

NOTICE TO STAKEHOLDERS
WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES
IN THE FIELD OF FIREARMS

On 15 September 2020, the Commission issued a notice to stakeholders regarding the UK withdrawal and EU rules in the field of firearms.

Whereas the transition period ends on 31 December 2020, persons trading dual-use items are in particular advised to take note of:

- legal situation applicable after the end of the transition period (Part A below);
- certain relevant separation provisions of the Withdrawal Agreement (Part B below);
- the rules applicable in Northern Ireland after the end of the transition period (Part C below).

A. Legal situation after the end of the transition period

After the end of the transition period, EU law on the acquisition, possession,¹ import and export² of firearms **no longer apply** to the UK³.

This has in particular the following consequences:

- Movement of firearms - intra-eu movement of firearms :
 - o the rules provided by Directive 91/477/EEC on the specific authorisation procedure for the movement of firearms from one Member State to another Member State will **no longer apply** to movement of firearms between the UK and the EU. Rather, the EU rules on import and export of firearms apply. **EU firearms pass** issued to persons in the UK is no longer valid in the EU.
- Import of firearms :
 - o Imports of firearms follow Regulation (EU) No 258/2012, read in conjunction with Directive 91/477/EEC;
- Export of firearms :
 - o export of **civilian firearms** are regulated by Regulation (EU) No 258/2012.

B. Relevant separation provisions of the withdrawal agreement

¹ Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons, OJ L 256, 13.9.1991, p. 51,

² Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition, OJ L 94, 30.3.2012, p. 1.

³ Regarding the applicability of these rules to Northern Ireland, see Part C of this notice.

Under specific conditions⁴, movements of **goods ongoing at the end of the transition** period are to be treated as intra-Union movements regarding importation and exportation licencing requirements in EU law.

C. Applicable rules in Northern Ireland after the end of the transition period

After the end of the transition period, the Protocol on Ireland/Northern Ireland (“IE/Ni Protocol”)⁵ applies.

The Protocol makes certain provisions of EU law applicable also to and in the UK in respect of Northern Ireland. In the Protocol, the EU and the UK have agreed that Northern Ireland is treated **as if it were a MS**.

The IE/Ni Protocol provides that Directive 91/477/EEC and Regulation (EU) No 258/2012 apply to and in the UK in respect of Northern Ireland.⁶

This means that references to the EU in Parts A and B of the notice have to be understood as **including Northern Ireland**, whereas references to the UK have to be understood as **referring only to Great Britain**.

More specifically, this means *inter alia* the following:

- Movements of firearms between Northern Ireland and the EU **are not considered as imports or exports**. Rather, the rules for **intra-EU movements** set out in Directive 91/477/EEC apply. The transfer authorisation will be issued by the UK in respect of Northern Ireland. The **European firearms pass** issued prior to the end of the transition period in respect of persons in Northern Ireland remains valid.
- The **import of firearms from Great Britain** or a third country to Northern Ireland has to comply with the relevant provisions of EU law ;
- The **export of firearms from Northern Ireland** to a third country or to Great Britain has to comply with the relevant provisions of Regulation (EU) No 258/2012 ;

However, the IE/Ni Protocol excludes the possibility for the United Kingdom in respect of Northern Ireland to participate in the decision-making and decision-shaping of the Union.

⁴ Provided by Article 47(1) of the Withdrawal Agreement.

⁵ The Protocol is subject to periodic consent of the Northern Ireland Legislative Assembly. The initial period of application extending to 4 years after the end of the transition period.

⁶ Article 5(4) of the IE/Ni Protocol and section 47 of annex 2 to that Protocol.