

**BERR** | Department for Business  
Enterprise & Regulatory Reform

**EXPORT CONTROL  
ORGANISATION**

Guidance on the Export of  
Firearms

JANUARY 2008

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## 1. Introduction

The UK, like many other countries, controls the movement of strategic goods from the UK to other countries. This includes arms, ammunition and related equipment. This applies even if the export is temporary (e.g. for an exhibition, competition or hunt). In many situations, the legislation will permit an export without the need for an export licence, provided certain requirements are met. However, in other cases, you will need to apply for an export licence. A breach of export controls is a criminal offence punishable with fines and/or imprisonment.

## 2. What items are covered?

Firearms are described by control entries ML1 and ML2 of Schedule 1 to the Export of Goods, Transfer of Technology and Provision of Technical Assistance Order 2003, No 2764/2003, as amended (<http://www.legislation.hmso.gov.uk/si/si2003/20032764.htm>) - see [Annex A](#). Schedule 1 is entitled 'Military, security and para-military goods, software and technology and arms, ammunition and related materiel', but is commonly known as the 'military list'. Even though ML1 and ML2 appear on the 'military list', firearms and related goods are controlled even when they are designed for use in sport rather than for military use. For example, most shotguns and rifles will be specified by ML1.

If you wish to export items in these control entries, even temporarily, from the UK, you will need to consider whether the personal effects exemption (explained below) applies or if you need to apply for an export licence.

## 3. 'Personal Effects'

Export licences are not usually required where a holder of a valid firearm or shotgun certificate or visitors' firearm or shotgun permit takes firearms, shotguns, related ammunition and sights using non-electronic image enhancement for use therewith, abroad with them, or has them sent for their personal use, as part of their personal effects, provided these items are entered on the certificate, and if the certificates are presented by the holder, or their duly appointed agent, with the firearms and ammunition to the officer of HM Revenue & Customs at the place of exportation.

- This exception does not apply to exports to Iran or to a country or destination specified in Schedule 3 to the Export of Goods, Transfer of Technology and Provision of Technical Assistance Order 2003 No 2764/2003, as amended.

- For full details, please see Article 11(8) and (9) of the Export of Goods, Transfer of Technology and Provision of Technical Assistance Order 2003, No 2764/2003, as amended. Article 11 (8) & (9) are reproduced in [Annex B](#).

Where the intention is to take the firearm as personal effects to another **EU destination**, then the above waiver can only be used where the exporter/owner possesses a European Firearms Pass, which is obtainable from the local Police Force.

#### **4. Individuals temporarily exporting firearms to EU Member States**

For temporary exports – for example, hunting and sporting trips – the ‘personal effects’ waiver can normally be used, backed up by the possession of a European Firearms Pass.

#### **5. Individuals permanently exporting firearms to EU Member States**

The decision on whether to issue a European Firearms Pass for a permanent export – for example where a UK resident is moving to live in another EU Member State and wishes to take their firearms with them - is one that is made by the local Police Force in the UK. If the local Police Force agrees to issue one, then the ‘personal effects’ waiver can be used and no export licence is needed to export the firearm from the UK.

However, it is important to remember that this does not absolve the exporter of the responsibility to ensure that the import of the firearm is acceptable to the authorities of the destination country, and this must be done before the ‘personal effects’ export takes place. BERR cannot be held responsible for any actions that authorities in the destination country might take if they take the view that relevant import regulations have not been satisfied.

This is particularly relevant for exports to France, where firearms import regulations oblige a person importing a firearm on a permanent basis to establish their credentials first with the Police Force in the locality of France where they intend to live. This process can take several months, so we advise all exporters to go through it before they attempt to export any firearms, either as ‘personal effects’, or under cover of an export licence.

European Firearms Passes are issued free of charge by the Police authorities. Where the local Police Force in the UK is not able to issue a European Firearms Pass, you will need to apply for a Standard Individual Export Licence (SIEL) as per [section 9](#) below.

#### **6. Individuals temporarily or permanently exporting firearms beyond the EU**

The ‘personal effects’ waiver can normally be used, see [section 3](#). However, if your final destination (even if you are flying indirectly) is a country to which the ‘personal effects’ waiver does not apply, you will need to apply for a Standard Individual Export Licence (SIEL) – see [section 9](#).

## 7. Businesses exporting firearms, within or beyond the EU

Any businesses that are exporting firearms within or beyond the EU whether temporarily or permanently will need to apply for a Standard Individual Export Licence (SIEL) – see [section 9](#). See also [section 8](#) on ‘Registered firearms dealers and similar businesses’.

## 8. Registered firearms dealers and similar businesses

Registered firearms dealers who apply for a Standard Individual Export Licence (SIEL) should follow the guidance in [section 9](#). However, to avoid having to apply for a new licence for every export, there are some more flexible arrangements available, provided that the registered firearms dealer can demonstrate a business need to utilise these arrangements and can satisfy the documentation needs.

A Dealer to Dealer OIEL (Open Individual Export Licence) authorises **UK registered firearms dealers only** to export certain categories of firearms and ammunition **solely to other gun dealers in the European Union**. Dealer OIELs are valid for 3 years. Copies of valid documentation (i.e., EC5 and prior import consents) must be forwarded to the Home Office at least 2 working days before each shipment. If you wish to export firearms and ammunition to any other consignee in the EU, you must apply for Standard Individual Export Licences (SIELs) – see section 9. You should also note that if you wish to exhibit, demonstrate or export (permanently or temporarily) any of the items listed under “Category B” of the EC Directive on the Control of the Acquisition and Possession of Weapons (91/474/EEC), you must hold a certificate issued under section 5 of the Firearms Act 1968.

**Note:** The EC Directive on the Control of the Acquisition and Possession of Weapons (91/474/EEC) outlines procedures EU Member States should take when transferring firearms to another Member State.

For non-EU destinations, an Open Individual Export Licence (OIEL) may be applied for to allow multiple exports over a period of usually 3 years, to cover sales to other registered firearms dealers, provided a business need can be demonstrated.

Application forms for OIELs, including Dealer to Dealer OIELs, should be made via the SPIRE system. For more details please see:

<http://www.berr.gov.uk/europeandtrade/strategic-export-control/spire/index.html> and <https://www.spire.berr.gov.uk/>

All OIELs, including those for temporary exports need supporting documentation. It can vary between applications and you should look at the separate guidance notes on:

<http://www.berr.gov.uk/files/file7877.pdf>

## 9. Applying for a Standard Individual Export Licence (SIEL)

SIEL applications are made via the SPIRE system -

<http://www.berr.gov.uk/europeandtrade/strategic-export-control/spire/index.html> and <https://www.spire.berr.gov.uk/>

An application will need to comprise three elements;

- The completed application form, accompanied by supporting documentation (which should include technical specifications describing the goods to be exported, and an end user undertaking if required)
- A copy of your Firearms Certificate or Section 5 Certificate – these demonstrate to BERR that you legally hold the firearms that you intend to export;
- A copy of the Prior Import Consent (PIC) – to demonstrate that the destination country agrees to the firearm/s being imported there before submitting an export licence application. However many countries do not class some weapons to be firearms and hence an import consent is not issued. In this instance an End User Undertaking will be required together with a letter or e-mail from the relevant licensing authorities stating that a PIC or equivalent cannot be issued. Remember to research the import regulations of the destination country and get PICs or End User Undertakings in place, before you apply for a Standard Individual Export Licence (SIEL). *Note: We cannot keep applications ‘on hold’ indefinitely and we will withdraw applications if supporting documentation is not forthcoming in a timely fashion.*
- In addition, for exports to EU countries, an EC3 form. This summarises the details of the export and is passed between EU Member States to flag up the movement of firearms

Further details on end user undertakings can be found on:

<http://www.berr.gov.uk/europeandtrade/strategic-export-control/licensing-rating/guidance/undertakings/index.html>

The Government aims to provide a substantive response to SIEL applications within 20 working days of receipt of the application.

## 10. Other licensing considerations

All arms embargoes cover the export of firearms. For details of current embargoes see the Foreign & Commonwealth Office (FCO) website at:

<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029391422>

- Please note that these details do change.

Some exports may be made under an appropriate Open General Licence (which means that an exporter would not have to apply for a SIEL). See <http://www.berr.gov.uk/europeandtrade/strategic-export-control/licensing-rating/licences/ogels/index.html> for full details. For example, exports of accompanied sporting firearms to Tanzania and Uganda may be exported under the following open general licences provided the goods return to the UK within 3 months of exportation and all other conditions can be met: <http://www.berr.gov.uk/files/file7975.pdf>

The ECOWAS moratorium places restrictions on the import, export and manufacture of light weapons in Benin, Burkina Faso, Cape Verde, Gambia, Ghana, Guinea, Guinea Bissau, Cote D'Ivoire, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo. Please see our website for further guidance:

<http://www.berr.gov.uk/europeandtrade/strategic-export-control/sanctions-embargoes/by-country/page9237.html>

For firearms over certain age and monetary limits an **additional** licence is required for export from the UK to both EU and non-EU destinations unless certain exceptions apply. For further information contact the Department of Culture, Media and Sport Export Licensing Unit 2-4 Cockspur Street, London, SW1Y 5DH; tel 020 7211 6164; fax 020 7211 6170; e-mail [exportlicensing@culture.gsi.gov.uk](mailto:exportlicensing@culture.gsi.gov.uk)

## 11. Frequently Asked Questions

### 1. **Q: I am taking my rifle or shotgun on a shooting trip – what do I need to do?**

A: You may be able to use the 'personal effects' waiver described in Section 3. If you are travelling to a destination where the 'personal effects' waiver cannot be used, you will need to apply for a Standard Individual Export Licence (SIEL) – see section 9. If you need to apply for a SIEL, please do so as soon as possible, together with all supporting documentation. This will allow you to make alternative local arrangements should the export licence application be refused.

**2. Q: I am emigrating and want to take my firearm with me. Do I need a licence?**

A: You may be able to use the ‘personal effects’ waiver described in Section 3, but you also need to read sections 5 and 6. If not, you will need to apply for a Standard Individual Export Licence (SIEL) – see section 9.

**3. Q: A firearm has been gifted to me and I now need to take it home with me, but I live outside the UK. What do I do?**

A: As per Q2 above.

## **12. Further Details**

Under BERR export licensing legislation, the age of the weapon is not a criterion for deciding whether or not a licence is required.

For further details of strategic export controls and EC3 and EC5 forms please contact:

ECO Helpline

BERR

1 Victoria Street

London SW1H 0ET

Tel: 020 7215 8070

Fax: 020 7215 0531

Email: [eco.help@berr.gsi.gov.uk](mailto:eco.help@berr.gsi.gov.uk)

Website: <http://www.berr.gov.uk/europeandtrade/strategic-export-control/index.html>

This guidance is for information only and has no force in law. Please note that where legal advice is required exporters should make their own arrangements.

Export Control Organisation

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## Annex A: ML1 & ML2

Export of Goods, Transfer of Technology and the Provision of Technical Assistance (Control) Order 2003, No 2764/2003, as amended

Schedule 1 - Military, security and para-military goods, software and technology and arms, ammunition and related materiel

**ML1** Smooth-bore weapons with a calibre of less than 20 mm, other firearms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories, as follows, and specially designed components therefor:

- a. Rifles, carbines, revolvers, pistols, machine pistols and machine guns;
- b. Smooth-bore weapons;
- c. Weapons using caseless ammunition;
- d. Silencers, "special gun-mountings", weapon sights, clips and flash suppressers for firearms in ML1.a., ML1.b. or ML1.c.

*Note: ML1 does not control:*

- a. *Air weapons (other than those declared by the Firearms (Dangerous Air Weapons) Rule)<sup>1</sup> to be specially dangerous);*
- b. *Firearms specially designed for dummy ammunition and which are incapable of firing any ammunition in this Part of this Schedule;*
- c. *Firearms certified by a registered UK Proof House as having been rendered incapable of firing any ammunition in this Part of this Schedule;*
- d. *Bayonets;*
- e. *Air (pneumatic) or cartridge (explosive) powered guns or pistols designed as:*
  1. *Industrial tools; or*
  2. *Humane stunning devices employed specifically for animal slaughter;*
- f. *Signal pistols.*

**ML2** Smooth-bore weapons with a calibre of 20 mm or more, other armament or weapons with a calibre greater than 12.7 mm (calibre 0.50 inches), projectors and accessories, as follows, and specially designed components therefor:

- a. Guns, howitzers, cannon, mortars, anti-tank weapons, projectile launchers, military flame throwers, recoilless rifles and signature reduction devices therefor;
- b. Military smoke, gas and "pyrotechnic" projectors or generators;

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<sup>1</sup> S.I. 1969/47 as amended by S.I. 1993/1490

c. Weapons sights for firearms in ML2.a. or ML2.b.

*Note: ML2 does not control signal pistols.*

**Annex B: Extract of Articles 11 (8) and (9) of the Export of Goods, Transfer of Technology and Provision of Technical Assistance Order 2003, No 2764/2003, as amended.**

(8) Nothing in article 3 shall be taken to prohibit the exportation of any firearm falling within category B, C or D of Annex I to Council Directive 91/477/EEC<sup>2</sup>, related ammunition and sight using non-electronic image enhancement for use therewith to any destination in a Member State if—

- (a) the firearm, ammunition and sight using non-electronic image enhancement form part of the personal effects of a person who is in possession of—
- (i) a European firearms pass which has been issued to him under section 32A of the Firearms Act 1968<sup>3</sup>; or
  - (ii) a document which has been issued to him under the provisions of the law of a Member State corresponding to the provisions of that section ,

which, in either case, relates to the firearm in question; and

- (b) either the said pass or document issued to him contains authorisation for the possession of the said firearm from the Member State of destination and any other Member State through which the holder intends that the firearm will pass on its way to that destination, or the holder of the firearm on request satisfies the proper officer of Customs and Excise at the place of exportation—
- (i) that the exportation of the firearm is necessary to enable the holder to participate in one of the activities specified in article 12(2) of that Directive;
  - (ii) that the firearm falls within the category appropriate to that activity in accordance with that article; and
  - (iii) that the exportation or passage of the firearm is not to or through a Member State which prohibits or requires an authorisation for the acquisition or possession of the said firearm.

(9) Nothing in article 3 shall be taken to prohibit the exportation of any firearm authorised to be possessed or, as the case may be, purchased or acquired by a valid firearm certificate or shot gun certificate granted under the Firearms Act 1968 or by a visitor's firearm or shot gun permit granted under section 17 of the Firearms (Amendment) Act 1988<sup>4</sup> or by a valid firearm certificate granted under the Firearms (Northern Ireland) Order 1981<sup>5</sup> or granted in the Isle of Man under the Firearms Act 1947 (an Act of Tynwald)<sup>6</sup> as amended by the Firearms Act 1968 (an Act of Tynwald)<sup>7</sup> and the Air Guns and Shot Guns, etc. Act 1968 (an Act of Tynwald)<sup>8</sup>, related ammunition and sight using non-electronic image enhancement for use therewith –

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<sup>2</sup> O.J. No. L 256, 13.09.91, p.51.

<sup>3</sup> 1968 c.27 Section 32A inserted by Firearms Act (Amendment) Regulations 1992 S.I. 1992/2823. regulation 5(1) amended by Firearms Amendment Act 1997 (c.5).

<sup>4</sup> 1988 c.45

<sup>5</sup> S.I. 1981/155 (N.12)

<sup>6</sup> Acts of Tynwald 1947, p.586

<sup>7</sup> Acts of Tynwald 1968, p.464

<sup>8</sup> Acts of Tynwald 1968, p.509

- (a) to any destination in a Member State by any person or body specified in article 2(2) of that Directive, or by the holder of a firearm certificate granted under the said Act of 1947, or
- (b) to any other destination other than a destination in Iran, Iraq or Libya or to a country or destination specified in Schedule 3 to this Order,

provided that the firearm, related ammunition and sight using non-electronic image enhancement form part of the personal effects of the holder of the certificate and, in a case to which subparagraph (b) applies, the certificate is produced by the holder, or his duly authorised agent, with the firearm and ammunition to the proper officer of Customs and Excise at the place of exportation.