



18.2.2016

NATIONAL PARLIAMENT REASONED OPINION ON SUBSIDIARITY

Subject: Reasoned opinion of the Swedish Parliament 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 (COM(2015)0750 – C8-0358/2015 – 2015/0269(COD))

Under Article 6 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, national parliaments may, within eight weeks of the date of transmission of a draft legislative act, send the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity.

The Swedish Parliament has sent the attached reasoned opinion on the aforementioned proposal for a directive.

Under Parliament's Rules of Procedure the Committee on Legal Affairs is responsible for matters relating to compliance with the subsidiarity principle.

Reasoned opinion of the Swedish Parliament (Riksdag)

As set out in its report (2015/16:JuU26), the Justice Committee has examined the application of the principle of subsidiarity in the Commission 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 (COM(2015)0750). In the light of that examination, the Riksdag takes the view that the proposed directive generally complies with the subsidiarity principle, but that there are a number of areas in which it does not.

The Riksdag is in favour of overhauling the Firearms Directive and takes the view that it is important that Member State control over dangerous weapons be stepped up. That control should focus chiefly on those weapons that experience shows are most likely to be used for terrorism or other serious crimes, while at the same time the rules should not be unnecessarily burdensome, and nor should they cause problems for individual licence holders or volunteer defence organisations.

The security issues that the Firearms Directive addresses are transnational in nature, and the Riksdag shares the Commission's view that they cannot be dealt with by the Member States acting individually. In order to ensure a high level of security and to regulate the cross-border movement of firearms, action needs to be taken at EU level.

At the same time, however, the Riksdag takes the view that there are flaws in the Commission's assessment of the subsidiarity of the proposal. Even though the objective of the proposal for a directive cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at EU level, it is doubtful whether there is a need for such detailed regulation throughout, or in relation to all the issues proposed by the Commission. The effectiveness of some of the measures that are proposed can also be called into question. With regard to the proposals for limited-duration licences and mandatory medical tests in the authorisation procedure (a burdensome measure for authorities and individuals), it is unclear to what extent these will help step up security for EU citizens. The same applies to the suggestion that the directive should also cover museum firearms. In the Riksdag's view, it is unlikely that such weapons would be used for the purposes that the proposal is seeking to address. The proposal to restrict trade in weapons between private individuals also goes much too far. The Riksdag takes the view that the Commission should give more detailed reasoning where subsidiarity is concerned, stating more clearly how it arrived at the conclusion that the measures it is proposing comply with the subsidiarity principle.

Some parts of the proposal are also unclear and incomplete, which makes it more difficult to assess its subsidiarity. It is, for example, unclear what is meant by firearms which *resemble* weapons with automatic mechanisms and must therefore be moved to another category. The scope of the standard medical tests that are proposed is also unclear.

In the light of the foregoing, the Riksdag emphasises how important it is that, as work on the directive continues, careful consideration be given to how the various parts of the proposal fit in with the subsidiarity principle.

To sum up, the Riksdag takes the view that the proposal for a directive generally complies with the subsidiarity principle, but that there are a number of areas in which it does not. Chief among these are the rules on limited-duration licences and mandatory medical tests in the authorisation procedure. The Riksdag takes the view that these measures go beyond what is necessary to achieve the objective of the proposal. In the Riksdag's opinion, that objective can be achieved just as well if the directive gives the Member States more scope to determine for themselves the measures to be taken.