



6.2.2018

NOTICE TO MEMBERS

(01/2018)

Subject: **Legislative scrutiny time on the Firearms Directive (2017/853/EU) and the deactivation standards**

Practical arrangements

On 23 January 2018 the IMCO Coordinators agreed to organise a scrutiny session during the forthcoming IMCO Committee meeting on the revised Firearms Directive (Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons) **with particular focus on the revision of the standards on deactivation.**

The legislative scrutiny session will take place on **21 February 2018 (indicative time: 16.15 – 16.45) in IMCO.**

A representative from the Directorate General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) of the European Commission will address the Members of IMCO.

The Chair will give the floor to Members wishing to ask questions to the Commission.

Content of the session

The **purpose of the legislative scrutiny session** is to inform IMCO Members on the ongoing implementation process of the provisions on deactivation of the revised Firearms Directive, looking in particular at:

1. Content of the proposed revision of the deactivation standards
2. Timing of adoption of the draft Implementing Regulation on deactivation

3. Equivalent national standards on deactivation

1. Content of the proposed revision of the deactivation standards

On 18 November 2015, the European Commission presented a package of measures that ought to tighten control on the acquisition and possession of firearms in the EU. Besides the proposal to amend the Firearms Directive 91/477/EEC, one of the other measures was the adoption of the Implementing Regulation establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable (Commission Implementing Regulation (EU) 2015/2430, which entered into force on 8 April 2016).

During the negotiations, the Parliament applied pressure to the European Commission to revise these 2015 deactivation standards in order to tackle technical implementation issues that had arisen. In response, the Commission re-convened a working group of experts from the Member States to review the 2015 Regulation, already before the end of the negotiations of the revision of the Directive.

As a result of the negotiations on the Directive, a new Article 10b on deactivation was introduced in the revised Firearms Directive 2017/853/EU. Article 10b(2) provides that the Commission shall adopt deactivation standards and techniques, in line with the requirements set out in the Directive. On the basis of this provision, and following the preparatory work done with experts, the Commission has produced a draft Implementing Regulation amending Implementing Regulation (EU) 2015/2403 and consulted the Firearms Committee. The proposed revision mainly tackles the format of the Annex which now sets out the specific operations per firearm, rather than specific operations per component.

While Member States appear to be in agreement with the changes to the Annex, some of them expressed concerns about the need to re-deactivate firearms which have been deactivated in accordance to the 2015 deactivation standards, if these are to be transferred between Member States or put on the market after the revision of the deactivation standards.

The Commission representative might explain the main differences between the currently applicable standards under Implementing Regulation (EU) 2015/2403 and the proposed ones under the draft Implementing Regulation and the implications for firearms deactivated according to the first European standards on deactivation of 2015.

2. Timing of adoption of the draft Implementing Regulation on deactivation

During the negotiations, the Parliament had laid great emphasis on the timely revision of the 2015 deactivation standards, especially because of the delay with which the Commission had adopted these standards on the basis of the previous revision in 2008. To this end, the Commission also made a statement, annexed to the legislative resolution adopted by the European Parliament on the revision of the Directive, committing to strive to revise Commission Implementing Regulation (EU) 2015/2403 by the end of May 2017.

On 23 November 2017, the Parliament received through the Comitology Register the draft Implementing Regulation in question. The draft was discussed by the Firearms Committee on 28 November 2017 which delivered a positive opinion (with 16 Member States voting in favour).

The Commission representative might explain the reasons for the delays in adopting the Implementing Act and provide information about the next steps in the process of adoption.

3. Equivalent national standards on deactivation

One of the aspects regulated in the revised Firearms Directive, namely under the new Article 10b, is the possible applicability of national deactivation standards that existed before the adoption of the EU deactivation standards in 2015. To this end, the Directive uses the existing 2015/2403 Commission Implementing Regulation on deactivation as a benchmark against which the Commission should assess national deactivation standards and techniques.

Upon notification by a Member State, if such national deactivation standards and techniques applied before 8 April 2016 “ensure a level of security equivalent to that ensured by the technical specifications for deactivation of firearms set out in Annex I to Implementing Regulation (EU) 2015/2403 as applicable on 8 April 2016” as provided in Article 10b(5), then implementing acts shall be adopted to that effect. National standards and techniques deemed equivalent by the Commission shall, according to Article 10b(7), be considered as deactivated firearms, including when they are transferred to another Member State or placed on the market after the date of application of the equivalence decision.

The Commission representative might explain the work done so far in this area and the timeline for adoption of any implementing acts, especially given the strict time limitations provided under Article 10b of the Firearms Directive.