

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

## CHAPTER I

### SUBJECT, DEFINITIONS AND SCOPE

#### *Article 1*

This Regulation lays down rules governing export authorisation, and import and transit measures for firearms, their parts and essential components and ammunition, for the purpose of 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 (the 'UN Firearms Protocol').

#### *Article 2*

For the purposes of this Regulation:

- (1) '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 as referred to in Annex I.  
  
An object is 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;
- (2) 'parts' means any element or replacement element as referred to in Annex I specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;
- (3) 'essential components' means the breech-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;
- (4) 'ammunition' means the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles that are used in a firearm, as referred to in Annex I, provided that those components are themselves subject to authorisation in the relevant Member State;
- (5) 'deactivated firearms' means objects otherwise corresponding to the definition of a firearm which have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or modification that would permit the firearm to be reactivated in any way.

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Member States shall make arrangements for these deactivation measures to be verified by a competent authority. Member States shall, in the context of that verification, provide for the issue of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm;

- (6) ‘export’ means:
- (a) an export procedure within the meaning of Article 161 of Regulation (EEC) No 2913/92;
  - (b) a re-export within the meaning of Article 182 of Regulation (EEC) No 2913/92 but not including goods moving under the external transit procedure, as referred to in Article 91 of that Regulation where no re-export formalities as referred to in Article 182(2) thereof have been fulfilled;
- (7) ‘person’ means a natural person, a legal person and, where the possibility is provided for under the rules in force, an association of persons recognised as having the capacity to perform legal acts but lacking the legal status of a legal person;
- (8) ‘exporter’ means any person, established in the Union, who makes or on whose behalf an export declaration is made, that is to say the person who, at the time when the declaration is accepted, holds the contract with the consignee in the third country and has the power for determining the sending of the item out of the customs territory of the Union. If no export contract has been concluded or if the holder of the contract does not act on its own behalf, the exporter shall mean the person who has the power for determining the sending of the item out of the customs territory of the Union.
- Where the benefit of a right to dispose of firearms, their parts and essential components or ammunition accrues to a person established outside the Union pursuant to the contract on which the export is based, the exporter shall be considered to be the contracting party established in the Union;
- (9) ‘customs territory of the Union’ means the territory within the meaning of Article 3 of Regulation (EEC) No 2913/92;
- (10) ‘export declaration’ means the act whereby a person indicates in the prescribed form and manner his intention to place firearms, their parts and essential components, and ammunition under an export procedure;
- (11) ‘temporary export’ means the movement of firearms leaving the customs territory of the Union and intended for re-importation within a period not exceeding 24 months;
- (12) ‘transit’ means the operation of transport of goods leaving the customs territory of the Union and passing through the territory of one or more third countries with final destination in another third country;
- (13) ‘transshipment’ means transit involving the physical operation of unloading goods from the importing means of transport followed by reloading, for the purpose of re-exportation, generally onto another means of transport;
- (14) ‘export authorisation’ means:
- (a) a single authorisation or licence granted to one specific exporter for one shipment of one or more firearms, their parts and essential components and ammunition to one identified final recipient or consignee in a third country;
- or

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- (b) a multiple authorisation or licence granted to one specific exporter for multiple shipments of one or more firearms, their parts and essential components and ammunition to one identified final recipient or consignee in a third country; or
  - (c) a global authorisation or licence granted to one specific exporter for multiple shipments of one or more firearms, their parts and essential components and ammunition to several identified final recipients or consignees in one or several third countries;
- (15) ‘illicit trafficking’ means the import, export, sale, delivery, movement or transfer of firearms, their parts and essential components or ammunition from or across the territory of one Member State to that of a third country, if any of the following applies:
- (a) the Member State concerned does not authorise it in accordance with the terms of this Regulation;
  - (b) the firearms are not marked in accordance with Article 4(1) and (2) of Directive 91/477/EEC;
  - (c) the imported firearms are not marked at the time of import at least with a simple marking permitting identification of the first country of import within the European Union, or, where the firearms do not bear such a marking, a unique marking identifying the imported firearms;
- (16) ‘tracing’ means the systematic tracking of firearms and, where possible, their parts and essential components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and trafficking.

### Article 3

- 1 This Regulation shall not apply to:
- a State to State transactions or State transfers;
  - b firearms, their parts and essential components and ammunition if specially designed for military use and, in any case, firearms of the fully automatic firing type;
  - c firearms, their parts and essential components and ammunition when destined for the armed forces, the police, or the public authorities of the Member States;
  - d collectors and bodies concerned with cultural and historical aspects of firearms, their parts and essential components and ammunition and recognised as such for the purpose of this Regulation by the Member State in whose territory they are established, provided that tracing measures are ensured;
  - e deactivated firearms;
  - f antique firearms and their replicas as defined in accordance with national legislation, provided that antique firearms do not include firearms manufactured after 1899.
- 2 This Regulation is without prejudice to Regulation (EEC) No 2913/92 (Community Customs Code), Regulation (EEC) No 2454/93 (implementing provisions of the Community Customs Code), Regulation (EC) No 450/2008 (Modernised Customs Code), and to the regime for the control of exports, transfer, brokering and transit of dual-use items established by Regulation (EC) No 428/2009 (Dual Use Regulation).

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Signature words omitted by virtue of S.I. 2019/771, reg. 4(17A) (as inserted) by [S.I. 2019/806 reg. 2\(7\)](#)
- Art. 2(4) words substituted by [S.I. 2019/771 reg. 4\(2\)\(a\)](#)
- Art. 2(5) words omitted by [S.I. 2019/771 reg. 4\(2\)\(b\)](#)
- Art. 2(5) words substituted by [S.I. 2019/771 reg. 4\(2\)\(b\)](#)
- Art. 2(6) substituted by [S.I. 2019/771 reg. 4\(2\)\(c\)](#)
- Art. 2(7) omitted by [S.I. 2019/771 reg. 4\(2\)\(d\)](#)
- Art. 2(8) words inserted by [S.I. 2019/771 reg. 4\(2\)\(e\)\(i\)\(aa\)](#)
- Art. 2(8) words substituted by [S.I. 2019/771 reg. 4\(2\)\(e\)\(i\)\(bb\)](#)
- Art. 2(8) words substituted by [S.I. 2019/771 reg. 4\(2\)\(e\)\(i\)\(cc\)](#)
- Art. 2(8) words substituted by [S.I. 2019/771 reg. 4\(2\)\(e\)\(i\)\(dd\)](#)
- Art. 2(8) words substituted by [S.I. 2019/771 reg. 4\(2\)\(e\)\(ii\)](#)
- Art. 2(9) omitted by [S.I. 2019/771 reg. 4\(2\)\(f\)](#)
- Art. 2(10) word substituted by [S.I. 2019/771 reg. 4\(2\)\(g\)](#)
- Art. 2(10) words omitted by [S.I. 2019/771 reg. 4\(2\)\(g\)](#)
- Art. 2(11) words substituted by [S.I. 2019/771 reg. 4\(2\)\(h\)](#)
- Art. 2(11a) inserted by [S.I. 2019/771 reg. 4\(2\)\(i\)](#)
- Art. 2(12) words substituted by [S.I. 2019/771 reg. 4\(2\)\(j\)](#)
- Art. 2(13) word substituted by [S.I. 2019/771 reg. 4\(2\)\(k\)](#)
- Art. 2(15) words substituted by [S.I. 2019/771 reg. 4\(2\)\(l\)\(i\)](#)
- Art. 2(15)(a) words substituted by [S.I. 2019/771 reg. 4\(2\)\(l\)\(ii\)](#)
- Art. 2(15)(c) omitted by [S.I. 2019/771 reg. 4\(2\)\(l\)\(iii\)](#)
- Art. 2(16) words substituted by [S.I. 2019/771 reg. 4\(2\)\(m\)](#)
- Art. 3(1)(c) words substituted by [S.I. 2019/771 reg. 4\(3\)\(a\)](#)
- Art. 3(1)(d) words substituted by [S.I. 2019/771 reg. 4\(3\)\(b\)](#)
- Art. 9(1)(a)(i) words substituted by [S.I. 2019/771 reg. 4\(8\)\(b\)](#)
- Art. 9(1)(a)(ii) word substituted by [S.I. 2019/771 reg. 4\(8\)\(c\)\(i\)](#)
- Art. 9(1)(a)(ii) word substituted by [S.I. 2019/771 reg. 4\(8\)\(c\)\(iii\)](#)
- Art. 9(1)(a)(ii) words substituted by [S.I. 2019/771 reg. 4\(8\)\(c\)\(ii\)](#)
- Art. 9(1)(b) omitted by [S.I. 2019/771 reg. 4\(8\)\(d\)](#)
- Art. 9(1)(c) words substituted by [S.I. 2019/771 reg. 4\(8\)\(e\)\(i\)](#)
- Art. 9(1)(c) words substituted by [S.I. 2019/771 reg. 4\(8\)\(e\)\(ii\)](#)
- Art. 9(2)(a) word substituted by [S.I. 2019/771 reg. 4\(8\)\(g\)\(i\)](#)
- Art. 9(2)(a) word substituted by [S.I. 2019/771 reg. 4\(8\)\(g\)\(ii\)](#)
- Art. 9(2)(a) words substituted by [S.I. 2019/771 reg. 4\(8\)\(g\)\(iii\)](#)
- Art. 9(2)(b) word substituted by [S.I. 2019/771 reg. 4\(8\)\(h\)\(i\)](#)
- Art. 9(2)(b) words substituted by [S.I. 2019/771 reg. 4\(8\)\(h\)\(ii\)](#)
- Art. 10(1)(a) words substituted by [S.I. 2019/771 reg. 4\(9\)\(b\)](#)
- Art. 10(1)(b) words substituted by [S.I. 2019/771 reg. 4\(9\)\(c\)](#)
- Art. 11(1)(a) words substituted by [S.I. 2019/771 reg. 4\(10\)\(b\)](#)
- Art. 11(1)(b) words omitted by [S.I. 2019/771 reg. 4\(10\)\(c\)](#)