



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
10TH TERM

401st

RESOLUTION OF THE SENATE

Delivered on the 22th session held on 20th April 2016

on the Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons

(Senate Print No. N 049/10)

on the Communication from the Commission to the European Parliament and the Council Implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives

(Senate Print No. K 057/10)

The Senate

I.

1. Welcomes

the submitted Action plan, because the measures proposed in it can contribute to the fight against illicit firearms and explosives trafficking and their illegal acquisition and possession, which pose a threat to the internal security of the EU;

2. Points out, however,

that in the proposal for a directive the Commission should have focussed primarily on illegal acquisition and possession of firearms, their proper deactivation and illicit trafficking, because precisely illegal weapons are being used to committing terrorist acts, not weapons held in accordance with the law of the Member States;

3. Therefore disagrees

with the measures included in the proposal for a directive, which would lead to restrictions on legal holders of firearms and to violation of internal security of the Czech Republic without having apparent preventive and repressive effect on people holding weapons illegally; such measures would be contrary to the principles of subsidiarity and proportionality;

4. Agrees

with the Positions of the Government and requests the Government to not support the adoption of the directive, if a satisfactory settlement of the reservations stated in the Position of the Government and in this Resolution is not reached;

II.

1. Welcomes

the effort to introduce tighter rules on the online acquisition of firearms and to establish common rules for the marking of firearms, as well as the Commission's plan to improve the collecting and sharing of operative information among Member States and strengthening cooperation with third countries in order to limit illegal importation of firearms;

2. Is concerned, however,

that a potential ban on ownership of semi-automatic firearms and their reclassification from category B to category A can result in a transfer of a part of these currently legal and controlled firearms to illegal sphere, which can lead to an increase in the number of illegally held firearms and reduce the possibility of state supervision in this area;

3. Points out

that the Commission does not address legal or practical implications of the prohibition of semi-automatic firearms for individuals that the Member States will have to contend with; the prohibition of possession of certain type of firearms creates an obligation for the Member States to buy up these weapons from their owners, or more precisely to expropriate them, which can only be done, in a democratic state governed by the rule of law, for appropriate compensation that can pose a considerable burden on the state budget; although the necessity to provide compensation for any expropriation follows also from Article 17 of the Charter of Fundamental Rights of the EU, the Commission does not deal with this issue in the proposal for a directive at all;

4. Points out

that establishing of the requirement for record keeping of deactivated firearms in national registries is a measure administratively demanding and having no apparent effect on combating terrorism, when, at the same time, common rules on deactivation of firearms are being prepared so that these firearms cannot be reactivated and the proposal for a directive prohibits possession and trafficking of the most dangerous deactivated firearms of category A;

5. Highlights

that the inclusion of alarm, signal, salute and acoustic weapons, as well as replicas of weapons in category C, in which a firearms license is required for possession, has no demonstrable connection with combating terrorism and crime, and it is therefore a measure disproportionately restrictive and administratively demanding; disagrees also with the authorization of the Commission to adopt implementing acts in this area to such a great extent;

6. Is of the opinion

that the proposed period for the transposition of the directive is not justified and is primarily unrealistic due to expectable temporal and administrative demands of practical implementation;

7. Considers

it necessary to clarify some terms in the directive, such as "essential component" or "replica", in order to facilitate smooth practical implementation;

III.

1. Requests

the Government to inform the Senate about the way this Resolution has been taken into account, as well as about the progress of negotiations and initiatives following-up on these documents;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Jiří Vosecký
sign manual
Senate Verifier