



18.12.2015

## NOTICE TO MEMBERS

(09/2015)

Subject: **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 (Firearms Directive) - COM(2015) 750, 2015/0269(COD)**

**Presentation by the European Commission and main issues raised by MEPs during the IMCO meeting of 7 December 2015**

This note only provides a summary of proceedings. An archived web stream of the entire discussion is available here: <http://www.europarl.europa.eu/ep-live/en/committees/video?event=20151207-1500-COMMITTEE-IMCO>, starting at about 16.36.

### **Background**

The objective of the initial Firearms Directive 91/477/EEC was to establish minimum requirements as regards the acquisition and possession of different categories of firearms by civilians and to regulate the transfer of firearms across the Union, including with respect to weapons used for hunting and sport. The revision in 2008 (Directive 2008/51/EC) aimed at reinforcing the security aspects and aligning the Directive to the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms.

The Commission was empowered by the European Parliament in the 2008 review to adopt implementing acts on deactivation. That empowerment was however not used until now (see the Commission Regulation establishing common guidelines on deactivation standards and

techniques for ensuring that deactivated firearms are rendered irreversibly inoperable announced simultaneously with the current Commission proposal).

### **The Commission's proposal**

The Commission representative informed IMCO Members during the meeting that:

- While the proposal is not accompanied by an impact assessment, it draws on three external studies, the results of which are reflected in the Commission evaluation report;
- the proposal is not meant to solve all problems, notably the issue of illegal traffic of arms (addressed in the European Agenda on Security of 2 December);
- there is a need to find the right balance between the obligation for the states to safeguard citizens' security and the rights of hunters, sport shooters and other persons to legally possess weapons and pursue their activities;

On the specifics of the proposal, the Commission representative explained that it:

- does not aim at banning all semi-automatics for use by civilians but only certain types,
- alarm and signal weapons as well as replicas are proposed to be added to the list of firearms requiring declaration to the authorities and that the Commission proposes to be empowered to adopt technical specifications to ensure that these cannot be transformed into firearms;
- includes stricter deactivation rules, including prohibition of acquisition of the most dangerous firearms even after deactivation;
- introduces a prohibition of the acquisition of firearms on the internet for private persons;
- introduces new requirements for brokers and collectors. For the collectors this means that they will have to request authorisation under the same conditions as any other private person;
- enhances the provisions on exchange of information among MS. The Commission stressed that information is currently mainly available at national level but a well-working system of exchange of information among MS seems to be necessary. The Commission intends to evaluate the existing systems and propose the necessary adjustments or a new instrument to this end.

### **Main issues raised by Members**

The following issues were raised by Members, including the Chair and the Coordinators of the political groups:

- 1) The majority of the Members requested clarifications regarding the **impact** that the proposal would have on **sport shooters, hunters, collectors and museums** (or other historical or cultural bodies) and other lawful activities.
- 2) Similarly, questions were asked about the possible burdens and additional **red tape** created for **sellers and businesses**.
- 3) Members also asked explanations from the Commission for the fact that the proposal is not accompanied by an **impact assessment**. In this area, Members also queried exactly how the recommendations of the relevant studies were taken into account in the proposal.
- 4) Some Members discussed the amendments on the **scope of the Directive** and questioned if it is necessary to widen its application to cover e.g. collectors.
- 5) Members made a number of comments on the proposed amendments within the **categories of firearms**, in particular:
  - the changes regarding the semi-automatic weapons and whether these changes affect hunting and sport activities;
  - about imprecise definitions in the Annex I, in particularly for category A;
  - about the changes for alarm and signal weapons and the meaning of "subject to declaration" for the relevant category.

The Commission was also asked to provide its views about a possible simplification of the categories e.g. a reduction into two categories.

- 6) Clarifications were asked about the proposed **prohibition on acquisitions by means of distance communication/internet** restrictions - and how this would work, be enforced and controlled in practice.
- 7) Questions were also asked about the proposals to enhance the **exchange of information among MS**. Members asked to know more about the existing situation, the level of implementation in the different MS and whether the Commission has investigated how ready MS are to introduce new measures.
- 8) Clarifications were also asked about the proposal on the renewal of authorisations depending on **medical testing** and the **frequency** of the need to renew authorisation.
- 9) Members questioned if the proposed amendments will **increase red tape, especially for MS** that have already systems in place which ensure a high level of security and if the

Commission made us of **best practice country examples** and existing systems that work well.

10) Members also asked to be informed, in more detail than what is provided in the Commission proposal, about the **stakeholders and relevant associations consulted** by the Commission when drafting the proposal.

11) Members asked the reasons why the **Implementing Regulation on Deactivation** was only adopted on 18 November 2015, seven years after the last revision of the Directive. Questions were asked also in this respect e.g. about the exact way deactivated weapons will be registered and what this would mean for firearms already deactivated.

12) Members also questioned the link the proposal is indicating with combatting **terrorism** and **illegal trafficking** while the main objective of the Directive remains to regulate the market of legal weapons.

13) Members asked for **statistics** about crimes committed with legal vs illegal weapons, as well as data on crimes linked to deactivated firearms.

14) Finally, the Commission was asked to clarify the **choice of the legal instrument**, namely a Directive as opposed to a Regulation.