

EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND WINDSOR FRAMEWORK

REGULATION (EU) 2025/41 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on import, export and transit measures for firearms, their essential components and ammunition, implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol)

Submitted by the Department for Business and Trade, 12 February 2025

SUBJECT MATTER

1. This Regulation (“the recast Firearms Regulation”) recasts Regulation (EU) No 258/2012 on import, export and transit of firearms and better implements Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition.
2. Certain Articles of the recast Firearms Regulation apply from 11 February 2025. The majority of provisions do not apply until 12 February 2029. The existing Firearms Regulation (EU) 258/2012 is not repealed until 12 February 2029. Until that time, the Articles that apply on 11 February 2025 will apply alongside the existing Regulation.
3. The recast Firearms Regulation addresses challenges related to the tracing and illicit trafficking of civilian firearms. It sets common definitions, rules and principles for export, import and transit procedures. The strategic objective is to reduce the risk of illicit trafficking in firearms for civilian use by ensuring coherence across EU Member States in rules on external trade in line with Article 10 of the UN Firearms Protocol.
4. Overall, the Regulation is not expected to have significant new impacts for citizens or businesses in Northern Ireland.

SCRUTINY HISTORY

5. Regulation (EU) No 258/2012 was subject to scrutiny as EU document 10963/10, COM(10)273: Proposal for a regulation (EU) 258/2012 of the European Parliament and of the Council 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. The then Department for Business, Innovation & Skills (BIS) submitted an EM dated 6 July 2010. The House of Commons European Scrutiny Committee reported on two occasions that the proposal raised issues of political importance (Reports 25 &

45, Session 2010-12) and completed scrutiny on 2 November 2011. The House of Lords European Union Committee examined the proposal in the then sub-committee A (Sift 1396) and scrutiny was completed on 1 November 2011.

6. There was also scrutiny of a European Commission report on the Regulation in 2017 under document reference 15932/17, COM(17)737 on which the then Department for International Trade (DIT) submitted an EM dated 10 January 2018. Neither scrutiny committee had any follow up questions on the report with the House of Commons European Scrutiny Committee recording completion of scrutiny in Report 25 (Session 2017-18) on 25 April 2018. The House of Lords European Union Committee completed scrutiny at Chair's Sift 1678 on 17 January 2018.
7. An Explanatory Memorandum for a proposed recast of EU Firearms Regulation 258/2012 was submitted by the then Department for International Trade on 17 November 2022. The proposal planned to amend legislation listed in the original Northern Ireland Protocol and was deposited for examination by the House of Commons European Scrutiny Committee and the House of Lords European Affairs Committee on 3 November 2022.

MINISTERIAL RESPONSIBILITY

8. The Secretary of State for Business and Trade has primary responsibility for import controls (including import licensing) and strategic export controls. The Home Secretary is responsible for firearms policy more broadly and checks at the UK border. The Chancellor of the Exchequer has an interest since His Majesty's Revenue and Customs (HMRC) is responsible for the enforcement of import and export controls.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

9. Import and strategic export controls are reserved under the United Kingdom's devolution settlements, and there is no formal requirement to consult with the devolved governments. Firearms policy more broadly is devolved in Northern Ireland, apart from national security issues. The Northern Ireland Executive have been made aware of this regulation and consulted about this Explanatory Memorandum.

LEGAL AND PROCEDURAL ISSUES

10. **EU Legal base:** The legal base of this regulation is Articles 33 and 207 of the Treaty on the Functioning of the European Union.
11. **EU Voting procedure:** The recast Firearms Regulation was adopted in accordance with the ordinary legislative procedure and qualified majority voting.
12. **Timetable for adoption and implementation:** Certain Articles of the recast Firearms Regulation apply from 11 February 2025. The majority of provisions do

not apply until 12 February 2029. The existing Firearms Regulation (EU) 258/2012 is not repealed until 12 February 2029. The Articles that come into force on 11 February 2025 will apply alongside the existing Regulation.

POLICY IMPLICATIONS

Policy Overview

13. The existing Firearms Regulation (EU) 258/2012 provides for the implementation of Article 10 of the United Nations' Protocol in relation to prevention of firearms trafficking, broadly by:

- a. Requiring, and setting criteria for, export authorizations from the competent national authorities for anyone wishing to export a firearm or ammunition.
- b. Prohibiting the export of firearms to countries that are considered high-risk for the proliferation of weapons.
- c. Import and transit measures - in particular, marking of firearms, record keeping, and notification of suspicious activities - to prevent the illegal import and transit of firearms and ammunition.

14. The regime is important for combating the illicit trafficking of firearms and ammunition, and there are equivalent regulations in force across the UK. The recast Firearms Regulation amends this regime by:

- a. Stipulating the requirement for an import authorisation for the entry of non-Union goods into the customs territory of the European Union. This includes the introduction of import controls for semi-finished firearms, semi-finished component parts of firearms, and alarm and signal weapons that cannot be converted into lethal firearms.
- b. Harmonising European Union traceability and record-keeping requirements - including through the introduction of a central database, improved marking rules, and mandatory reporting on international firearms movements.
- c. Standardising and centralising European Union import and export authorisation processes. The Commission will establish and maintain an electronic licensing system to digitalise the procedures set out in the recast Regulation. This will provide an interconnection between the electronic licensing system and Member States' electronic national licensing systems, where these have been established.
- d. Existing export exemptions for certain movements of firearms by hunters, sport shooters, and collectors are retained.
- e. A new requirement for import authorisations for the temporary imports by hunters, historical re-enactors or sport shooters who are not established in

the customs territory of the European Union.

15. The recast Firearms Regulation works alongside existing UK export and import control regulations. Previously the scope excluded items on the EU's Common Military List of the European Union, as these were managed under the Export Control Order 2008. The recast Firearms Regulation will apply to firearms on the Common Military List for import and export to individuals or dealers but maintains exemptions for Government-to-Government transactions, goods for armed forces, police or public authorities (and firearms manufactured before 1900). Certain additional supporting documentation will be required for export licence applications for these firearms movements which will now be covered by the recast regulation.

Implications for Northern Ireland

16. To facilitate dual access to both the UK Internal Market and EU Single Market, Northern Ireland applies a subset of EU regulations relating to firearms under the terms of the Windsor Framework. The recast Firearms Regulation will repeal and replace the existing Firearms Regulation which is listed in Annex 2 of the Windsor Framework and will therefore apply in Northern Ireland under Article 13(3) of the Windsor Framework subject to the democratic scrutiny and consent procedures set out in schedule 6B of the Northern Ireland Act 1998.
17. The distinct domestic firearms licensing regime in Northern Ireland is unique in that firearms is devolved to Northern Ireland – but not to other devolved governments – due to the specific political and historical context. As a result, the current domestic firearms possession licensing regime in Northern Ireland which came into force in 2004 remains distinct from that operating in Great Britain.
18. It is therefore already the case that a licence is generally required to bring firearms into Northern Ireland. This includes transfer licences for movements from EU Member States to Northern Ireland in line with Directive 2021/555 (known as the 'Firearms Directive') and import licences for movements from outside the UK. Import licences are currently not required for all firearms movements from EU Member States to Northern Ireland that fall within the Directive and between Great Britain and Northern Ireland.
19. The recast Firearms Regulation makes certain changes to the scope and process for licence requirements for firearms exported from Northern Ireland. These are limited in scope and technical in nature, as described in paragraph 16. Moreover, the number of exports under the existing regulations is exceptionally low and the recast regulation is not anticipated to lead to any significant increase to the already low numbers of exports.
20. The recast Firearms Regulation makes changes to the administrative process for seeking an import licence for Northern Ireland and increases the scope of items subject to firearms import controls for Northern Ireland to include semi-finished

firearms, semi-finished component parts and non-convertible alarm and signal weapons, including for movements from Great Britain, However, the volume of relevant imports into Northern Ireland that would be captured by these measures is expected to be negligible.

21. Noting that the stated objectives of these controls is public safety, the UK Government is considering whether the scope of some measures ought to be amended in this regard across the UK, given the possible merits to this approach, and the Government's commitments to avoid any new regulatory borders within the UK internal market. We anticipate consulting on these matters later in the year, with a view to explicitly considering adoption of appropriate similar measures across the whole of the UK.
22. Overall, the Regulation is not expected to have significant new impacts for citizens or businesses in Northern Ireland. The controls introduced under the recast Firearms Regulation are unlikely to affect the majority of individuals and businesses. The scale of relevant product movements is likely to be exceptionally small and, noting the already highly regulated nature of the sector, those affected will already have an understanding of existing import and export licensing requirements for firearms, including if they are trading in or seeking to move semi-finished firearms, semi-finished component parts and alarm and signal weapons.

CONSULTATION

23. No UK consultations have been undertaken on this measure; UK businesses were able to comment on the EU consultation that was published.
24. The European Commission organised a public [consultation](#) between 5 July and 11 October 2021 to receive views from a wide range of institutional, corporate and individual actors, as part of the evidence-based review of Regulation (EU) 258/2012. Only closed questions were offered to the respondents. Of the 237 written responses, 185 were sent by natural persons acting in their own capacity; only seven national authorities and seven companies took part in the consultation. The Commission did not mention any specific qualitative outcome from this consultation.

FINANCIAL IMPLICATIONS

25. The European Commission has published an Impact Assessment (which records the then Department of International Trade and UK businesses being interviewed in January 2019) and an Impact Assessment Summary. It is not anticipated that there will be any significant financial or resource implications for the UK Government or Northern Ireland business because of these changes.

MINISTERIAL NAME AND SIGNATURE

A handwritten signature in black ink, appearing to read 'Douglas Alexander'.

Minister Douglas Alexander MP

Minister of State for Trade Policy and Economic Security

Department for Business and Trade and the Cabinet Office