objectives, i.e. the immediate objectives of a possible EU intervention, are the following:

4. To ensure uniform principles of approach of all Member States regarding Article 10 of the UNFP.
5. To limit (possible) diversion of firearms from the legal market and to ensure their tracing.
6. To contribute to counteracting inequalities for EU businesses with regard to export, import and transit of firearms for civilian use.

Operational objectives

7. To ensure an efficient and safe transit of firearms.
8. To ensure an efficient and safe export-import regime of firearms.

With regard to security, the objective of limiting diversion and of ensuring better tracing is the objective of the UNFP as a whole. It is not possible and would be an error to make an attempt to address how only a small piece of the UNFP contributes to that objective. This is why we use the formula "contribute to improvement of security". Moreover the overall measures of the UNFP are there to make it possible to ensure a backtracking investigation by means of which to see how and at what stage a firearm left the legal market. Virtually all firearms in the illegal market come from the legal market. The provisions of Art 10 UNFP addressing the export – import licensing, are part and at the same time complementary to other tracing provisions (see Chapter 1.1 above). They all together contribute to the security. In other words, one without another would not have a similar effect.

6. DEVELOPING POLICY OPTIONS

6.1. Introduction

Before going into the details of the policy, it is important to recall that in theory one could consider the sole action of encouraging the Member States to ratify/acced to the UNFP. Actually this option, as the evidence shows (see analysis of the Member States legislation in above Chapter 3), even in cases where Member States implement it, they did it in a non homogeneous way in particular with regard to Art 10. However this was only a theoretical alternative since the exclusive competence of the Union in common commercial policy matters would impede such a decentralised solution. From a political point of view it can be also noted that 10 years have passed from the date of opening of accession to the UNFP and the 14 missing Member States (the ones that are not yet contracting parties, see again chapter 3) have not made efforts to reach this objective, in spite of two Resolution of the European Parliament (2005 and 2006) with regards to the signature and ratification of the Protocol.

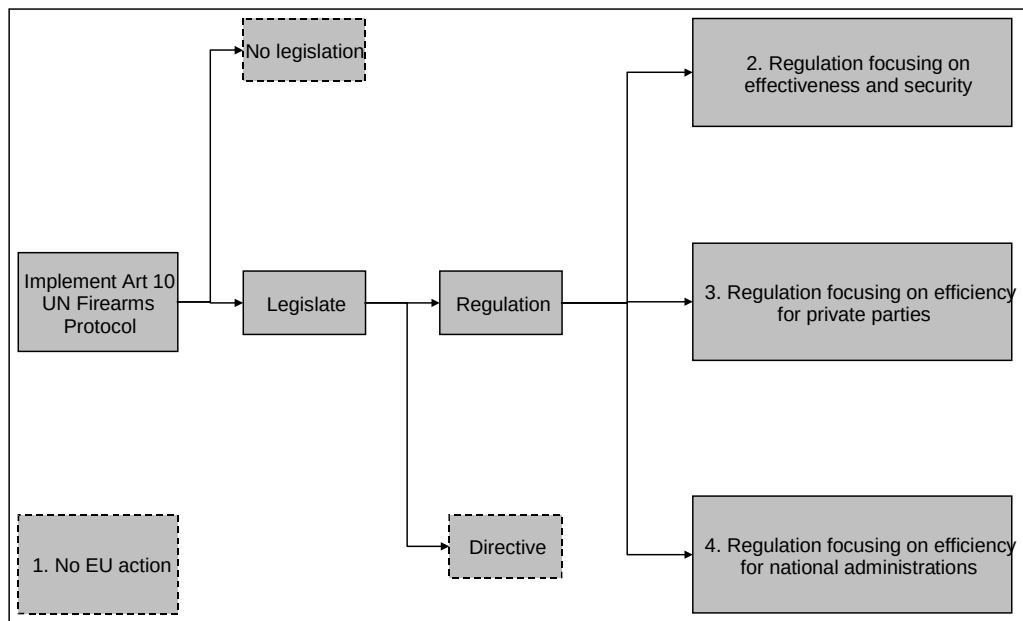


Figure 1 Overview of policy options

The policy options, which aim to achieve the objectives of EU intervention, are classified into four main policy options. The first one is to refrain from taking EU action. However, this is solely a theoretical option due to the legal international obligation taken by the Union by means

of the signature of the Protocol and the lack of uniform implementation of Art 10 in the EU Member States. The other three policy options are selected according to their focus on security or efficiency. Efficiency means the extent to which objectives can be achieved for a given level of resources or at the least possible costs. In this case, efficiency refers to keeping the burden to a minimum for private parties and national administrations.

Policy option 2 aims at optimal achievement of the objective of contributing to the improvement of security with regard to export, import and transit of firearms for civilian use and prevention of (possible) diversion from the legal market. Policy option 3 aims to achieve efficient implementation of Art 10 of the UNFP for private parties, while policy option 4 focuses on efficiency for national administrations.

The policy options are summarised below:

1. No EU action
2. Regulation focusing on optimal security
3. Regulation focusing on efficiency for private parties
4. Regulation focusing on efficiency for national administrations

6.2. Justification of the bundling of the elements to form the policy options

As described within the part on its scope (Chapter 2 and table 3 in Chapter 3), Article 10 of the UNFP includes "shall" and "may" requirements. However, the specific way these requirements should be implemented is left to the Parties to the Protocol. Some solutions are provided by the UN Guidelines on the implementation of the Protocol. In addition, possible procedures aimed at implementing those provisions can be considered. Some solutions or alternatives on the basis of licensing procedures for comparable goods have been presented to the stakeholders with the aim of getting their opinion. The modes of implementation differ per policy option. Some alternatives to implement the requirements of Article 10 of the UNFP may relate to the following elements:

1. **Simplified procedures:** (which is actually a "may" provision) simplified procedures could be used for temporary import and export. The choice on their inclusion is left to the implementing parties.
2. **Division of tasks between parties:** the party that has to acquire the required documentation is not determined in the UNFP. This could either be the State Party or the private party. To avoid fraud or other forms of misuse, it might be effective to designate States' authorities to acquire the specific documentation. However, it could be an inefficient procedure because it could increase the risk of delays. Private parties have an interest in speeding up the process. Therefore, if private parties acquire the required documentation, this will possibly result in shorter procedures.
3. **Licence per shipment/multiple shipments:** licences can be issued per actual shipment or for multiple shipments, providing that all the requirements of Art 10 are matched at latest at the time of shipment. The licence would function as an 'umbrella licence' consisting of different components. A confirmation should be given per shipment.

4. **The duration of the process:** the duration of the whole process of granting an import or export licence or authorisation can be limited. If a maximum duration is established to process the application forms, the procedure could become more efficient in terms of duration.
5. **The use of a positive silent consent regarding the transit requirement:** if a transit State does not respond to a request for a notice of no objection, it can be assumed that the transit State agrees with the transfer.
6. **Designating a specific official, office or department to assist in the procedure:** within the licensing authority, a specific official, office or department could be appointed to assist in carrying out the requirements of the EC legislation.
7. **Mode of communication:** using electronic documents could make the procedure more efficient. However this could also damage the security/effectiveness of the procedure and increase the risk of fraud or other misuse.

In the current situation the Member States have varying policies regarding simplified procedures, mode of communication, use of electronic or original documents, use of open or global licences for multiple shipments and the maximum duration of processing the application for a licence. The only homogeneities were noted in the absence of the silent consent approach and the burden on private parties with regard to the collection of documents to be presented to the licensing authorities (see chapter 3).

6.3. Policy options

The Table 4 below gives an immediate overview of the relation policy options against Art 10 provisions:

Table 4: Policy options against Art 10 provisions

<i>Provisions+ implementing measures</i>	OP 1	OP 2	OP 3	OP 4
• Existence of a licensing/ authorisation system (SHALL)		X	X	X
• Receiving import licence/authorisation before issuing export licence (SHALL)		X	X	X
• Receiving written notice of no objection of transit country before issuance of export licence (SHALL)		X	X	X
• Required information in documentation (SHALL)		X	X	X
• Provide information in the import licence to transit countries (SHALL)		X	X	X
• Notification of receipt upon request (SHALL)		X	X	X
• Verification of authorisation (SHALL)		X	X	X
• Simplified procedures for temporary import/export (MAY)			X	X

• Burden on private parties			X	X
• Burden on State parties		X		
• Licence per shipment		X		
• Multiple shipments			X	X
• Maximum Duration Process			X	
• No Maximum Duration Process		X		X
• Silent consent (two sub-options : 5 days or 3/4 weeks for the silent consent to take effect)			X	
• No use of Silent consent		X		X
• Designated officer/office/Dept		X	X	
• No Designated officer/office Dept				X
• Use of original forms		X		
• Use of electronic forms			X	X

Option 1) No EU action (status quo).

The situation would be left to the current legislation in force in Member States. The issues identified in the problem definition would not be addressed, the provisions of the UNFP would not be implemented and consequently concluded (ratified). The European Community would not honour its political commitment in front of the international Community.

Not implementing Article 10 UNFP is only a theoretical option since according to good legal practice and also politically, signature of an international instrument should be followed by steps to achieve ratification. Moreover the present impact assessment shows the need to take action in a matter falling under the exclusive Union's competence.

No action of the Union could even lead to the risk of Member States further introducing non common principles. Moreover in the absence of a community legislation nothing could prevent a Member State from modifying its own legislation with the consequence that the legal frame of that Member State would not be any longer in line with the provisions of Art 10.

The diverging national legislations are also an obstacle for European companies in dealing with these goods, due to the different requirements they have to comply with, from country to country.

Option 2) Regulation focusing on effectiveness to achieve optimal security.

This Regulation focuses on a strict effective system of export and import licensing or authorisation, as well as of measures on international transit, for the transfer of firearms for civilian use, their parts and components and ammunition. No exceptions would be made and only

the "shall" provisions of Art 10 would be implemented (no simplified procedures). The system would focus mainly on increasing the security within the EU territory.

Legislation in each Member State would comply with the following requirements:

Export/Import

- Before issuing export licences or authorisations for shipments of firearms, their parts and components and ammunition, each State Party shall verify that the importing States have issued import licences or authorisations (Art. 10.2.a). The private parties will acquire the import licence and provide it to the licensing authorities of the exporting State.
- The export and import licence or authorisation and accompanying documentation together shall contain information that, at a minimum, shall include the markings applied to the firearms for civilian use, the dates of issuance and expiry of licences or authorisations, the place of issue of permits or authorisations, the country of export, the country of import, the final recipient, a description of the articles imported or exported, the quantities of the articles imported or exported and, whenever there is transit, the countries of transit (Art. 10.3 and Art. 8).
- The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms for civilian use, their parts and components or ammunition (Art. 10.4).

Transit

If the firearms, their parts and components or ammunition are transited through third countries, the following requirements will apply:

- Before issuing export licences or authorisations for shipments of firearms, their parts and components and ammunition, each State Party shall verify that, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States³³, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit (Art.10.2.b). Specific to this policy option: The States' authorities will acquire the 'notice of no objection' of the transit State.
- The information contained in the import licence must be provided in advance to the transit States (Art. 10.3).Specific to this policy option: The States' authorities will provide the information contained in the import licence to the transit State.

Complementary requirements for import/export and transit

- Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorisation procedures are secure and that the authenticity of licensing or authorisation documents can be verified or validated (Art. 10.5). Documents could be standardised.

³³ Literally formulated as such in Art.10.2.b of the UNFP.

- The licences for export, import or transit of firearms must be given per shipment. As mentioned before, this extra check will increase the security of the transfers.
- There will be no maximum duration of the whole procedure.
- It will not be possible to use a silent consent.
- A specific official, office or department will be designated at the licensing authority to assist in carrying out the requirements.
- The use of original documents is mandatory.

Option 3) Regulation focusing on efficiency for private parties.

In this option, special focus is given to the efficiency of the system of export and import licensing or authorisation, as well as of measures on international transit, for the transfer of firearms for civilian use, their parts and components and ammunition with a view to keeping the burden for private parties to a minimum.

The "may" provisions (simplified procedures for the temporary import and export for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs) of Article 10 UNFP would be implemented, besides the "shall" ones.

In addition to the considerations outlined at option 2 above, this 3rd option would extend some of the above mentioned positive impacts to the temporary import and export and transit of firearms for verifiable lawful purposes, such as hunting, sport shooting, evaluation, exhibitions or repairs. The implementation of these "may provisions" would have a positive result on the products for civilian use falling under Union's Competence and relevant to the UNFP. It is therefore evident that Option 3 represents a necessary "extension" and has to be seen as a way for the Commission to take into account of the interests of an important part of the business/private sector expectations.

Export/Import: as policy option 2

Transit, as policy option 2 with the exception of the following:

- The information contained in the import licence must be provided in advance to the transit States (Art. 10.3). Specific to this policy option: the private parties will acquire the 'notice of no objection' of the transit State.
- The information contained in the import licence must be provided in advance to the transit States (Art. 10.3). Specific to this policy option: The private parties will provide the information contained in the import licence to the transit State.

Temporary import/export

- Member States will adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs (Art. 10.6).

In case of temporary transfers, the authorisation may be executed by agencies competent for controls at the EU external border points (when items actually cross EU border) or at the point of shipment or receipt once in a country.

Furthermore, a simplified authorization form would be used compared to the forms for import/export.

Complementary requirements for import/export and transit as policy option 2 with the exception of the following:

- The authorisation of export, import or transit of multiple shipments is allowed.
- There will be a maximum duration of the whole procedure of 3 months.
- It will be possible to use a positive silent consent for the transit requirement. With regard to the silent consent actually two sub options could be envisaged, depending on what period of time the silent consent would be proposed to take effect: a short period (some business stakeholders suggested 5 working days) or a longer period of time (3/4 weeks) for the reason of balancing the interest in speed up the process (business) and that of ensuring a feasible deadline for allowing the transit state to react (security).
- Electronic documents may be used.

Option 4) Regulation focusing on efficiency for States' authorities.

In this option, special focus is given to the efficiency of the system of export and import licensing or authorisation, as well as of measures on international transit, for the transfer of firearms for civilian use, their parts and components and ammunition, with a view to keeping the burden for States' authorities to a minimum.

Most of the requirements of the previous policy option 3 apply to this policy option.

Export/Import: as policy option 3.

Transit: as policy option 3.

Temporary import/export: as policy option 3.

Complementary requirements for import/export and transit as policy option 3, with the exception of the following:

- There will be no limit to the duration of the whole process.
- It will not be possible to use a silent consent.
- It is up to Member States whether to appoint a specific official, office or department for these procedures or not.

7. ASSESSING THE POLICY OPTIONS

7.1. Assessment criteria

The criteria for realising the comparison between the different policy options take into consideration the policy objectives, the expected impacts, and the other issues influencing the EU action when the proposal of legislative instruments is concerned.

- Relevance, with regard to likely achievement of the general policy objectives,
- Transposition feasibility
- Impacts on competitiveness, trade and investment flows
- Administrative burden³⁴ and financial costs³⁵ for both public authorities and private parties
- Impacts on third countries

This set of impacts formed the basis for the assessment of each policy option and - where applicable - the comparison of the options against each other.

7.2. Assessment of each policy option

Policy Option 1. Maintain the Status Quo/no EU action. Relevance/ Objectives to achieve:

In the current situation EU's international obligations are not fulfilled and a coherent EU trade regime is not established. Also a common commercial policy is not ensured. In addition, the risk of diversion of firearms for civilian use from the legal market into the illegal market is not tackled and the tracing of firearms is not addressed in line with the UNFP provisions.

Social/Security impacts: In case of no action, the current risks of diversion of firearms for civilian use from the legal market into the illegal market will persist and the tracing needs will not be ensured. The difficulties encountered in enforcement of the rules on diversion and tracing have a negative impact on the security environment in the EU and the Member States, and indirectly, through the global nature of the firearms trade, on the security environment in third countries.

Administrative burden and financial costs: The Status quo option will not require additional resources. However the possibility of including simplified procedures (and therefore reducing the resources/burden) would be missed.

Impacts on competitiveness, trade and investment flows: If the transfers of firearms for civilian use remain to be covered by national Member States' legislation, the rules for EU firms are different in each Member State, resulting in lack of transparency, confusion in the interpretation of rules, uncertainty and delays. At the Member State level, pending the establishment of minimum common rules by the Union, firms based in Member States that do not apply Art 10 provisions could gain a competitive advantage over Member States that do so.

Stakeholders' view: According to the private stakeholders, the EU should not take action. The situation should remain the same because legislation is already sufficient. However, most Member State stakeholders and NGO stakeholders stated that the implementation of the UNFP would be beneficial for social security.

³⁴ Budgetary consequences related to meeting the legal obligations and providing the information requested.

³⁵ Budgetary consequences resulting from restructuring: either requirement of new staff to be hired or existing staff to be trained or designated.

Policy Option 2: Regulation focusing on the effectiveness to achieve optimal security:

Relevance/ Objectives to achieve: EU's international obligations will be fulfilled and a coherent EU trade regime will be established by implementing this policy option. Because no exceptions would be made and only the "shall" provisions of Art 10 would be implemented (no simplified procedures, no multiple shipments licences, etc), the security in export, import and transit of firearms will be ensured. **Feasibility:** Most Member States have no trade regime in place yet which addresses specifically firearms for civilian use (some Member States use the same structure/regime indifferently for military and civilian firearms). This means that 'shall' provisions, of Article 10 would therefore require Member States to adapt such provisions within their organization of the work. **Social/Security impacts:** Implementing the rules specified in Article 10 into EU legislation, and allowing no exceptions, would have high positive impact on the security environment in the EU, in the Member States implementing Article 10, thereby establishing a coherent EU trade regime, minimising the current risk caused by the present differences in rules between EU Member States. Having a uniform set of rules that apply to all Member States is beneficial for law enforcement. Implementing the 'shall' provisions will provide the EU and its Member States with a control- and monitoring tool for the transfer of firearms for civilian use, and will thereby improve security. **Administrative burden and financial costs:** Implementing the 'shall' provisions would require considerable non-recurring and recurring additional costs for EU businesses and Member States. The need to adjust the procedures or to reorganise administrations (i.e. hiring and training of staff, implementing monitoring and evaluation mechanisms) would incur financial costs. In particular the requirement for designating a specific official, office or department can impose a small negative impact on the Member States' public authorities; however in a longer term, due to expertise gained, this obligation may contribute to efficiency gains. In addition, most Member States have already some structures in place; this negative impact is expected thus to be mitigated. The recurring costs are associated with administrative burden due to the wider scope of licensing and authorisation procedures for the transfer of firearms for civilian use. This policy option would impose additional administrative costs on EU businesses resulting from the obligation that licences for export and import must be given per shipment, and the fact that there will not be a maximum duration of the whole procedure. Since this policy option would require additional procedures, without the possibility of simplified provisions for temporary import and export of firearms for civilian use, the administrative burden on Member States would also be increased. The additional administrative costs on Member States' administrations would include issuing the export licenses for each transfer, including the temporary export (very often very small amounts of firearms for civilian use), and the 'notice of no objection' of transit States. This negative impact can be slightly mitigated by the positive impact of including in the Regulation the possibility of using standardised documents. **Impacts on competitiveness, trade and investment flows:** Implementing in all EU Member States the strictest measures for the applications of license and authorisation for the transfer of firearms for civilian use with third countries, could have a negative impact on individual Member States which used to have less strict, or simplified rules (i.e. for hunting and sport shooting purposes), slowing down their trade and investments flows for these purposes. Although, the extent of this impact will be slightly compensated, because all EU Member States would need to apply the same rules. This eliminates the effect of one Member State with less strict rules or simplified procedures having a competitive advantage over another Member State with stricter rules. However, this option will also have a negative impact on EU businesses, by giving them a competitive disadvantage in comparison to their non-EU rivals, which either implement the less strict provisions, or that did

not implement Article 10 of the UNFP at all. **Impacts on third countries:** Third countries benefit also from an improved security of the EU's transfers of firearms for civilian use. Obligations such as the mandatory use of original documents, no possibility to use a silent consent for transit, the requirement that the licences for export, import and transit of firearms for civilian use must be given per shipment, and no possibility to use simplified procedures for temporary import and export of firearms for civilian use, will further increase the positive impact on the security of the transfers. **Stakeholders' view:** A majority of the stakeholders were in favour of simplified procedures for temporary import and export of firearms, such as hunting and sport shooting. The legislation would be too strict for transfers of firearms for these kinds of purposes. If the burden would be on the States' authorities to acquire the required information, the process would be extremely delayed. Most stakeholders mentioned that, in the current situation, open licences are used for import and export of firearms. The use of licences per shipment would have a large impact on Member States and businesses.

Policy Option 3: Regulation focusing on efficiency for private parties. Relevance/Objectives to achieve: The EU international obligations will be fulfilled and a coherent EU trade regime for the trade in firearms for civilian use will be established. Security in export, import and transit of firearms will be ensured, but to a lesser extent than in policy option 2 as simplified procedures, multiple shipments licences and silent consent will be in place. **Feasibility:** Most Member States have no trade regime in place yet which addresses specifically firearms for civilian use (some Member States use the same structure/regime indifferently for military and civilian firearms). This means that the 'shall' provisions of Article 10 would require Member States to adapt such provisions within their organization. **Social/Security impacts:** Overall, the implementation of the 'shall' provisions has a positive impact on security compared to the 'no EU action' option. The security of the transfers will increase by obliging all Member States to require a similar authorisation procedure. The use of simplified procedures could, however, have a small risk of an increased incidence of diversion of hunting or sport shooting rifles from the legal market into the illegal market of the EU and/or third countries. Also, adding to the Regulation the possibility of a positive silent consent for transit can have a negative impact on security, since it imposes the risk of diversion and reduced tracing capabilities for trade with third countries that do not show interest in observing the UN rules. In case of the first sub-option (5 working days) this risk would be slightly bigger, as the transit state would be given less time to react. The decision on the use of the silent consent in transit procedure would depend on how these two impacts are balanced against each other. **Administrative burden and financial costs:** Implementing the 'shall' requirements of Article 10 in general could impose some additional administrative costs on some EU businesses and EU Member States, since they would have to comply with strict or stricter rules compared to the 'no-EU action' option. On the other hand, the impact of policy option 3 on administrative costs of EU businesses is more positive compared to policy option 2, as more flexibility is allowed for purposes of hunting, sport shooting, evaluation, exhibitions and repairs, thanks to the implementation of the "may" provisions. Moreover the establishment of a period of maximum processing time would result in increased efficiency. In addition, provisions on: a) the private parties responsible for acquiring the 'notice of no objection', and b) the use of open licences for multiple shipments, would speed up the authorisation procedures and further mitigate the risk of additional administrative costs for EU businesses. Allowing the use of electronic documents will also mitigate any additional administrative burdens of implementing Article 10 for public authorities, the firearms industry and trade companies, and will further improve the competitive position of EU business in

comparison to the present situation (period for processing applications varies from 5 days to 1 year). The use of a positive silent consent - regardless which of the two sub-options is adopted (shorter or longer time period to take it effect) within the transit procedure would also have a positive impact on EU businesses. **Impacts on competitiveness, trade and investment flows:** Allowing more flexibility in the rules, by permitting simplified procedures for the temporary import and export for lawful purposes, could have a high positive impact on the EU's and Member States' trade and investment flows related to these purposes. Also the competitive position of EU businesses related to these purposes in comparison to their non-EU rivals would improve. **Stakeholders' view:** According to representatives of some Member States and NGOs, the use of a silent consent should not be used for firearms licence purposes in order to avoid the risk that a transfer is not authorised by the transit State. Private stakeholders would see the use of the silent consent as an acceptable mitigation of the potential negative impact of the implementation of the related Art.10 provision. Many other actors (public and private) judged the other elements (standardisation of documents, open licences with regard to multiple shipments and a maximum duration of processing the application) positively.

Policy Option 4: Regulation focusing on efficiency on efficiency for States' authorities.
Relevance/ Objectives to achieve: EU's international obligations will be fulfilled and a coherent EU trade regime for the trade in firearms for civilian use will be established. Security in export, import and transit of firearms will be ensured, but to a lesser extent than in policy option 2 and a little higher than in policy option 3, as silent consent will not be applicable. **Feasibility:** As option 3, with the exception of the mitigation of the difficulty for national authorities represented by the absence of a maximum duration for setting the procedure. The simultaneous implementation of the 'may' provisions would mitigate the impact of the possible changes. **Social/Security impacts:** As policy option 3 with the following difference: the non application of the silent consent would have a positive impact on security, since all transfers would need the written agreements on transit, which would decrease the risk for diversion from the legal market and difficulties in tracing. **Administrative burden and financial costs:** The overall impact of this option (also implementing the 'may' provisions) is the least burdensome for the Member States compared to policy option 2, as more flexibility is allowed to apply the rules for purposes of hunting, sport shooting, evaluation, exhibitions and repairs. Compared to policy option 3, this option further minimises the burden for Member States by not setting a maximum duration to the procedure, and not obliging Member States to appoint a designated official, office or department. The Regulation would impose minimum common principles for the authorisation procedure for the import/export and transit of firearms for civilian use. Compared to policy option 2 this option mitigates the administrative burden for the firearms industry and trade companies as more flexibility is allowed to apply for temporary transfers. Nevertheless, if compared to policy option 3, option 4 offers a small additional negative impact on administrative costs on EU businesses by not allowing the use a positive silent consent for transit and not imposing a maximum processing time for obtaining the licences, not obliging Member States to appoint a designated official, office or department, and not adding possibility to use standardised documentation. However, the extended use within the EU of licences for multiple shipments would also have a positive impact on Member States and EU businesses, by reducing their administrative burden. **Impacts on competitiveness, trade and investment flows:** Allowing more flexibility in the rules, by permitting simplified procedures for the temporary import and export for lawful purposes, could have a high positive impact on the EU's and Member States' trade and investment flows related to these purposes. Also the competitive position of EU businesses related to these purposes in

comparison to their non-EU rivals would improve. **Stakeholders' view:** On the one hand, the public stakeholders had a positive opinion of this option because they argued that a silent consent should not be used. On the other hand, the private stakeholders believed that documents should be standardised, there should be a maximum duration of processing the application forms and that silent consent could be explored with reference to the transit measures. The majority of the private stakeholders also mentioned that appointing a specific official, office or department would be beneficial for businesses.

7.3. Comparative assessment of policy options

Table 5 Comparison between policy options

	Assessment criteria	Policy Option 1	Policy Option 2	Policy Option 3	Policy Option 4
Relevance	To fulfil international obligations of the EC with regard to implementation of Art 10 of the UNFP	0	√√	√√	√√
	To ensure accomplishment of the Common Commercial Policy as a matter of exclusive competence of the Union with respect to export, import and transit measures for firearms for civilian use	0	√√	√√	√√
	To contribute to the improvement of security with respect to firearms for civilian use	0	√√	√	√
Feasibility	The difficulty/risks of transposition	Not applicable	-	-	0
Social/Security impacts	Impacts on crime, terrorism and security	0	√√	√	√
Economic Impacts	The financial and administrative costs	0	--	-	-
	Impacts on competitiveness, trade and investment flows	0	-	√	-

Policy options assessed according to a ranking: more positive (√√), positive (√), neutral ones (0) and negative (-) or more negative impacts (- -), for each of the assessment criteria.

Some options could imply trade offs and thus have both positive and negative impacts with regard to an assessment criterion. The definition of net impact used here is positive impact minus negative impact.

7.4. Assessment of stakeholders' consultations

The stakeholders have different opinions on the intention of the EU to implement Article 10 of the UNFP. The contact persons of the Member States and the contact persons of the NGOs are of the opinion that implementing Article 10 is useful for preventing diversion of firearms from the legal market into the illegal market. However, the private parties argued that the current legislation on the import and export of firearms is in their opinion sufficient, and that Member States already have strict regulations concerning this issue. Moreover, private parties stress that, in their view, implementing Article 10 will have negative consequences for small and medium-sized enterprises. Many private/private stakeholders were concerned in particular with the transit measures. In particular the possible no cooperation of a transit State could delay all procedures. One solution advocated during the consultation was that of the use of silent consent, where private stakeholders agree while some Member States and NGO's do not.

There was in the essence unanimity on the fact that the burden to acquire the required information (import authorisation and notice of no objection) should be on the private parties.

Taking into account its existence in some of the Member States legislation, licences for multiple shipments should be considered. The private stakeholders were also in favour. A maximum duration of the process of issuing export or import licences was also seen as an advantage by private parties and NGOs.

Private and Public stakeholders have a different opinions on the appointment/ establishment of an officer/office as well as on the form of the required and provided documents (original, certified copy of original or electronic version), the latter depending on a "security" or "simplification" approach. The use of standardised documents for the application should be considered. All private stakeholders were of the opinion that simplified procedures should be used for temporary import and export of firearms, where possible by also making a distinction between the different forms for temporary import or export. There was no consensus on the activities to be admitted to the simplified procedures. According to some of the Member States, simplified procedures should be limited to hunters and sport shooters only (while the UNFP includes consideration also for other activities such as exhibition or repairs. The possibility for hunters/sport shooters of using the European Firearms Pass and official invitation to an event outside the EU was also suggested.

7.5. Identification of the preferred policy option

The preferred policy option is based on an assessment of the policy options 1 to 4 and consultations with stakeholders from NGOs, retailers, industry and contact persons of Member States. This option fulfils the objectives of implementing Art 10 UNFP by meeting best all of them and is the best way forward by combining the "shall" provisions - to be tailored and balanced with regard to the type of products – with the "may" ones which would match legitimate expectations of a relevant number of stakeholders.

The simplified procedure will make it possible to further reduce the administrative burdens for those lawful purposes listed by the UNFP itself. The scope is therefore that of avoiding that for example a hunter or a retailer going to a third country with his/her firearms - is obliged to follow the same stricter rules for a temporary exportation made only for the

purposes of exercising its his/her recreational activity or to a participate to a fair (temporary exportation), as those imposed to a retailers (definitive exportation). In the first case (hunter/fair), the risk of diversion and of tracing is lower which justify the possibility of having more relaxed provisions (this is why the UNFP makes it possible this option, even if it is not mandatory). The simplified procedure could therefore find implementation also for the trade but in this case only for temporary exportations - as described before for those lawful purposes. With regard to the conditions one could envisage that a temporary export cannot exceed a certain period of time. Such a provision should be aligned with existing customs procedures with regard to temporary exports. Another condition could be that of requiring the notification of any temporary transfer to a third country to the country of residence of the temporary exporters.

Preferred Policy option

On the basis of the assessment of the four elaborated policy options, Option 3 emerges as the preferred one. It combines different aspects of the various policy options on the basis of the main advantages and disadvantages identified for each one of them, in order to achieve both a higher degree of effectiveness and efficiency. This combination of effectiveness/security and efficiency appears to offer the highest potential for significant benefits for the interest groups involved and is - among other - based on the outcomes of the stakeholder consultation.

With regard to the specific issue of the silent consent where two sub-options were identified with regards to time limits, the preferred policy option foresees that the silent consent would take effect after a period of time of approximately 3/4 weeks with the aim of balancing the interest in speed up the process (business) and that of ensuring a feasible deadline for allowing the transit state to react (security). Moreover, even if the silent consent is not mentioned in Art 10, the very scope of the notification (and that of the no-objection) is that of giving the possibility to the transit State of being aware of the crossing of its territory by a shipment of firearms: therefore its objective would be in any case reached³⁶.

³⁶ To note that the private stakeholders would be much in favour since it would reduce their concerns with regard to the overall implementation of Art 10. Moreover the European Commission (and DE) tabled the difficulties the application of this particular provision and suggested the reflection of the UNODC on the envisaged silent procedure. The UNODC took note at technical level of this point

7.6. Assessment of the preferred option.

Preferred Policy option		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
Relevance		
To fulfil international obligations of the EC with regard to implementation of art 10 of the UNFP.	√	International obligations of the EC will be met.
To ensure the accomplishment of the Common Commercial Policy in a matter of exclusive competence of the Union with respect to export, import and transit measures for firearms for civilian use.	√	A coherent EU trade regime will be established by implementing Article 10, which enhances cooperation between Member States. It would ensure the accomplishment of ensuring a common commercial policy in the field.
To contribute to the improvement of security with respect to firearms for civilian use.	√	The control over imports and exports of firearms and ammunition would be strengthened and thereby opportunities for diversion of firearms and ammunition to the illegal market reduced, with the reservation that, the use of simplified procedures and of silent consent may pose a minor security risk.
Feasibility		
The difficulty/risks for transposition.	0	Most Member States have no trade regime in place yet which addresses firearms for civilian use only. This means that the 'shall' provisions would require some of the Member States to introduce or adapt their national organization. However, simultaneously implementing the 'may' provisions would mitigate the impact of the possible changes.
Economic impact		
The financial and administrative costs.	-	The 'shall' requirements of Article 10 in general could impose some additional administrative costs on EU businesses. However, by also implementing

Preferred Policy option		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
		the ‘may’ provisions the possible negative impact on financial and administrative costs would be mitigated. Moreover, by tasking the parties to acquire the ‘notice of no objection to transit, allowing businesses to obtain an open licence for multiple shipments, setting a maximum duration to the licence procedure would speed up the authorisation procedures and further mitigate the risk of additional administrative costs for EU businesses. In addition, the risk of possible delays due to the need to acquire a notice of no objection of the transit States in the licensing process would be neutralised by the use of the silent consent. The estimated increase of administrative burden for businesses is estimated at € 1 350 000 to € 1 620 000 per year (see chapter 7). Small negative impact on Member States’ public authorities that do not already apply the "shall provisions could be foreseen, since more documents and information have to be assessed. However, the impact on administrative costs of EU Member States is less negative compared to solely implementing the ‘shall’ provisions.
Impacts on competitiveness, trade and investment flows	√	Compared to the ‘no EU action’ option, implementing the ‘shall’ provisions can have a positive impact on the EU’s trade and investment flows with third countries and between Member States, as no exceptions will be allowed to the implementation of these provisions of Article 10. In the current situation, the differences in rules that exist between Member States potentially create a distorted competition. Implementing the ‘shall’ provisions would imply a minimum uniform application of rules in all Member States and the establishment of a coherent commercial regime. The transparent and uniform rules in the EU for the transfer of firearms for civilian use, resulting from implementing the ‘shall’ provisions,

Preferred Policy option		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
		will have a positive impact on the EU's trade. Allowing more flexibility in the rules by permitting simplified procedures for the temporary import and export for lawful purposes, could have a positive impact on the EU's trade related to these purposes. The competitive position of EU businesses related to these purposes in comparison to their non-EU rivals could improve.
Social/Security Impacts		
Impacts on security, terrorism and crime	√	Overall, the implementation of the 'shall' provisions has a positive impact on security compared to the 'no EU action' option. The security of the transfers will increase by obliging all Member States to apply similar authorisation procedures for the transfers of firearms for civilian use. The transit requirement would have a positive impact on security, since in this case all transfers need authorisation, which diminishes the risk for diversion of firearms from the legal market. The silent consent would slightly mitigate the overall positive impact on security. The future regulation is likely to enhance internal security and security for citizens in the EU and third countries, because it will contribute to reducing the availability of illegal firearms and ammunition.
Impacts on third countries	√	A positive security impact can also be expected on third countries, in particular those living through armed strife. On the other hand, security is a precondition for economic and social development.
Stakeholders' view		Stakeholders (private, public and NGOs) argued that documents should be standardised and a time limit for the duration of processing application

Preferred Policy option		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
		forms should be established. Some of them mentioned that a distinction could be made between the different forms of temporary import and export. The opinion on the use of a silent consent differs since some of them (in particular private parties) said that this alternative could be useful, while other (in the essence some members States and NGOs) mentioned that too many risks would be involved. In countries like Belgium, exporters complained about the long waiting time required for the delivery of temporary licenses while according to them, temporary transactions are almost security/risk free. In many cases the temporary license requests are for goods destined for arms exhibits, demonstrations or competitions, or else showcase pieces requiring quick action. Problems are often encountered with the timing of license permits, resulting in a loss of time and money for exporters. Exporters request that maximum deadlines be determined in advance, with simplified and harmonised procedures at the EU level. The preferred option would address these concerns while taking into account the needs to ensure a certain level of security. The specific simplified provisions addressed by the implementation of Art 10 UNFP par 6 should not have any negative economic impacts; to the contrary, it could result in lower procedural costs and reduce the risk of losses for importers and exporters.

7.7. Assessment of financial and administrative costs of the preferred policy option

Regarding the financial and administrative costs, a distinction is made between costs for businesses and costs for public authorities of Member States.

The assessment of costs focuses on the administrative costs for businesses and public authorities. It is based on the data made available by Public authorities and private parties, plus figures extracted from the EUROSTAT database. The administrative costs have been assessed on the basis of the EU Standard Cost Model.

It should be noted that the assessment of the administrative costs was complicated by the limited availability of data. Public authorities of Member States as well as businesses were not

able to provide plenty of information but only generic references/ statements. Only two private parties provided some data on the number of licenses and the duration of preparing for an import or export licence.

Besides the assessment as shown in the following pages, further details on the method used are in Annex X.

A. Current situation with regard to financial and administrative costs

I. Estimation of the number of licences for import/export of firearms for civilian use, their parts and components and ammunition:

Total number of licences issued in the MSs that provided data: approximately 14 000 (a minority of which probably issued for military or for intra-EU transfers).

Total quantity of imports and exports in those Members States = 5 806 736.

Total quantity of imports and exports in the entire EU = 13 148 801³⁷.

Assuming that the 16 others MSs have similar licensing procedures, the total number of licences in the 27 MSs would be around 35 000 (14 000 x 2.5).

The estimation of the yearly number of licences for import/export of firearms for civilian use, their parts, components and ammunition would therefore add up to 25/30 000, figure indirectly confirmed by a representative of private parties who referred to 15/20 000 licences for exports and 5 000 licences for imports, per year.

II. Estimation of current costs for businesses

The preparation of an application form for a licence takes between 1 and 4 man-hours. Based on the time it takes to apply for an authorisation, the indications of private parties (one to four hours) and the "zero-base measurement" of firearms transactions within one Member State (see Annex XI), we can assume that the time necessary to prepare an import and/or export application **is on average two hours**. If a standard **tariff of 50 euros/hour** is used, the total administrative burden is circa 100 Euros/licence. The estimation of current administrative costs for businesses ranges from **€ 2 500 000 to € 3 000 000 per year**.

The duration of processing import and export application forms differs in (and within) the different Member States. The duration businesses have to take into account before they receive their licence is to be considered. It also depends on the type of firearm and the countries involved in the transaction. However, this duration of processing is not included in the definition of administrative costs of the EU. The Table in Annex XII represents the (maximum) processing time of an application as indicated by different public authorities of the Member States.

III. Estimation of current costs for public authorities of Member States

- **Estimation of administrative costs for public authorities of Member States**

³⁷ Taking into account that the Member States that replied to the consultation account for more than 40 percent of the total import and export.

None of the interviewed authorities could provide an estimation of the necessary capacity in man-hours per licence, due to a lack of available data.

B. Future situation with regard to financial and administrative costs.

- **Estimation of impacts of the "Shall" provisions of the preferred policy option**

Estimation on a total duration for applying for such a licence is between 5 and 10 hours depending on the involvement of transit countries, which corresponds to an administrative burden per licence of 250 to 500 euros.

Impacts of implementing the "Shall" provisions on Member States

The majority of the MSs believed that impact on the structural administrative costs would be slight.

- **Estimation of impacts of "May" and other mitigating measures**

Implementation of the "May" provisions and of the other envisaged measures would mitigate the financial and administrative costs as shown in the estimations that follow:

- **Estimation of total costs of the preferred policy option for businesses**

Since transit apparently involves only 10% of the shipments, and taking into account the use of standardised or electronic documents and open licences for multiple shipments (which would result in a decrease by approximately 30%³⁸ in the number of licenses issued), the total cost of the preferred policy option would range from € 3 850 000 to € 4 620 000 per year.

- **Estimation of total costs of the preferred policy option for public authorities of Member States**

Each policy option would entail a series of "no recurring" costs for implementing the new Regulation as well as for the authorities to familiarise themselves with the new provisions, and for training staff to work with the modified/additional procedures. However most of the consulted representatives of MSs believed that no immediate or long-term budgetary consequences would occur for public authorities at different levels of government.

C. Comparison of estimated financial and administrative costs for business and public authorities between current situation and future situation

Based on the above-mentioned estimations the increased administrative costs for all EU businesses due to the implementation of the preferred policy option would range from € 1 350 000³⁹ to € 1 620 000.

³⁸ Prudent estimation that takes into account what referred by representative of the EU private stakeholders who stated that the total amount of licence is that of the shipments.

³⁹ This estimation would mean that the increasing of financial and administrative costs would represent only the 0,19% of the total value of exports 2007.

Financial costs for businesses getting accustomed to the new Regulation will probably increase as well. On reverse, only a small increase (if any) in costs for public authorities of MSs is expected (staff training for example to get used with the new procedures).

Main advantages of the preferred policy option.⁴⁰

The establishment of a Regulation on the transfer of firearms for civilian use fulfils EC international obligations following from the signature of the UN Firearms Protocol and also ensures the Common Commercial Policy in this field. Implementing the "May" requirement of Article 10 of the UNFP creates the possibility for Member States to apply simplified procedures to verifiable lawful purposes such as hunting and sport shooting. This will significantly mitigate the possible additional administrative costs for EU businesses, private parties and public authorities that are expected to result from the procedural changes that – in some cases - would result necessary for the implementation of Article 10. By including the "May" requirements in the Regulation, its implementation would take place in the least burdensome way.

The Regulation - as part of a wider action, including the implementation of whole UN Firearms Protocol - contributes to improving the internal EU security, the security of EU citizens and third countries. It will improve the transparency of international transfers and their traceability and prevent diversion of firearms, which in the long run improves the security environment. The traceability is crucial since most part of illegal firearms in circulation was almost certainly obtained from the legal market. A system of import/export licenses and notifications of transit regarding shipments of firearms and ammunition would facilitate tracing, i.e. the systematic tracking of these products from manufacturer to purchaser for the purpose of detecting and investigating illicit manufacturing and illicit trafficking. The envisaged provisions, added to the guarantee of sufficient marking and of the other parts of the UNFP already implemented⁴¹, will make it possible to improve traceability of the firearms and would also give a response to the need of better tracing of supply channels as a crucial key criminal investigation technique in the systematic combating of arms crime, as requested by the Council in its recommendation of 12/13 June 2007. It will also give a response to the request of the International Community (United Nations, NGOs, etc) for implementing existing instruments and better tracing firearms.

Whenever a new system is established, or changes are made to an existing one, the first tendency is to consider nothing but the added cost of the newer system. On the contrary, the establishment of a system which tends to establish common principles within the Member States can have potential indirect economic impacts, which often amount to lower operating costs resulting from their reduction or outright elimination. The impact of any changes on the system's effectiveness is difficult to determine in advance. It would include not only pure economic impacts but also other possible positive aspects like reduction of costs related to crimes.

Main disadvantages of the preferred policy option

⁴⁰ A hypothetical example of a procedure for licensing to be followed by a business (exporter) and or an individual, based on the provisions of the preferred policy option is in Annex XIII.

⁴¹ See chapter 1.1 above.

One-off costs for national administrations and business operators may be generated in order for them to adapt to the new system.

Because most Member States have already implemented a number of rules for the transfer of firearms, the total number of licences is not significantly expected to increase. The extent to which additional costs can be expected to rise mainly depends on the length and complexity of the new procedures, in comparison to the current situation in the Member States. Since one of the most controversial issues is that linked to the duration of the receipt of the notice of no objection of the transit State and the consequence of additional long-term costs for EU businesses, the preferred policy option neutralises this possible disadvantage by including the silent consent principle in case of transit. The risks with regard to the duration and complexity of the procedures is considerably mitigated by including in the preferred option additional elements such as the possible use of standardised and electronic documents and - in particular - the maximum duration of three months for the whole procedure of processing an application.

Proportionality. The instrument chosen is a Regulation, which is the legislative instrument needed to address and ensure commercial policy matters and the appropriate one in order to fulfil the obligations of the European Union following the signature of the Protocol and the international commitment. Proportionality of the preferred policy option is ensured by limiting the content of the proposed option to the mandatory provisions of Article 10. On the whole, the preferred option does not go beyond what is necessary to achieve the objective. However, in order to take into account of the concerns and comments of private stakeholders, the preferred policy option considers the implementation of the ‘may’ provisions of Art 10 UNFP, plus in particular provisions aimed at reducing the burden of administrative rules, in particular those related to the transit measures.

8. MONITORING AND EVALUATION

The subsequent monitoring and evaluation of the preferred policy option is important to assess its efficiency and effectiveness in addressing the underlying problems and meeting the policy objectives.

The table in Annex XIV includes a list of possible indicators aimed at assessing the progress and the effectiveness of the preferred option in achieving the main policy objectives. In relation to these possible quantitative indicators, sources of information that could be used to collect related data and other information are presented.

In particular with regard to the contribution to security, the monitoring will include - as far as possible and where feasible – level and trends in firearms related crime (expected to be declining). The relevant information will be gathered based on surveys on firearms related crime, national statistics, law enforcement agencies such as Europol, etc. However it is very important to stress that the tracing is the ultimate goal of all this exercise. This means that the decrease in terms of diversion of firearms from legal to illegal market is an objective of the UNFP in overall - including Art 10 -. The UNFP as a whole provides instruments by means of which reducing the risk of diversion and to facilitate the investigation ex-post, making the life of criminals more difficult. The requested progress is therefore not only a matter of number of firearms that remains in the legal market but also that of ensuring by means of the implementation of the provisions on marking, exchange information, details on the shipments to make it possible to shed light on the story of a firearm once this is found in the scene of crime or when it is found in the illegal market.

As far as monitoring is concerned, it could involve reporting activities pertaining to both the Commission and the Member States. A reporting system at Member State level could be set up by means of a specific provision in the Regulation. On this basis, Member States could be asked to explain the practical implementation of the provisions of the Regulation. Information could be collected by means of questionnaires to be established and/or based on available statistics.

On the basis of this and other available information, five years after the entry into force of the Regulation (and every five years thereafter), the Commission could report on the status of its implementation and the results achieved. The examination of the results achieved compared against the objectives and the identification of possible problems to be addressed would allow the Commission to decide whether proposals for amendments should be put forward.

As further steps, in the future it could be considered to enhance existing or introduce new tools (e.g. dedicated databases, electronic information exchange, etc) to facilitate the exchange of information and the cooperation and further facilitate the functioning of the system in the light of the first period of application. However, the anticipation of those instruments - which are not part of the provisions of the UNFP that the European Union is requested to transpose in its legislation for reaching the final goal of its conclusion (ratification) - for the time being appears premature.

Article 10

“General requirements for export, import and transit licensing or authorization systems

“1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.

“2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:

“(a) That the importing States have issued import licences or authorizations; and

“(b) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.

“3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.

“4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.

“5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.

“6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.”

List of consulted private stakeholders'⁴² and NGOs who replied to the request for data/interviews, invited/attended meetings, etc.

- AECAC (the European Association of the Civil Commerce of Weapons),
- FACE (Federation of Associations for Hunting and Conservation of the EU),
- IEACS (Institut Européen des Armes de Chasse et de Sport),
- ANPAM/Italy (National Association Producers of Firearms and Ammunition "Associazione Nazionale di Produttori di Armi e Munizioni"),
- AFEMS, (Association of European Sporting Ammunition Manufacturers),
- Foundation for European Societies of Arms Collectors (FESAC),
- Forge Consulting Ltd, Jackson Rifles (retailer),
- SNAFAM/France (Chambre Syndicale Nationale de Fabricants et Distributeurs),
- ASOCIACIÓN ARMERA/Spain,
- Consorzio Armaioli Bresciani/Italy,
- Dutch association for the trade in firearms/The Netherlands,
- GRIP, (Group Recherche et Information Paix et Sécurité),
- Saferworld.

To note that the consultation was addressed to a wide range of private European stakeholders, that - besides the ones mentioned before – included:

- the "Association of European Chambers of Commerce and Industry",
- the "Union des Industries de la Communauté européenne" (UNICE) now called "BusinessEurope",
- the "European Association of Craft, Small and Medium-sized Enterprises" (UEAPME),

as well as other NGOs/Research institutions like SIPRI and ISIS Europe.

The UN Office in Geneva was notified as well.

⁴² During the consultation held the private stakeholders were not able provide definitive figures on the number of enterprises active in the concerned fields. However, with regard to business, one stakeholder (Association of European Sporting Ammunition manufacturers/AFEMS) mentioned that "in the civilian firearms and ammunition manufacturing sector Europe there are more than 20.000 people employed in over 400 firms, most of them SMEs". With reference to hunters, according to the Federation of Associations for Hunting and Conservation of the EU(FACE) only 1 to 2 per cent of hunters (60.000 to 120.000 leave the EU to go hunting (around 10.00 extra EU hunters come to the EU for the same purposes). However as explained in the IA, prudence should be used since difficulties were found along all the exercise for obtaining figures from the business sector.

Selection of categories of the CN dataset (2007)

Category 1: Revolvers and Pistols	
93020000	Revolvers And Pistols (Excl. Those Of Heading 9303 Or 9304 And Sub-Machine Guns For Military Purposes)
93020010	Revolvers And Pistols, Of ≥ 9 Mm Calibre (Excl. Those Of Heading 9303 Or 9304 And Sub-Machine Guns For Military Purposes Of Heading 9301)
93020090	Revolvers And Pistols, Of < 9 Mm Calibre (Excl. Those Of Heading 9303 Or 9304 And Sub-Machine Guns For Military Purposes Of Heading 9301)
9302s891	Confidential Trade Of Sub-Chapter 9302 And Sitc Group 891
Category 2: Sporting, Hunting and Target Shooting	
93032010	Sporting, Hunting Or Target-Shooting Shotguns, Single-Barrelled, Smooth Bore (Excl. Muzzle-Loading Firearms And Spring, Air Or Gas Guns)
93032030	Double-Barrelled Sporting, Hunting Or Target-Shooting Shotguns, With At Least One Smooth Barrel
93032080	Sporting, Hunting Or Target-Shooting Shotguns, With A Smooth Bore Or With A Smooth And Rifled Bore (Other Than Double-Barrelled)
93032090	Sporting, Hunting Or Target-Shooting Shotguns, With At Least One Smooth Barrel (Excl. Double-Barrelled)
93032095	Sporting, Hunting Or Target-Shooting Shotguns, With One Or Two Smooth Bore Combined With A Rifled Bore And Double-Barrelled Smooth Bore Shotguns
93033000	Sporting, Hunting And Target-Shooting Shotguns With One Or More Rifled Bores (Other Than Spring, Air Or Gas Guns)
93033011	Rimfire Sporting, Hunting Or Target-Shooting Rifles With A Single Rifled Barrel
93033019	Sporting, Hunting Or Target-Shooting Rifles With A Single Rifled Barrel (Excl. Rimfire)
93033090	Sporting, Hunting Or Target-Shooting Rifles With More Than One Rifled Barrel (Excl. Spring, Air Or Gas Guns)
93039000	Firearms And Similar Devices Which Operate By The Firing Of An Explosive Charge (Excl. Sporting, Hunting Or Target-Shooting Rifles, Revolvers And Pistols Of Heading 9302 And Military Weapons)
9303s891	Confidential Trade Of Sub-Chapter 9303 And Sitc Group 891
Category 3: Parts and Accessories	
93051000	Parts And Accessories For Revolvers Or Pistols, N.E.S.
93052100	Smooth Barrels For Sporting, Hunting And Target-Shooting Rifles Of Heading 9303
93052900	Parts And Accessories For Sporting, Hunting And Target-Shooting Rifles Of Heading 9303, N.E.S. (Excl. Shotgun Barrels)
93052910	Rifled Barrels For Sporting, Hunting And Target-Shooting Rifles Of Heading 9303

93052930	Roughly Shaped Gun Stock Blocks For Sporting, Hunting And Target-Shooting Rifles Of Heading 9303
93052950	Butt Stocks For Sporting, Hunting And Target-Shooting Rifles Of Heading 9303
93052980	Parts And Accessories For Sporting, Hunting Or Target-Shooting Shotguns Of Heading No 9303, N.E.S.
93052990	Parts And Accessories For Sporting, Hunting And Target-Shooting Rifles Of Heading 9303, N.E.S.
93052995	Rifled Barrels And Other Parts And Accessories For Sporting, Hunting Or Target-Shooting Shotguns Of Heading 9303, N.E.S. (Excl. Shotgun Barrels And Roughly Shaped Gun Stock Blocks)
93059090	Parts And Accessories For Weapons And The Like Of Headings 9303 Or 9304, N.E.S.
93059900	Parts And Accessories For Weapons And The Like Of Heading 9303 Or 9304, N.E.S. (Excl. Of Shotguns Or Rifles Of Heading 9303)
9305s891	Confidential Trade Of Sub-Chapter 9305 And Sitc Group 891
Category 4: Ammunition	
93061000	Cartridges For Riveting Or Similar Tools Or For Captive-Bolt Humane Killers And Parts Thereof, N.E.S.
93062100	Cartridges For Smooth-Barrelled Shotguns
93062920	Bullets And Lead Shot For Shotgun Cartridges (Excl. Airgun Pellets)
93062930	Cases For Cartridges For Smooth-Barrelled Shotguns
93062940	Cases For Shotgun Cartridges
93062970	Parts Of Cartridges For Smooth-Bore Shotguns Or Rifles, N.E.S.; Lead Pellets For Airguns
93062980	Parts Of Shotgun Cartridges (Excl. 9306.29-20 To 9306.29-40), Incl. Cartridge Wads
93062990	Parts Of Cartridges For Smooth-Barrelled Shotguns N.E.S.
93063010	Cartridges And Parts Thereof For Revolvers And Pistols Of Heading 9302 And For Sub-Machine-Guns Of Heading 9301
93063091	Centrefire Cartridges For Rifle-Barrelled Shotguns
93063093	Rimfire Cartridges For Rifle-Barrelled Shotguns
93063095	Cases For Cartridges For Rifle-Barrelled Shotguns
93063097	Cartridges And Parts Thereof, N.E.S.
93063098	Cartridges And Parts Thereof, N.E.S.
93063099	Cartridges And Parts Thereof N.E.S.
93069090	Ammunition And Projectiles And Parts Thereof, N.E.S. (Excl. For Military Purposes)
9306s891	Confidential Trade Of Sub-Chapter 9306 And Sitc Group 891

**Number of exported and imported firearms for sporting, hunting and target shooting purposes
in 2007. Extra-EU trade in firearms for sporting, hunting and target shooting in 2007⁴³**

Member States	Export quantity	Export value	Import quantity	Import value
Austria	4 242	€ 5 887 841	2 645	€ 534 350
Belgium	1 052	€ 1 015 271	13 533	€ 7 626 914
Bulgaria				
Cyprus	75	€ 64 694	2 400	€ 742 596
Czech Republic	49 963	€ 11 031 481	1 054	€ 423 328
Germany	35 063	€ 38 581 521	60 888	€ 8 550 407
Denmark	1 879	€ 509 311	6 487	€ 1 528 353
Estonia			492	€ 125 531
Spain	6 420	€ 4 961 547	9 150	€ 2 649 004
Finland	34 482	€ 11 187 094	7 083	€ 1 685 679
France	2 426	€ 2 067 702	31 006	€ 5 897 307
United kingdom	8 090	€ 19 162 231	26 914	€ 6 924 771
Greece	1 109	€ 344 734	6 416	€ 1 132 767
Hungary	1 083	€ 17 225	961	€ 250 422
Ireland	3	€ 3 736	2 383	€ 633 908
Italy	270 967	€ 134 070 737	18 710	€ 5 570 082
Lithuania			806	€ 122 576
Luxembourg	1	€ 3 131	9	€ 21 628
Latvia			729	€ 189 218
Malta			264	€ 72 855
Netherlands	381	€ 363 985	710	€ 131 123
Poland	2 161	€ 42 269	21 817	€ 784 009
Portugal	19 367	€ 8 238 230	313	€ 90 852
Romania				
Sweden	3 681	€ 592 707	3 154	€ 756 731
Slovenia	0	€ 92 217	0	€ 40 132
Slovakia	0	€ 1 225	264	€ 63 496
EU27	442 445	€ 238 238 889	218 188	€ 46 548 039

⁴³ Analysis of Regioplan Policy Research (2008) of data extracted from the Combined Nomenclature dataset of the Eurostat database.

Export and import value of pistols and revolvers expressed as a percentage of the total value of firearms for civilian use, their parts and components and ammunition exported to and imported from third countries in 2007⁴⁴.

	Export pistols and revolvers		Import pistols and revolvers	
Member States	Export value	% of total	Import value	% of total
Austria				
Belgium				
Bulgaria				
Cyprus			€ 1 950	0%
Czech Republic	€ 13 096 345	37%	€ 197 821	5%
Germany	€ 41 686 799	30%	€ 3 867 780	8%
Denmark	€ 54 532	1%	€ 248 185	3%
Estonia			€ 2 020	0%
Spain	€ 156 832	0%	€ 923 201	7%
Finland	€ 66 179	0%	€ 474 615	8%
France				
United Kingdom	€ 2 050 953	4%	€ 151 364	0%
Greece				
Hungary				
Ireland			€ 382	0%
Italy	€ 30 640 541	13%	€ 3 321 774	12%
Lithuania				
Luxembourg	€ 20 471	77%	€ 7 185	4%
Latvia			€ 4 101	1%
Malta			€ 45 423	35%
Netherlands				
Poland	€ 1 196 443	29%	€ 7 249	0%
Portugal	€ 161 554	1%	€ 85 000	2%
Romania				
Sweden	€ 91 104	1%	€ 56 373	1%
Slovenia	€ 117 427	18%	€ 68 661	25%
Slovakia	€ 108 403	31%	€ 76 398	11%
EU27	€ 89 447 583	13%	€ 9 539 482	4%

⁴⁴ Analysis of Regioplan Policy Research (2008) of data extracted from the Combined Nomenclature dataset of the Eurostat database.

Value of export and import of parts and components expressed as a percentage of the total value of firearms for civilian use, their parts and components and ammunition transferred to and from third countries in 2007⁴⁵.

Member States	Export parts and components		Import parts and components	
	Export value	% of total	Import value	% of total
Austria	€ 21 040 026	74%	€ 5 202 745	80%
Belgium	€ 192 959	12%	€ 1 088 271	7%
Bulgaria				
Cyprus	€ 8 052	0%	€ 11 529	1%
Czech Republic	€ 3 397 112	10%	€ 2 408 180	63%
Germany	€ 27 719 317	20%	€ 11 944 156	23%
Denmark	€ 3 082 795	67%	€ 1 546 535	21%
Estonia			€ 40 664	4%
Spain	€ 1 616 856	4%	€ 1 691 275	14%
Finland	€ 741 720	4%	€ 1 395 745	24%
France	€ 3 903 039	5%	€ 1 426 447	7%
United Kingdom	€ 11 390 508	20%	€ 6 478 918	14%
Greece	€ 4 500	0%	€ 40 779	2%
Hungary	€ 92 913	2%	€ 62 145	4%
Ireland			€ 65 432	6%
Italy	€ 26 238 145	11%	€ 9 085 186	34%
Lithuania			€ 12 244	2%
Luxembourg	€ 3 000	11%	€ 32 902	19%
Latvia			€ 38 886	8%
Malta			€ 1 834	1%
Netherlands	€ 9 412	2%	€ 622 739	16%
Poland	€ 2 248 616	55%	€ 590 193	20%
Portugal	€ 8 589 336	49%	€ 2 069 736	60%
Romania				
Sweden	€ 136 217	1%	€ 935 550	19%
Slovenia	€ 130 739	20%	€ 39 497	14%
Slovakia	€ 174 087	49%	€ 237 159	35%
EU27	€ 110 719 349	16%	€ 47 068 747	21%

⁴⁵ Analysis of Regioplan Policy Research (2008) of data extracted from the Combined Nomenclature dataset of the Eurostat database.

Value of export and import of ammunition expressed as a percentage of the total value of firearms for civilian use, their parts and components and ammunition transferred to and from third countries in 2007⁴⁶.

	Export ammunition		Import ammunition	
Member States	Export value	% of total	Import value	% of total
Austria	€ 1 068 155	4%	€ 729 757	11%
Belgium	€ 291 517	18%	€ 7 784 196	47%
Bulgaria				
Cyprus	€ 2 880 343	95%	€ 196 935	20%
Czech Republic	€ 7 170 693	20%	€ 746 116	19%
Germany	€ 28 991 000	21%	€ 26 378 855	51%
Denmark	€ 885 791	19%	€ 4 002 076	54%
Estonia	€ 27	100%	€ 962 121	84%
Spain	€ 31 416 830	82%	€ 6 894 981	56%
Finland	€ 5 809 367	33%	€ 2 241 528	38%
France	€ 76 874 578	92%	€ 13 156 299	64%
United Kingdom	€ 24 863 249	43%	€ 32 168 260	70%
Greece	€ 2 946 304	88%	€ 1 103 097	48%
Hungary	€ 5 077 532	98%	€ 1 143 927	75%
Ireland			€ 428 215	37%
Italy	€ 48 759 541	20%	€ 8 512 941	32%
Lithuania	€ 1 883 631	66%	€ 66 971	10%
Luxembourg			€ 107 795	64%
Latvia			€ 212 324	45%
Malta	€ 6 150	100%	€ 11 351	9%

⁴⁶ Analysis of Regioplan Policy Research (2008) of data extracted from the Combined Nomenclature dataset of the Eurostat database.

Netherlands	€ 171 369	31%	€ 3 024 652	79%
Poland	€ 616 355	15%	€ 1 558 432	52%
Portugal	€ 479 459	3%	€ 1 203 145	35%
Romania				
Sweden	€ 9 054 432	92%	€ 3 140 788	64%
Slovenia	€ 324 356	49%	€ 106 799	39%
Slovakia	€ 7 221	2%	€ 274 524	41%
EU27	€ 249 577 900	36%	€ 116 156 085	52%

Summary of findings in the Small Arms Survey.

Summary of findings in Small Arms Survey 2007, p. 39	
•	Civilians own approximately 650 million firearms worldwide, roughly 75 percent of the known total.
•	This is equal to roughly one gun for every seven people worldwide (without the United States, the figure drops to about one gun for every ten people).
•	There are at least 875 million combined civilian, law enforcement, and military firearms in the world today.
•	The rising availability of handguns has transformed urban weapons ownership, while semi- or fully automatic rifles have transformed possession in urban and rural settings.
•	These figures do not include older, pre-automatic small arms still maintained by armed forces or craft-produced civilian guns.
•	Nearly 79 million firearms for civilian use are known to be registered with authorities, roughly 9 per cent of the suspected civilian total.

Attention has to be paid to the fact that the Small Arms Survey does not distinguish firearms according to their intended use, but according to who possesses the firearms.

Number of issued import and/or export licenses⁴⁷ related to the imported and/or exported quantity (in numbers) of firearms, their parts and components and ammunition⁴⁸.

Member State	Number of import and/or export licences	Export quantity firearms for civilian use	Import quantity firearms for civilian use
Bulgaria	200 (civilian use)	-	-
Denmark	2 000 (import and export)	353 696	383 603
Estonia	12 (import/civilian use)	0	2 310
Germany	563 (civ)	431 593	268 596
Hungary	Export: 86 (firearms) 95 (ammunition) Import: 200 (firearms) 114 (ammunition) Total: 495	883 706	65642
Ireland	1 923 (2006, import and export)	3	10 328
Italy	750 (civilian use)	789 974	109 189
Netherlands	2000 (export)	475	6 692
Romania	299 (2004) 221 (2005) 199 (2006) Average: 240	-	-
Sweden	2 700 (import and export)	30 759	6 695
United Kingdom	4 162 + 500 (2006, import and export) 900 + 500 (2007, import and export) Average: 3031	1 445 926	1 017 549
Subtotal	13914	3 936 132	1 870 604
Total EU27 (civilian use)		10 359 214	2 789 587
Total EU27 (military and civilian use)		11 064 407	3 522 989

⁴⁷ Derived from consultations with Member States representatives. Only the Member States represented in this table provided data on licences. In some cases it is unclear whether the data on the number of licences refer to military or civilian firearms and whether they concern extra- and/or intra- EU transfers.

⁴⁸ The export and import quantities consist of data extracted from the Combined Nomenclature dataset of the Eurostat database.

**ASSESSMENT OF FINANCIAL AND ADMINISTRATIVE COSTS OF THE
PREFERRED POLICY OPTION.**

FURTHER DETAILS.

A. Current situation with regard to financial and administrative costs

I. Estimation of the number of licences per year in the current situation

Only limited data were made available on the number of licences issued for the import and export of firearms for civilian use:

- There was no clear-cut relation between the number of issued licences and the quantity (in pieces) of export and import to and from the EU.
- No relation could be found between the number of licences and the value of the exported products for civilian use.
- Furthermore, most available data on the number of licences, did not distinguish between the transfer of firearms for military use and firearms for civilian use.
- Finally, it was not clear whether all data on the licences relate to export and import to and from the EU. Some licences might apply to intra-EU transport of firearms.

From the consultations with the stakeholders and the representatives of the Member States, it can be concluded that there are differences between the current licensing procedures among the Member States and the future licensing procedure of the preferred policy option. According to the collected data, the major part of the issued licences probably applies to firearms for civilian use, and a smaller share applies to military weapons. The number of imported and exported firearms for civilian use (and their parts, components and ammunition) appears higher than the number of imported and exported military firearms. However, these figures may be influenced by incomplete data provided by the Member States.

A rough estimate of the total number of licences issued each year for the import and export of firearms for civilian use, their parts and components and ammunition can be done as following:

Annual total number of issued licences in 11 Member States (those who provided data) = approximately **14.000**. Total quantity of import and export of these Members States = **5.806 736**. Total quantity of import and export of all the 27 EU countries = **13.148.801**⁴⁹.

⁴⁹ The Member States that replied to the consultation account for more than 40 percent of the total import and export

Assuming that the other 16 Member States have similar licensing procedures, the **total number** of licences in the 27 Member States would be approximately **35.000** (14 000 x 2.5). A minority of the 14.000 licences were probably issued for military or for intra-EU transfers.

The roughly estimation of the number of licences for import/export of firearms for civilian use, their parts, components and ammunition in the current situation is **25.000 to 30. 000** per year. Such estimation was indirectly confirmed by the statement of a representative of private parties, who mentioned a number of 15 000 to 20 000 licences for export and 5000 licences for import. The same representative mentioned that the number of licenses was about the same as the number of shipments and that normally each carrier has a licence corresponding to each shipment.

II. Estimation of current costs for businesses

- **Estimation of the duration of preparing for an export/import application**

Limited data were made available on the current annual administrative costs related to import and export licences and authorisations. According to some of the private parties interviewed, the range for filling in an application form for a licence takes one man-hour (for the very simple) to at least four hours. Based on zero-base measurement of firearms transactions within the Netherlands (1 and ½ hour), the time it takes to apply for an authorisation and the indications of private parties (one to four hours), we can assume that the time necessary to prepare an import and/or export application is on average two hours. If a standard tariff is used of 50 Euros per hour, the total administrative burden per licence is circa 100 Euros.

- **Estimation of administrative costs for businesses**

Under the assumption that the annual number of licences is in the order of 25.000 to 30.000, and that the administrative costs of the businesses in the Member States to apply for import and export licences are comparable, the administrative costs are estimated to be:

Companies: 25.000 to 30.000 x € 100 (2 hours x € 50) = € 2.500.000 to € 3.000.000 per year.

Because some of the Member States have already implemented parts of Article 10 of the UNFP, these administrative costs are probably underestimated and the total amount is very probably higher than the 2.5/3 estimated millions per year. The administrative costs, which originate from national legislation of the Member States, are relatively low compared to the total administrative burden for businesses in the EU. Administrative costs in general are usually underrated, because the hours spent on administrative tasks tend to be underestimated.

- **Estimation of the duration of processing an export/import application by public authorities and qualitative analysis of the impact of this on competitiveness of businesses**

The duration of processing import and export application forms differs in (and within) the different Member States. Therefore, the duration businesses have to take into account before they receive their licence is insecure. The duration also depends on the type of firearm and the countries involved in the transaction. However, this duration of processing is not included in the definition of administrative costs of the EU. The Table in Annex XI represents the (maximum) processing time of an application as indicated by different public authorities of the Member States.

Probably, the highest (indirect) costs for business are associated with the procedure time between the application for a licence and the issuing of a licence. This time is related to the (maximum) processing time of an application. The time between purchase and delivery of firearms may be an important selling point. If a buyer can choose between a short or long delivery time (for the same price) he is likely to choose the short one. Therefore, the duration of processing application forms by public authorities has an impact on the competitiveness of businesses.

III. Estimation of current costs for public authorities of Member States

- **Estimation of the duration of processing an export/import application by public authorities of Member States**

The length of time for processing the application forms differs. The average time to process an application form for export or import varies from five days to six months, or one year in the worst cases. Most Member States that replied to the consultation affirmed that the processing would not take more than 1 month (private stakeholders tended to provide longer estimations).

The representatives of the Member States that replied to the consultation were unable to provide information on FTEs⁵⁰ spent on processing the licences. The duration can differ depending on the type of firearm for civilian use and the (third) countries involved in the transaction (fragile State or a State in political turmoil, etc).

- **Estimation of administrative costs for public authorities of Member States**

Again data were not made available on Member States' current annual administrative costs for issuing licences/authorisations and the required administrative procedure. None of the interviewed States' authorities could provide an estimation of the necessary capacity in man-hours per licence, due to a lack of available data. However, if the assumed number of issued licences per year is between 25.000 and 30.000, the number of applications should be slightly higher, since a part of the applications is refused. The two Member States that did provide information on this matter stated that this number was limited and only concerned a very small part of the requested licences. In one Member State for example only 20 out of 750 license requests were refused (2,6%).

B. Future situation with regard to financial and administrative costs.

- **Estimation of impacts of the 'shall' provisions of the preferred policy option on financial and administrative costs in the future situation**

The impacts on the administrative costs of EU businesses should be divided into non recurring investments costs (financial costs) and administrative costs (recurring). Some EU businesses (only these where the national legislation is not fully in line with the UNFP) could have some investment costs because they will have to get accustomed to the new legislation. In many Member States the requirement on transit is in practice not used in their procedure. Therefore, this 'shall requirement' could result in the most important requirement with regard to an increase of costs for businesses. Compared to the current situation, businesses will have

⁵⁰ Full Time Equivalent/FTE: ratio of total number of paid hours during a period by number of working hours of that period. Source: "www.businessdictionary.com"

to acquire a ‘notice of no objection’ of the transit State at latest before the shipments of the products. Furthermore, businesses will have to provide the information of the import licence to the transit States (provision 3b). Hence, if transit is involved, costs for businesses could increase. Moreover, because the transit requirement could cause delays, it could also have an impact on the competitiveness of businesses. Another ‘shall requirement’ that will have an impact on costs for businesses is the provision which stipulates that an import licence has to be issued prior to the issuance of an export licence or of authorizations for shipments (provision 2a), since in some Member States this provision is not required.

The implementation of the ‘shall’ requirements only of Article 10 of the UNFP, without other mitigation measures, would probably lead to an increase of administrative burdens for businesses.

Estimation on a total duration for applying for such a licence is at least at 5 to 10 hours depending if transit countries are involved or not. If a standard tariff is used of 50 Euros per hour, this corresponds with an administrative burden per licence of 250 to 500 Euros. However, by using the accompanying measures mentioned in the assessment of the preferred option the administrative burden per licence would decrease.

Impacts of implementing the ‘shall’ provisions on Member States

There are no data available on the current costs for Member States of processing the licenses. However the majority of the Member States either were not able to reply or said that only a small impact would result on the structural administrative costs. Licensing authorities will have to assess more documents, including the notice of no objection of the transit States. Due to the lack of information in the different Member States on the number of FTEs spent on the current procedures, it was not possible to quantify this impact.

- **Estimation of impacts of mitigating measures of the preferred policy option on financial and administrative costs in the future situation.**

Some of the provisions envisaged, as described in this impact assessment, would mitigate the financial and administrative costs:

- *Simplified procedures for temporary import/export;*
- *Licences for multiple shipments;*
- *Impacts of putting the burden of acquiring the required documentation on the private parties;*
- *Impacts of limiting the duration of the processing procedure to three months;*
- *Impacts of allowing the use of a silent consent and impacts of not allowing the use of a silent consent;*
- *Impacts of designating a specific official, office or department;*
- *Impacts of the use of standardised documents;*
- *Impacts of the possible use of electronic documents.*

- **Estimation of total costs of the preferred policy option for business**

Under the assumption that the annual number of licences remains in the order of 25.000 to 30.000, that the administrative costs per licence vary between 5 hours (x € 50 per hour is € 250) and 10 hours (x € 50 per hour is € 500) and that only the 10th percent of the shipments have to transit through third countries, the administrative costs for businesses are estimated as follows:

Licenses without transit $22.500 \text{ to } 27.000 \times € 250 = € 5.625.000 \text{ to } € 6.750.000$ per year

Licenses with transit $2.500 \text{ to } 3.000 \times € 500 = € 1.250.000 \text{ to } € 1.500.000$ per year

Total € 6.875.000 to € 8.250.000 per year.

However, the possibility of using standardised and/or electronic documents would reduce the FTEs necessary for preparing and submitting providing applications for the import and export licence. Furthermore, if electronic documents are used, the number of FTEs could decrease as well. The man-hours spent on applying for an export licence could be decrease to, for instance, from 4 hours (x € 50 per hour is € 200) for import and export without transit to 8 hours (x € 50 per hour is € 400) for import and export with transit. In that case, the estimated costs for businesses would be:

Licenses without transit $22.500 \text{ to } 27.000 \times € 200 = € 4.500.000 \text{ to } € 5.400.000$ per year

Licenses with transit $2.500 \text{ to } 3.000 \times € 400 = € 1.000.000 \text{ to } € 1.200.000$ per year

Total € 5.500.000 to € 6.600.000 per year.

Furthermore, thanks to the possibility of using open licences for multiple shipments, the total number of licences would decrease by approximately 30%⁵¹ with the consequent further reduction of the number of licenses processed, resulting in reduced expenses for businesses as following:

Total € 5.500.000 to € 6.600.000 per year- 30% =

Total € 3.850.000 to € 4.620.000 per year.

- **Estimation of total costs of the preferred policy option for public authorities of Member States**

As far as public authorities are concerned, each policy option would entail a series of costs for implementing the new Regulation as well as for the authorities to familiarise themselves with the new provisions, and for training staff to work with the modified/additional procedures. These costs will depend on the new provisions/required adjustments as compared to the status quo and will be non-recurring costs.

⁵¹ Prudent estimation that takes into account what referred by representative of the EU private stakeholders who stated that the total amount of licence is that of the shipments (see in this chapter point A.I on the estimation of total number of licenses).

The future (structural) administrative costs for Member States cannot be estimated because of a lack of data on the current situation and the difficulties experienced in quantifying the activities of public administrations related to licensing procedures, which currently vary between Member States. However most of the consulted representatives of Member States argued that no immediate or long-term budgetary consequences would occur for public authorities at different levels of government. The implementation of the provisions would not require many new capacities, much restructuring of existing public authorities or many changes of current administrative procedures. Licensing authorities will have to assess more documents, including the notice of no objection of the transit States. However, it is not possible to quantify this small increase of structural costs because of the mentioned lack of data. If open licences for multiple shipments will become more common, the total number of licence applications would decrease as well, resulting in less expenses for public authorities of Member States.

C. Comparison of estimated financial and administrative costs for business and public authorities between current situation and future situation

An estimation of the administrative costs for businesses of the current situation is:

25.000 to 30.000 x € 100 (2 hours x € 50) = € 2.500.000 – € 3.000.000 per year.

An estimation of the administrative costs for businesses if the future situation would not take into account of the "may" provisions and other accompanying measures is:

Licenses without transit 22.500 to 27.000 x € 250 (5 hours x € 50) =
€ 5.625.000 to € 6.750.000 per year

Licenses with transit 2.500 to 3.000 x € 500 (10 hours x € 50) =
€ 1.250.000 to € 1.500.000 per year

Total € 6.875.000 to € 8.250.000 per year

This would mean an increase of administrative costs for businesses of:

€ 4.375.000 to € 5.250.000⁵²

By implementing the option on the standardisation of documents and use of electronic documents, the estimated future costs for businesses would be lower as following:

Licenses without transit 22.500 to 27.000 x € 200 (4 hours x € 50) =
€ 4.500.000 to € 5.400.000 per year

Licenses with transit 2.500 to 3.000 x € 400 (8 hours x € 50) =
€ 1.000.000 to € 1.200.000 per year

Total € 5.500.000 to € 6.600.000 per year.

⁵² This estimation - which is the **"worst" scenario** - would mean that the increasing of financial and administrative costs would represent **only the 0,75% of the total value of exports 2007 (see table 1)**

Furthermore by means of the use of open licences for multiple shipments the total number of licences would decrease by 30% and consequently the above mentioned total would be

Total € 3.850.000 to € 4.620.000 per year.

This would mean that the possible increase of administrative costs for all EU businesses would be from € 1.350.000⁵³ to € 1.620.000.

Moreover, the current costs for businesses are probably underestimated because some of the Member States have already implemented parts of Article 10 of the UNFP. Administrative costs in general are usually underrated, because the hours spent on administrative tasks tend to be underestimated. Therefore, the difference between the current and future costs could be even smaller.

Financial costs for businesses will probably increase as well. In order to implement the new legislative provisions or to comply with them, some implementation costs will be involved. Businesses will have to get accustomed to the new Regulation.

As mentioned before, only a small increase (if any) of costs for public authorities of Member States is expected, which in all cases was not possible to even only estimating, due to lack of information.

However, adapting to the new Regulation, getting accustomed to new provisions and training staff to work with the modified/additional procedures could involve some implementation costs for public authorities.

⁵³ This estimation - which is the "**best scenario**" - would mean that the increasing of financial and administrative costs would represent **only the 0,19% of the total value of exports 2007 (see table 1)**

Zero base measurements of transactions of firearms in the Netherlands

In the Netherlands, a zero base measurement⁵⁴ has been carried out to assess the administrative burden to companies. One of the obligations was the registration of firearms. This procedure consists of a number of steps, of which the most important are:

- Registering data on each firearms transaction (number, date, type of firearm or ammunition, quantity, name of buyer).
- Filing the registered data and sending a copy to the proper authorities.

The total costs (in time) of these activities are approximately 8 hours a week for licensed firearms traders. These costs are not specified per transaction.

The time it takes to apply for an authorisation for receiving, transporting and selling firearms within the Netherlands has also been assessed. The total time for a company to apply for an authorisation for one shipment is approximately 30 minutes.

Another activity that has been assessed in the zero base measurement is the obtaining of a licence for the import and export of strategic goods. The costs (in time) to obtain an import licence or an export licence are approximately 100 minutes.

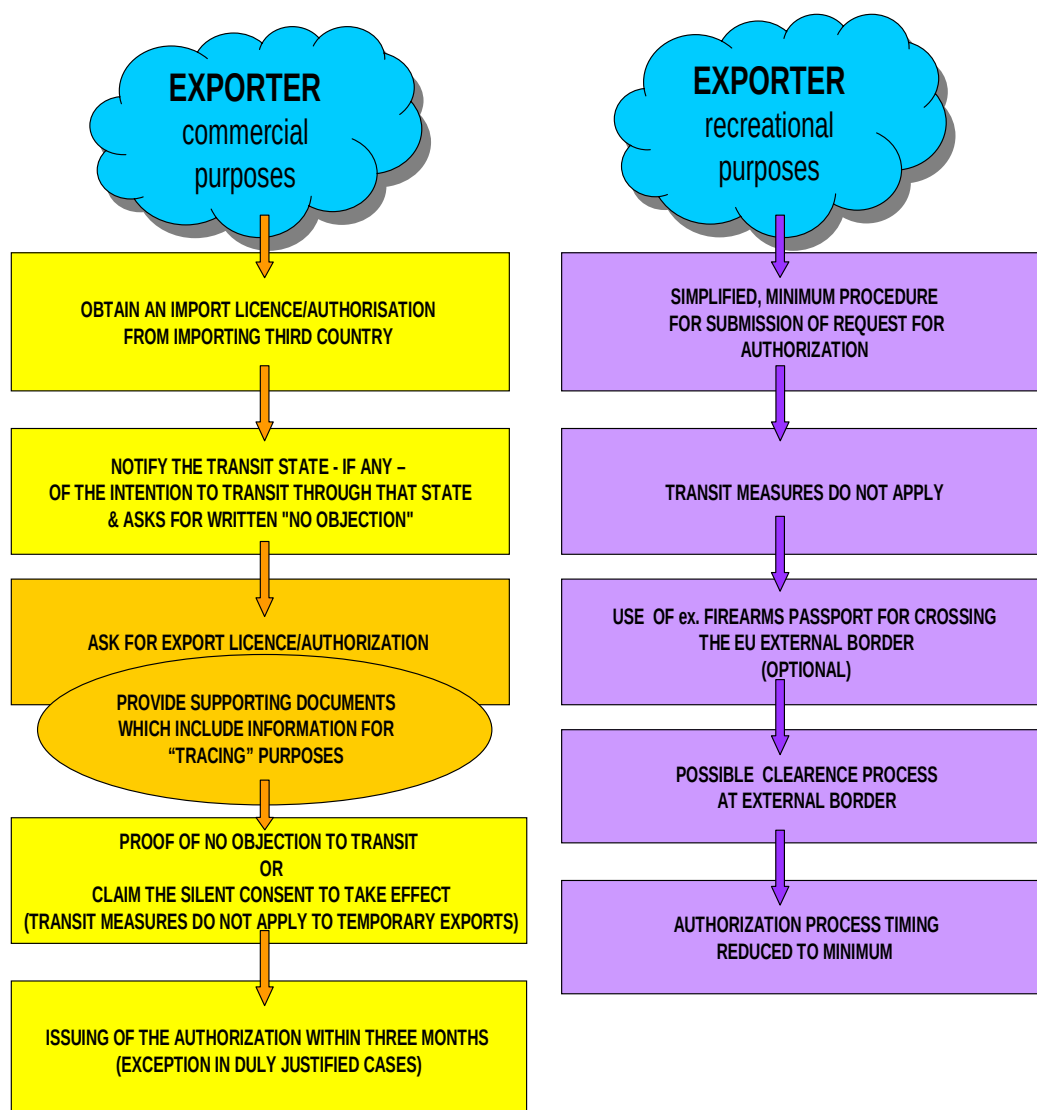
However it has to be noted that these measurements took place only in the Netherlands and solely concerned the intra-EU transactions.

⁵⁴ Zero base measurement in the Netherlands, baseline of 31 December 2003.

Duration of the process (processing the application form and approval/refusal of a licence.

Country	Duration of process
Denmark	10 days
Estonia	14 – 28 days
Germany	A few days to several weeks
Hungary	30 - 90 days (maximum)
Ireland	10 days
Netherlands	5 days to a few months
Romania	7 – 30 days (maximum)
Sweden	14 – 28 days
United Kingdom	7 – 20 days (target, not a maximum)
Several stakeholders	3 – 6 weeks. Others up to six month or even one year

Hypothetical example of the steps to be followed by a business (exporter/trade) and or an individual (hunter/sport shooter), based on the provisions of the preferred policy option



Indicators for monitoring and evaluation

General objectives	Potential indicator	Sources of information
1. To fulfil international obligations of the EC with regard to implementation of the UNFP	-Conclusion (ratification) of the UN Firearms Protocol on behalf of the Union, following the entry into force of the envisaged Regulation and the authorization by the Council	Council UNODC
2. To ensure the accomplishment of the Common Commercial Policy in a matter of exclusive competence of the Union and therefore introducing uniform principles with respect to export, import and transit measures for firearms for civilian use (according to Article 10 of the UNFP)	--The practical implementation of the Regulation on Art 10 in Member States. -The progress towards coherence of Member States' national procedures to the provisions of the Regulation	- Administrative data from Member States' authorities -Surveys from Member States' authorities -Member States' national legislation
3. Contribute to the improvement of security with regard to import, export and transit of firearms for civilian use. Prevent possible diversion from the legal market and contribute to ensuring their tracing	Decline in firearms related crime, (if possible from firearms originating from transfers for civilian use) Number of information exchanged between competent authorities in tracing firearms	-- Surveys on firearms related crime -National statistics - EUROPOL -EUROSTAT -Surveys at EU and national level -Member States' authorities involved in the prevention of firearms related crime