

European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

24 September 2020

Rt Hon. James Brokenshire MP
Minister of State for Security
Home Office
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Commission Communication: EU Action Plan on Firearms Trafficking 2020-25 (Council document 10035/20) (ESC number 41428)

We have considered the [Commission Communication](#) establishing an EU Action Plan on Firearms Trafficking for the period 2020-25 and your accompanying [Explanatory Memorandum of 28 August 2020](#).

Noting the priority attached to the correct transposition and effective enforcement of the [EU Firearms Directive](#) in the EU Action Plan, the possibility of enforcement action by the European Commission to address any shortcomings, and the fact that the Directive will continue to apply in Northern Ireland after the transition period ends on 31 January 2020, we would welcome further information on the following matters.

UK implementation of the EU Firearms Directive

The Commission observes that “Member States are notably still far from having fully transposed and implemented the Firearms Directive” and says it will “step up its commitment to ensure that the Firearms Directive and its corresponding delegated and implementing acts are correctly transposed and effectively enforced by all Member States [...] using all the powers given by the Treaty to that effect”.¹ **Are you satisfied that UK domestic law complies fully with the Directive?**

¹ See p.4 of the Communication.

Alignment of law across the UK

The Firearms Directive forms part of the retained EU law which will continue to apply in the UK under the [European Union \(Withdrawal\) Act 2018](#), but without any obligation to keep in step with changes to the Directive itself or to give effect to measures made under it after the post-exit transition period ends on 31 December 2020. By contrast, Northern Ireland will be required to implement the Directive, as well as any changes made to it or measures adopted under it *after* transition, because it is one of the EU laws listed in Annex 2 of the Protocol on Ireland/Northern Ireland (“the Northern Ireland Protocol”). These laws, or subsequent EU laws amending or replacing them, will continue to apply in Northern Ireland after 31 December 2020.

We recognise that there is no full regulatory alignment within the EU as the Directive establishes a set of common minimum rules, leaving Member States free to exceed them by including more stringent provisions in their national laws should they choose to do so. **Would we be right to assume that the Government will nonetheless wish to maintain close alignment of laws on legally owned firearms within the UK? Does this mean that domestic firearms laws in the UK will remain in lockstep with the Directive (and changes made to it) after transition to avoid any unnecessary friction or divergence in the laws applicable in different parts of the UK?**

Availability of the European Firearms Pass

The Directive allows individuals lawfully in possession of a firearm to obtain a European Firearms Pass to travel (with their firearm) to another EU country. [Guidance](#) issued by the Home Office on 30 October 2019 makes clear that the European Firearms Pass will not be available when EU law ceases to apply to the UK at the end of the transition period. The [Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019](#) remove those parts of the law in Northern Ireland ([The Firearms \(Northern Ireland\) Order 2004](#)) which refer to the European Firearms Pass. **Can you confirm that Northern Ireland residents will not be able to request a European Firearms Pass after transition and that new export control and licensing arrangements will apply when taking a lawfully owned firearm to an EU country, including the Republic of Ireland, from 1 January 2021? Will the arrangements in Northern Ireland be the same as in the rest of the UK?**

Information sharing

Recent changes to the EU Firearms Directive have sought to improve systems for exchanging information between EU countries. **Will Northern Ireland continue to participate in these information exchange systems after transition and, if not, what assessment has the Government made of the possible impact on the**

operational effectiveness of cross-border law enforcement on the island of Ireland?

I look forward to receiving your response within ten working days.

I am copying this letter to the Chair (Simon Hoare MP) and Clerk (Nick Beech) of the Northern Ireland Affairs Committee; the Chair (Rt Hon Yvette Cooper MP) and Clerk (Elizabeth Hunt) of the Home Affairs Committee; the Chair (Rt Hon Hilary Benn MP) and Clerk (Gordon Clarke) of the Committee on the Future Relationship with the European Union; to the Chair (the Earl of Kinnoull) and Clerk (Stuart Stoner) of the Lords European Union Committee; to Alex Bernal of your Department and to Les Saunders and Donald Harris in the Cabinet Office.

CHAIR