



The state of transposition of Directive 91/477/EEC in ten member states

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Background

The Directive does not apply to weapons used by armed forces, police, public authorities and collectors

- **Directive 91/477/EEC of 18 June 1991:**
 - **Sought to set EU standards in registration, acquisition, movement and transfer of weapons**
 - **In response to abolished border controls due to completion of Internal market by 1993**
 - **Introduced a EU classification system for weapons**
 - **Introduced the European Firearms Pass (EFP)**
- **We analysed the state of implementation in 10 MS:**
 - **Belgium, France, Germany, Hungary, Italy, Lithuania, Poland, Slovenia, Sweden, the United Kingdom**
- **Focus on national provisions with regard to**
 - **Registration, marking & tracing, classification, acquisition, EFP, brokers, deactivation**



Transposition choices in the 10 MS

■ **Registration**

- *Records must be kept for 5 years, but in 5 MS the obligation is for 10 years*
- *All MS authorities verify dealers compliance*
- *8 MS have a central weapons register (except France and UK)*

■ **Marking & Tracing**

- **9 MS have a uniform marking system (except SE)**
- **Traceability of legal weapons is ensured by various forms of registration (dealers, central register, local police, Proof Houses)**

■ **Classification**

- **Directive's classification adopted by 6 MS**
- **BE and DE group category B, C and D weapons together**
- **UK merges categories B and C, but maintains separate category D**



Transposition choices in the 10 MS

■ **Acquisition**

- *All MS comply with Directive: 7 imposed stricter conditions*

■ **European Firearms Pass (EFP)**

- *EFP functions properly in all MS 10*
- *All MS issue authorisation for entry, 6 require an additional invitation*

■ **Brokers**

- *All national legislation covers brokers through the provisions on “dealers”*
- *An authorisation for trade in weapons is required*
- ***Exception:** In LT trade in prohibited weapons is carried out by Ministry of Defence or Weaponry Fund*

■ **Deactivation**

- *Verified and attested by a certificate in all MS 10*
- *Carried out by a Proof House (BE, FR, HU, LT, UK); Manufacturers, dealers (DE, IT, PL, SI), National Forensic Science Lab. in Sweden*



Conclusion

- **All MS made active use of Article 3**
 - *More stringent provisions were introduced especially in the field of registration and the acquisition of firearms*
- **No specific provisions on marking & tracing or the deactivation of weapons in Directive**
 - *National firearms legislations include ad hoc provisions*
- **UN 2001 Protocol on Firearms contains provisions on these issues and on record-keeping and brokering**
 - *Not all MS 10 have signed (8/10) or ratified it (5/10)*



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