



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels,
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07 DEC. 2009

Opinion

Title **Impact Assessment on: export import and transit licensing of firearms**

(draft version of 30 October 2009)

Lead DG **JLS**

1) Impact Assessment Board Opinion

(A) Context

The UN Firearms Protocol (UNFP), which was signed by the Commission in January 2002 on behalf of the European Community, entered into force in July 2005. In its Communication on measures to ensure greater security in explosives, detonators, bomb making equipment and firearms of 18 July 2005 the Commission announced its intention to transpose Art. 10 of the UNFP (concerning general requirements for the licensing of export, import and transit of firearms) into Community law as part of the overall transposition work. This impact assessment accompanies the corresponding legal proposal.

(B) Positive aspects

The report provides an appropriate level of analysis, is written clearly and is accessible to the non-specialist reader.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments will be transmitted directly to the author DG.

General recommendation: The report is generally of good quality and requires additional clarification on only a limited number of issues. First, it should make clear that this initiative is only one part of a wider action to improve security in relation to firearms for civilian use and accordingly provide a more realistic assessment of its potential to improve security. Secondly, the report should simplify the presentation of the options and be clearer about the content and rationale of some of the key elements. Finally, it should provide the number of affected businesses (including SMEs) and individuals, and be explicit about whether this initiative fully implements art. 10 of UNFP. During the IAB meeting DG JLS agreed

to improve the IA report along these lines.

(1) Make clear that the scope of this initiative is limited and accordingly provide a more realistic assessment of its potential to improve security. The report should make clearer that this initiative is only one part of wider action to improve security by reducing the illegal market in firearms for civilian use. Accordingly, it should provide a more realistic assessment of how it contributes to this objective and clarify how progress in this respect will be monitored.

(2) Simplify the presentation of the options and be clearer about the content and rationale of some of the key elements. Given that option 3 and the preferred option (which is said to be constructed as a combination of various proposed options) are nearly identical, for the sake of clarity the report should modify option 3 so that it becomes the preferred option. It should also state clearly after what period of time silent consent is proposed to take effect and justify why this particular period is considered optimal. It should also clarify the scope of the simplified procedure and, more specifically, whether it covers only individuals or also businesses and whether it concerns only non-commercial transfer of firearms. Given that stakeholders have different views on the conditions for simplified procedures and that there is some degree of freedom on how this aspect can be implemented, the report should briefly assess possible alternatives (e.g. whether the use of the procedure should be linked to a duration of temporary export).

(3) Provide the number of affected businesses (including SMEs) and individuals, and be explicit about whether this initiative fully implements art. 10 of UNFP. The report should provide the approximate number of businesses (including SMEs) and individuals who are likely to be affected. It should clarify whether the proposed provisions (in particular on silent consent) fulfil the objective of implementing art. 10 of the UNFP. The report should also assess the relative contribution, of the various elements of flexibility (silent consent, open license for multiple shipments, use of electronic forms, maximum duration for processing licenses, simplified procedure), to alleviating the burden for businesses.

(D) Procedure and presentation

It appears that all necessary procedural elements have been complied with. The report would benefit from an example of how a hypothetical business and individual would be affected by this initiative. An effort should also be made to bring it closer to the 30-page limit.

2) IAB scrutiny process

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External expertise used	No
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