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*Plenary sitting*

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**A8-0251/2016**

2.8.2016

**\*\*\*I**  
**REPORT**

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))

Committee on the Internal Market and Consumer Protection

Rapporteur: Vicky Ford

Rapporteur for the opinion (\*): Bodil Valero, Committee on Civil Liberties,  
Justice and Home Affairs

(\*) Associated committee – Rule 54 of the Rules of Procedure

### ***Symbols for procedures***

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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(\*) Associated committee – Rule 54 of the Rules of Procedure



## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**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))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0750),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0358/2015),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Polish Senate and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 27 April 2016<sup>1</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0251/2016),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> Not yet published in the Official Journal.

## **Amendment 1**

### **Proposal for a directive**

#### **Recital 2**

*Text proposed by the Commission*

*Amendment*

**(2) As a response to recent terrorist acts which demonstrated gaps in the implementation of Directive 91/477/EEC especially with regard to deactivation of weapons, convertibility and marking rules, the "European Agenda on Security" adopted in April 2015 and the Declaration of the Home Affairs Ministers Council of 29 August 2015 called for the revision of that Directive and for a common approach on the deactivation of firearms to prevent reactivation and use by criminals.**

**deleted**

## **Amendment 2**

### **Proposal for a directive**

#### **Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) The maintenance and exchange of information pursuant to this Directive are subject to compliance with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1a</sup>.**

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<sup>1a</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

### Amendment 3

#### Proposal for a directive Recital 2 b (new)

*Text proposed by the Commission*

*Amendment*

**(2b) The fact that terrorism and serious crimes are not effectively stopped by creating unnecessary obstacles for law-abiding hunters and marksmen must be taken into consideration.**

### Amendment 4

#### Proposal for a directive Recital 3

*Text proposed by the Commission*

*Amendment*

(3) Certain issues *in* Directive 91/477/EEC need further improvement.

(3) Certain issues *arising from* Directive 91/477/EEC need *to be* further improved in a proportionate way, to tackle firearms trafficking for criminal or terrorist purposes and to promote a harmonised application of the applicable rules by the Member States, so as to ensure the proper functioning of the internal market and a high level of security throughout the Union.

### Amendment 5

#### Proposal for a directive Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

**(3a) The definition of the term "firearm" should be clarified and the control of essential components enhanced by including in that definition any portable object which shares an essential component with a firearm. An essential component contained in any such device should be considered capable of being used in a firearm when the essential**

*component in question can be transferred from that device to the firearm without substantial modification.*

**Amendement 6**

**Proposal for a directive  
Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

*(3b) The national defence forces of a Member State as defined under its national law may include, in addition to the military, units such as a home guard as well as reservists and voluntary defence forces taking part in national defence systems under the command of the national defence forces.*

**Amendement 7**

**Proposal for a directive  
Recital 3 c (new)**

*Text proposed by the Commission*

*Amendment*

*(3c) Certain persons have a legitimate interest in accessing firearms classified in category A, provided that exemptions are granted in exceptional and duly reasoned cases. Those persons could include, inter alia, armourers, proof houses, manufacturers, certified experts, forensic scientists and, in certain cases, those involved in film making.*

**Amendement 8**

**Proposal for a directive  
Recital 3 d (new)**

*Text proposed by the Commission*

*Amendment*

*(3d) Member States should be allowed to authorise individuals to acquire and possess prohibited firearms and essential*



*components thereof for national defence purposes, such as in the context of voluntary military training provided under Member State law.*

## **Amendement 9**

### **Proposal for a directive Recital 4**

*Text proposed by the Commission*

(4) *Bodies concerned with the cultural and historical aspects of weapons and* recognised as such by the Member State in whose territory they are established *and holding* in their possession firearms classified in category A *acquired before the date of entry into force of this Directive should be able to keep those firearms in their possession subject to authorisation by the Member State concerned and provided that those firearms have been deactivated.*

*Amendment*

(4) *It should be possible for Member States to choose to grant authorisations to recognised museums and collectors for the acquisition and the possession of prohibited firearms and ammunition when necessary for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes, provided that they demonstrate, prior to being granted authorisation, that they have taken the necessary measures to address any risks to public security or public order, including by way of secure storage. Any such authorisation should take into account and reflect the specific situation, including the nature of the collection and its purposes.*

## **Amendment 10**

### **Proposal for a directive Recital 5**

*Text proposed by the Commission*

(5) *Since* collectors have *been identified as a possible source of traffic of firearms, they should be covered by this Directive.*

*Amendment*

(5) Collectors have *the same rights as other users covered by Directive 91/477/EC and should therefore be included in its scope.*

## Amendement 11

### Proposal for a directive

#### Recital 6

*Text proposed by the Commission*

(6) Since brokers provide services similar to those of dealers, they should also be covered by this Directive.

*Amendment*

(6) Since brokers provide services similar to those of dealers, they should also be covered by this Directive, ***and should be subject to the same obligations as dealers in all relevant respects.***

## Amendement 12

### Proposal for a directive

#### Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6a) This Directive should specify that the activities of a dealer include not only the manufacturing but also the significant modification or conversion of a firearm, such as the shortening of a complete firearm, leading to a change in its category or subcategory, and in addition the significant modification or conversion of essential components of firearms and of ammunition, and that, therefore, only authorised dealers should be permitted to engage in those activities. Hand-loading and reloading of ammunition from ammunition components for private use should not be considered a significant modification.***

## Amendement 13

### Proposal for a directive

#### Recital 6 b (new)

*Text proposed by the Commission*

*Amendment*

***(6b) As is the case with respect to the system of reporting suspicious transactions under Regulation (EU) No 98/2013 of the European Parliament and of the Council<sup>1a</sup>, a transaction for the***

*acquisition of complete rounds of ammunition or live primer components of ammunition should be considered suspicious if, for example, it involves quantities uncommon for the envisaged private use, or if the purchaser appears unfamiliar with the use of the ammunition or is unwilling to provide proof of his/her identity. Where it is not possible for a dealer or broker to verify the identity of the purchaser, any payment solely in cash for the acquisition of firearms should be prohibited.*

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*<sup>1a</sup> Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).*

#### **Amendment 14**

##### **Proposal for a directive Recital 7**

*Text proposed by the Commission*

*Amendment*

*(7) Taking into consideration the high risk of reactivating badly deactivated weapons and in order to enhance security across the Union, deactivated firearms should be covered by this Directive. Additionally, for the most dangerous firearms stricter rules should be introduced in order to ensure that those firearms are not allowed to be owned or traded. Those rules should also apply to firearms of that category even after they have been deactivated. Where those rules are not respected, Member States should take appropriate measures including the destruction of those firearms.*

*deleted*

## **Amendment 15**

### **Proposal for a directive**

#### **Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) The acquisition and possession of firearms should only be permitted in respect of persons who have good cause. Member States should have the option of stipulating that the acquisition and possession of firearms for the purpose of, for example, hunting, target shooting, use by associations which foster customs and traditions and by cultural and historical bodies, the conduct of various scientific and technical activities, testing procedures and historical re-enactments, film making or historical study constitutes good cause.***

## **Amendment 16**

### **Proposal for a directive**

#### **Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

***(7b) Member States should ensure that an effective system is implemented for monitoring the acquisition and possession of firearms. That system, which could be continuous or non-continuous, should be based on an assessment of relevant medical and psychological information upon the issuance or renewal of an authorisation or on an effective alternative system of continuous monitoring taking into account the risks concerned and any relevant indications, for example from medical personnel, that the conditions for allowing possession may no longer be met.***

## Amendment 17

### Proposal for a directive Recital 7 c (new)

*Text proposed by the Commission*

*Amendment*

**(7c) Firearms and ammunition should be stored in a secure manner when not immediately supervised. Criteria for storage and safe transport should be defined by national law, taking into account the number and nature of the firearms concerned.**

## Amendement 18

### Proposal for a directive Recital 8

*Text proposed by the Commission*

*Amendment*

(8) In order to **ensure** the traceability of **deactivated** firearms, **they** should be **registered in national registries**.

(8) In order to **increase** the traceability of firearms **and essential components and to facilitate their free movement, an assembled firearm and all separately sold essential components** should be **marked irremovably at the time of their being manufactured or without delay after their import into the Union. The traceability requirements should not apply to firearms which have been deactivated in accordance with this Directive.**

## Amendment 19

### Proposal for a directive Recital 9 a (new)

*Text proposed by the Commission*

*Amendment*

**(9a) The implementation and recognition throughout the Member States of the European Firearms Pass as the main document needed by hunters and marksmen should be improved by ensuring that Member States do not make the issuance, renewal or acceptance of the**

***European Firearms Pass conditional upon payment of any fee or charge exceeding the administrative costs or any otherwise unjustified costs, or upon any additional administrative procedure.***

## **Amendment 20**

### **Proposal for a directive Recital 10**

*Text proposed by the Commission*

(10) To ***avoid that*** markings ***are*** easily erased and to clarify on which components the marking should be affixed, common Union rules on marking should be introduced.

*Amendment*

(10) To ***prevent*** markings ***from being*** easily erased and to clarify on which components the marking should be affixed, common Union rules on marking should be introduced. ***Those rules should apply only to firearms and separately sold essential components that are placed on the market as from the date by which Member States are to bring into force the laws, regulations and administrative provisions necessary to comply with the main provisions of this Directive.***

## **Amendment 21**

### **Proposal for a directive Recital 11**

*Text proposed by the Commission*

(11) Firearms may be used for far more than 20 years. In order to ensure their traceability, records of them should be kept for an indeterminate period of time until destruction is certified.

*Amendment*

(11) Firearms may be used for far more than 20 years. In order to ensure their traceability, records of them, ***and of the essential components thereof***, should be kept for an indeterminate period of time until ***their*** destruction ***or deactivation*** is certified. ***Access to those records and all related personal data should be restricted to competent authorities. The requirement to continue registering firearms and essential components after deactivation should only apply to those firearms and essential components which are already***

*registered and to the person possessing them at the time of deactivation. That requirement should not apply to subsequent transfers of deactivated firearms or essential components or to firearms and essential components which, pursuant to national law applicable prior to the entry into force of this Directive, have been removed from the register after their deactivation.*

## **Amendment 22**

### **Proposal for a directive**

#### **Recital 12**

*Text proposed by the Commission*

(12) *Selling arrangements* of firearms *and their components* by means of distance communication *may pose a serious threat to security as they are more difficult to control than the conventional selling methods, especially as regards the on line verification of the legality of authorisations.* It is therefore appropriate to *limit the selling of arms and components by means of distance communication, notably internet, to dealers and brokers.*

*Amendment*

(12) *Marketing* of firearms, *essential components and ammunition* by *means of the internet or other* means of distance communication, *for example by way of online auction catalogues or classified advertisements, and the arranging of a sale or other transaction by means of, for example, telephone or email should, where allowed under national law, be possible provided that the* verification of identity and of the right to engage in such a transaction can be completed. It is therefore appropriate to *ensure that the conditions for purchasing firearms, essential components and ammunition by means of distance communication, in particular the internet, are such as to enable at least the identity of the purchasers and, where required, their authorisation to acquire a firearm to be verified, at the latest upon delivery, by the dealer or broker or by a public authority or a representative thereof.*

## **Amendment 23**

### **Proposal for a directive**

#### **Recital 12 a (new)**

***(12a) Activities of authorised dealers and brokers falling within the scope of this Directive should include the purchase, sale, importation, export, display, assembly, modification, conversion, maintenance, storage, transportation, shipping, distribution, delivery, exchange or hiring of any firearms and essential components of firearms. Dealers and brokers should sell, transfer or deliver firearm and essential components only to persons who hold an adequate authorisation or licence, should maintain a register of their sales and should inform the competent authorities of the Member States of any sale, transfer or delivery.***

#### Amendment 24

##### Proposal for a directive Recital 13

(13) Furthermore, the risk of alarm weapons and other types of blank firing weapons being ***converted to*** real firearms ***is high, and in some of the terrorist acts converted arms were used. It is therefore essential to address the problem of converted firearms being used in criminal offences, notably by including them in the scope of the Directive. Technical specifications for alarm and signal weapons as well as for salute and acoustic weapons*** should be adopted in order to ensure that they cannot be converted into firearms.

(13) Furthermore, ***to avoid*** the risk of alarm weapons and other types of blank firing weapons being ***manufactured in a way that enables them to be converted into*** real firearms, ***technical specifications*** should be adopted in order to ensure that they cannot be converted into firearms.



## Amendment 25

### Proposal for a directive

#### Recital 14

##### *Text proposed by the Commission*

(14) In order to improve the functioning of the information exchange between Member States, the Commission should assess the necessary elements of a system to support such exchange of information contained in the computerised data-filing systems in place in Member States. The Commission's assessment *may* be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

##### *Amendment*

(14) In order to improve the functioning of the information exchange between Member States, ***and the traceability of firearms, various existing mechanisms or single points of contact or new exchange mechanisms could be used, depending on the nature of the information to be exchanged.*** The Commission should assess the necessary elements of a system to support such exchange of information contained in the computerised data-filing systems in place in Member States, ***and enable compulsory access by Member States.*** The Commission's assessment ***should*** be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information. ***In addition to meeting the need to keep track of firearms, such an information exchange system should enable firearms to be traced when they have been seized by, or handed over to, the competent authorities or forfeited by Member States, thus making it possible to ascertain what happens to firearms until such time as they are destroyed, further used, or again placed on the market.***

## Amendment 26

### Proposal for a directive

#### Article 1 – point 1 – point -a (new)

Directive 91/477/EEC

Article 1 – paragraph 1 – subparagraph 3 (new)

##### *Present text*

##### *Amendment*

***(-a) In paragraph 1, the following subparagraph is added:***

***"In addition, any portable device containing an essential component which is capable of being used in a firearm shall be considered a firearm."***

## **Amendment 27**

### **Proposal for a directive**

#### **Article 1 – point 1 – point -a a (new)**

Directive 91/477/EEC

Article 1 – paragraph 1 a

#### *Present text*

***1a. For the purposes of this Directive, "part" shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm.***

#### *Amendment*

***(-aa) Paragraph 1a is deleted.***

## **Amendment 28**

### **Proposal for a directive**

#### **Article 1 – point 1 – point a**

Directive 91/477/EEC

Article 1 – paragraph 1 b

#### *Text proposed by the Commission*

***1b. For the purposes of this Directive, "essential component" shall mean the barrel, frame, receiver, slide or cylinder, bolt or breach block and any device designed or adapted to diminish the sound caused by firing a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.***

#### *Amendment*

***1b. For the purposes of this Directive, "essential component" shall mean the barrel, frame, the receiver, including both upper and lower receivers, where appropriate, slide, cylinder, bolt or breach block which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.***

## Amendment 29

### Proposal for a directive

#### Article 1 – point 1 – point b

Directive 91/477/EEC

Article 1 – paragraph 1 e

#### *Text proposed by the Commission*

1e. For the purposes of this Directive, "broker" shall mean any natural or legal person, other than a dealer whose trade or business consists wholly or partly in buying, selling or arranging the transfer within a Member State, from one Member State to another Member State or exporting to a third country fully assembled firearms, their *parts* and ammunition.

#### *Amendment*

1e. For the purposes of this Directive, "broker" shall mean any natural or legal person, ***or any agent or representative of such a person***, other than a dealer, whose trade or business consists wholly or partly in buying, selling, ***lending, leasing*** or arranging the transfer within a Member State ***or*** from one Member State to another Member State or exporting to a third country ***or importing into a Member State from a third country*** fully assembled firearms, their ***essential components*** and ammunition.

## Amendment 30

### Proposal for a directive

#### Article 1 – point 1 – point c

Directive 91/477/EEC

Article 1 – paragraph 1 f

#### *Text proposed by the Commission*

1f. For the purposes of this Directive, "alarm and signal weapons" shall mean ***portable*** devices with a cartridge holder ***having a gas exit to the front, aside or on the top, which are specifically designed and constructed for the purpose of raising alarm or sending a signal and which are only*** designed to fire blanks, irritants, other active substances or pyrotechnic ammunition.

#### *Amendment*

1f. For the purposes of this Directive, "alarm and signal weapons" shall mean devices with a cartridge holder designed to ***only*** fire blanks, irritants, other active substances or pyrotechnic ***rounds and which are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.***

## Amendment 31

### Proposal for a directive

#### Article 1 – point 1 – point c

*Text proposed by the Commission*

1g. For the purposes of this Directive, "salute and acoustic weapons" shall mean firearms specifically converted **for** the sole use of firing blanks, for use in theatre performances, photographic sessions, **movies** and television recordings.

*Amendment*

1g. For the purposes of this Directive, "salute and acoustic weapons" shall mean firearms specifically converted **to** the sole use of firing blanks, for use in, **for example**, theatre performances, photographic sessions, **film** and television recordings, **historical re-enactments, parades, sporting events and training**.

**Amendment 32**

**Proposal for a directive**  
**Article 1 – point 1 – point c**  
Directive 91/477/EEC  
Article 1 – paragraph 1 h

*Text proposed by the Commission*

**1h. For the purposes of this Directive, "replica firearms" shall mean objects that have the physical appearance of a firearm, but are manufactured in such a way that they cannot be converted to firing a shot or expelling a bullet or projectile by the action of a combustible propellant.**

*Amendment*

**deleted**

*Justification*

*Any object that looks like a firearm and can be converted into one are covered by Art 1 of the Directive, which is further strengthened by the inclusion of any object which contains an essential component, AM 23. Objects that cannot be converted to firearms should remain outside scope.*

**Amendment 33**

**Proposal for a directive**  
**Article 1 – point 1 – point c**  
Directive 91/477/EEC  
Article 1 – paragraph 1 i

*Text proposed by the Commission*

1i. For the purposes of this Directive, "deactivated firearms" shall mean firearms that have been modified with the purpose of rendering them permanently unfit for use by deactivation, ensuring that all essential **parts** of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way.

*Amendment*

1i. For the purposes of this Directive, "deactivated firearms" shall mean firearms that have been modified with the purpose of rendering them permanently unfit for use by deactivation, ensuring that all essential **components** of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way, **in accordance with Article 10b.**

***Where firearms are of recognised rarity or historical value, Member States may choose that, for the purposes of deactivation, firearms demonstrating such value may be deactivated by the removal of one or more essential components of the firearm so as to render it unusable. Where that procedure is applied, those essential components removed shall be handed over to the competent authorities of the Member State for safekeeping.***

**Amendment 34**

**Proposal for a directive**

**Article 1 – point 1 – point c a (new)**

Directive 91/477/EEC

Article 1 – paragraph 1 i a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) In paragraph 1, the following paragraph is added:***

***"1ia. For the purposes of this Directive, "museum" shall mean a permanent institution in the service of society and its development, open to the public, for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes, and recognised as such by a Member State."***

## Amendment 35

### Proposal for a directive

#### Article 1 – point 1 – point c b (new)

Directive 91/477/EEC

Article 1 – paragraph 1 i b (new)

*Text proposed by the Commission*

*Amendment*

***(cb) In paragraph 1, the following paragraph is added:***

***"lib. For the purposes of this Directive, "collector" shall mean any legal or natural person dedicated to the gathering and conservation of firearms or ammunition for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes, and recognised as such by a Member State."***

## Amendment 36

### Proposal for a directive

#### Article 1 – point 1 – point d

Directive 91/477/EEC

Article 1 – paragraph 2 – point i

*Text proposed by the Commission*

*Amendment*

(i) the manufacture, trade, exchange, hiring out, ***repair or conversion*** of firearms;

(i) the manufacture, ***including modification, other than modification for private use not leading to a change in its category or subcategory, or conversion,*** trade, exchange, hiring out ***or repair*** of firearms;

## Amendment 37

### Proposal for a directive

#### Article 1 – point 1 – point d

Directive 91/477/EEC

Article 1 – paragraph 2 – point ii

*Text proposed by the Commission*

*Amendment*

(ii) the manufacture, trade, exchange,

(ii) the manufacture, ***including***

hiring out, *repair or conversion* of *parts* of firearms;

*modification, other than modification for private use not leading to a change in its category or subcategory, or conversion, trade, exchange, hiring out or repair of essential components* of firearms;

## Amendment 38

### Proposal for a directive

#### Article 1 – point 1 – point d

Directive 91/477/EEC

Article 1 – paragraph 2 – point iii

#### *Text proposed by the Commission*

(iii) the manufacture, *trade, exchange* or conversion of ammunition.

#### *Amendment*

(iii) the manufacture, *other than hand-loading or reloading of ammunition for private use, including modification, other than modification for private use not leading to a change of category, or conversion, trade or exchange* of ammunition.

## Amendment 39

### Proposal for a directive

#### Article 1 – point 1 – point d b (new)

Directive 91/477/EEC

Article 1 – paragraph 3

#### *Present text*

"3. For the purposes of this Directive, a person shall be deemed to be a resident of the country indicated by the address appearing on a document establishing his place of residence, such as a passport or an identity card, which, on a check on possession or on acquisition, is submitted to the authorities of a Member State or to a dealer."

#### *Amendment*

*(db) Paragraph 3 is replaced by the following:*

"3. For the purposes of this Directive, a person shall be deemed to be a resident of the country indicated by the address appearing on a document establishing his *or her* place of residence, such as a passport or an identity card, which, on a check on possession or on acquisition, is submitted to the authorities of a Member State or to a dealer *or broker*. *If a person's address does not appear on his or her passport or identity card, his or her country of residence shall be determined*

*on the basis of any other official proof of residence recognised by the Member State concerned."*

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31991L0477>)

## Amendment 40

### Proposal for a directive

#### Article 1 – point 1 a (new)

Directive 91/477/EEC

Article 2 – paragraph 1

#### *Present text*

1. This Directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting.

#### *Amendment*

*(1a) Article 2(1) is replaced by the following:*

"1. This Directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting, ***or to more stringent national provisions on illegal firearms sales.***"

#### *Justification*

*This directive must enhance cross-border traceability and transparency in respect of possession and sale of weapons and allow active measures to be taken to combat arms trafficking.*

## Amendment 41

### Proposal for a directive

#### Article 1 – point 2

Directive 91/477/EEC

Article 2 – paragraph 2

#### *Text proposed by the Commission*

2. This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the ***armed*** forces, the police, ***the*** public authorities. Nor shall ***it*** apply to commercial transfers of weapons and ammunition of war.

#### *Amendment*

2. This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the ***national defence*** forces, the police ***and other*** public authorities. ***The term “national defence forces” encompasses all units including reservists, as well as voluntary defence forces within***



*the framework of the national defence systems under the command of those national defence forces, including the military and systems of internal public security.* Nor shall *this Directive* apply to commercial transfers of weapons and ammunition of war.

## Amendment 42

### Proposal for a directive

#### Article 1 – point 3

Directive 91/477/EEC

Article 4 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that any firearm or *part* placed on the market has been marked and registered in compliance with this Directive.

#### *Amendment*

1. Member States shall ensure that any *assembled* firearm or *separately sold essential component* placed on the market has been marked and registered in compliance with this Directive, *or that it has been deactivated in accordance with the provisions implementing Article 10b and registered in compliance with this Directive. Where an essential component is too small to be marked in compliance with this Directive, it shall be marked at least with a serial number, alphanumeric or digital code.*

## Amendment 43

### Proposal for a directive

#### Article 1 – point 3

Directive 91/477/EEC

Article 4 – paragraph 2

#### *Text proposed by the Commission*

2. For the *purposes* of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm *or at the time of import to* the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number

#### *Amendment*

2. For the *purpose* of identifying and tracing each assembled firearm *and each separately sold essential component*, Member States shall *either* at the time of manufacture of each firearm *and of each essential component intended for sale separately, or without delay after the*

and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.

The marking shall be affixed to the receiver of the firearm.

Member States shall ensure that each elementary package of complete ammunition is marked *so* as to **provide** the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition.

Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the unique marking permitting identification of the transferring government.

*firearm or component in question has been imported into the Union, require it to be marked with a clear, permanent and unique marking, including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark and shall not apply to firearms or essential components either considered as antiques under national law or destined for persons who have been granted authorisation pursuant to the first or the second subparagraph of Article 6, provided they bear original markings allowing full traceability. Where an essential component is too small to be practicably marked with all of this information, it shall be marked at least with a serial number, alphanumeric or digital code. This requirement shall not apply to firearms or separately sold essential components manufactured before ... [the date of entry into force of this Amending Directive].*

*In the case of an assembled firearm the marking shall be affixed to the receiver or the frame of the firearm.*

Member States shall ensure that each elementary package of complete ammunition is marked *in such a way* as to **indicate** the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition. *For those purposes, Member States shall choose to apply the provisions of the United Nations Convention for the Reciprocal Recognition of Proof Marks on Small Arms of 1 July 1969.*

Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, *that it bears* the unique marking permitting identification of the transferring government. *Firearms classified in Category A must first have been deactivated in accordance with the*

*provisions implementing Article 10b or permanently converted to semi-automatic firearms in accordance with the provisions implementing Article 10ba, except in the case of transfers to persons granted authorisations pursuant to the first or the second subparagraph of Article 6.*

#### **Amendment 44**

##### **Proposal for a directive**

##### **Article 1 – point 3**

Directive 91/477/EEC

Article 4 – paragraph 3

##### *Text proposed by the Commission*

3. Member States shall ***make*** the pursuit of the activity of ***dealer*** or ***broker*** within their territory conditional upon authorisation ***on the basis of at least*** a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.

##### *Amendment*

3. Member States shall ***regulate*** the pursuit of the activity of ***dealers*** or ***brokers*** within their territory, ***making it*** conditional upon ***the following measures***:

(a) ***registration of brokers and dealers operating within their territory;***

(b) ***licensing or authorisation of the activities of brokers and dealers;***

(c) a check of the private and professional integrity and of the abilities of the dealer or broker ***concerned, and also on the basis of the transparency of the commercial activity.*** In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.

#### **Amendment 45**

##### **Proposal for a directive**

##### **Article 1 – point 4 – point a**

*Text proposed by the Commission*

***This*** filing system shall record each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and ***the*** person acquiring or possessing the firearm. The ***record of firearms, including deactivated firearms***, shall be maintained ***until destruction of the firearm has been certified by the competent authorities***.

*Amendment*

***That data-***filing system shall record ***all information relating to firearms which is needed in order to trace and identify those firearms. That information shall include*** each firearm's type, make, model, calibre and serial number, ***and any conversions or modifications to a firearm leading to a change in its category or subcategory, including its certified deactivation or destruction and the date thereof***, as well as the names and addresses of the supplier and ***of each*** person acquiring or possessing the firearm, ***including the dates of acquisition and, where applicable, the date of cessation of possession or transfer to another person, unless such transfer concerns a firearm which has been registered as deactivated. The current records relating to each firearm and the person possessing it shall be accessible to all authorised authorities. All records relating to the firearm shall be maintained in an electronically retrievable format for an indefinite period.***

**Amendment 46**

**Proposal for a directive**

**Article 1 – point 4 – point b**

Directive 91/477/EEC

Article 4 – paragraph 4 – subparagraph 4 (new)

*Text proposed by the Commission*

Each Member State shall ensure that ***the registries of the*** dealers and brokers established in their territory ***are connected*** to the ***computerised data-filing system of firearms***.

*Amendment*

Each Member State shall ensure that dealers and brokers established in their territory ***report transactions involving firearms or essential components*** to the ***national competent authority within a period of time not exceeding 10 days***.

## **Amendment 47**

### **Proposal for a directive**

#### **Article 1 – point 4 a (new)**

Directive 91/477/EEC

#### **Article 4 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**(4a) In Article 4, the following paragraph is inserted:**

***"No dealer, broker or other person shall sell or otherwise deal in, dispose of or transfer under any title whatsoever any firearm, essential component or ammunition on the basis of an authorisation or licence issued by the competent authorities of the Member States where he or she is established, except to a person who holds an authorisation or licence for the acquisition and possession of the firearm, essential component or ammunition in question."***

## **Amendment 48**

### **Proposal for a directive**

#### **Article 1 – point 5**

Directive 91/477/EEC

#### **Article 4 b**

*Text proposed by the Commission*

*Amendment*

**(5) Article 4b is replaced by the following:**

***deleted***

***"Article 4b***

***1. Member States shall establish a system for the regulation of the activities of brokers and dealers. Such a system may include one or more of the following measures:***

***(a) registration of brokers and dealers operating within their territory;***

*(b) licensing or authorisation of the activities of brokers and dealers.*

*2. The system referred to in paragraph 1 shall include at least a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking."*

## **Amendment 49**

### **Proposal for a directive**

#### **Article 1 – point 5 a (new)**

Directive 91/477/EEC

Article 4 b a (new)

*Text proposed by the Commission*

*Amendment*

*(5a) The following article is inserted:*

#### ***“Article 4ba***

*Member States shall take the necessary measures to ensure that the shortening of a long firearm by means of the modification of one or more of its essential components, so that it becomes a short firearm, is considered manufacturing, and therefore illicit unless done by an authorised dealer.”*

## **Amendment 50**

### **Proposal for a directive**

#### **Article 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. Without prejudice to Article 3, Member States shall **authorise** the acquisition and possession of firearms only by persons who have good cause and who:

1. Without prejudice to Article 3, Member States shall **permit** the acquisition and possession of firearms only by persons who have good cause and who:

## Amendment 51

### Proposal for a directive

#### Article 1 – point 6

Directive 91/477/EEC

Article 5 – paragraph 1 – point a

#### *Text proposed by the Commission*

(a) are at least 18 years of age, except in relation to the possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a **licensed** or otherwise approved training centre;

#### *Amendment*

(a) are at least 18 years of age, except in relation to the **acquisition, other than through purchase, and** possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a **licensed** or otherwise approved training centre, **and such adult assumes responsibility for storage pursuant to Article 5a; and**

## Amendment 52

### Proposal for a directive

#### Article 1 – point 6

Directive 91/477/EEC

Article 5 – paragraph 1 – point b

#### *Text proposed by the Commission*

(b) are not likely to be a danger to themselves, to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.

#### *Amendment*

(b) are not likely to be a danger to themselves **or others**, to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.

## Amendment 53

### Proposal for a directive

#### Article 1 – point 6

Directive 91/477/EEC  
Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. An acquirer of a firearm or ammunition through inheritance shall immediately inform the competent authority in his or her Member State. If no good cause can be demonstrated, firearms and ammunition which are subject to authorisation shall be rendered inoperable by deactivation in accordance with this Directive, or sold, or given to an authorised legal or natural person.***

## **Amendment 54**

**Proposal for a directive**  
**Article 1 – point 6**  
Directive 91/477/EEC  
Article 5 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***1b. In the case of collectors, Member States may restrict ownership of firearms to a limited number of firearms for all categories listed in Annex I. Such restriction shall not apply if the firearms in question have been deactivated in accordance with this Directive.***

## **Amendment 55**

**Proposal for a directive**  
**Article 1 – point 6**  
Directive 91/477/EEC  
Article 5 – paragraph 1 c (new)

*Text proposed by the Commission*

*Amendment*

***1c. Collection may constitute good cause for the acquisition and possession of firearms by collectors who are at least 18 years of age and who are not likely to be a danger to themselves or others, to***



*public order, or to public safety. A conviction for a violent intentional crime shall be considered as indicative of such danger.*

## **Amendment 56**

### **Proposal for a directive**

#### **Article 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 2 – subparagraph 1

#### *Text proposed by the Commission*

Member States shall *provide for standard* medical *tests for issuing or renewing authorisations as referred to in paragraph 1* and shall withdraw authorisations if any of the conditions on the basis of which *it was granted is* no longer met.

#### *Amendment*

Member States shall *establish a monitoring system, including the assessment of relevant* medical *and psychological information in accordance with national law, which may be on a continuous or non-continuous basis, for the acquisition and possession of firearms*, and shall withdraw authorisations if any of the conditions on the basis of which *the acquisition or possession was permitted are* no longer met.

## **Amendment 57**

### **Proposal for a directive**

#### **Article 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 2 – subparagraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*Provided that the correct procedure is followed for the assessment of relevant medical and psychological information, the person conducting that assessment shall not be liable in relation to the actions of a person subject to that assessment.*

## Amendment 58

### Proposal for a directive

#### Article 1 – point 6

Directive 91/477/EEC

Article 5 – paragraph 2 – subparagraph 2

#### *Text proposed by the Commission*

Member States may not prohibit persons resident within their territory from possessing a ***weapon*** acquired in another Member State unless they prohibit the acquisition of the same ***weapon*** within their own territory.

#### *Amendment*

Member States may not prohibit persons resident within their territory from possessing a ***firearm*** acquired in another Member State unless they prohibit the acquisition of the same ***type of firearm*** within their own territory.

## Amendment 59

### Proposal for a directive

#### Article 1 – point 6

Directive 91/477/EEC

Article 5 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

#### *Article 5a*

***Member States shall establish rules on the proper supervision of firearms and ammunition and rules on their proper storage in a secure way to minimise the risk of their being accessed by an unauthorised person. When stored, firearms and ammunition for them shall not be readily accessible together. Supervision in such cases shall mean that the person possessing the firearm or the ammunition has control over it during transport and use. The level of scrutiny for the storage arrangements shall correspond to the category of the firearm concerned.***

## Amendment 60

### Proposal for a directive

#### Article 1 – point 6

*Text proposed by the Commission*

*Amendment*

**Article 5b**

***Member States shall ensure that, in cases involving the acquisition and selling of firearms and their essential components and ammunition classified in categories A, B, C and D set out in Annex I by means of distance communication, as defined in Article 2 of Directive 2011/83/EC of the European Parliament and of the Council(\*), the identity, and where required, the authorisation of the person acquiring the firearm or the essential components thereof or ammunition is checked prior to, or at the latest upon, delivery thereof to that person, by:***

- (a) an authorised dealer or broker; or***
- (b) a public authority or a representative thereof.***

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***\* Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).***

**Amendment 61**

**Proposal for a directive**  
**Article 1 – point 6**  
Directive 91/477/EEC  
Article 6 – paragraph 1

*Text proposed by the Commission*

*Amendment*

Member States shall take all appropriate

***Without prejudice to Article 2(2), Member***

steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to destroy those firearms and ammunition held in violation of this provision and seized.

States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to destroy *or deactivate* those firearms and ammunition held in violation of this provision and seized. *In exceptional and duly reasoned cases, the competent authorities may grant authorisation for such firearms and ammunition provided that such authorisation is not contrary to public security, public order or national defence.*

## Amendment 62

### Proposal for a directive

#### Article 1 – point 6

Directive 91/477/EEC

Article 6 – paragraph 2

#### *Text proposed by the Commission*

Member States may *authorise bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established to keep* in their possession *firearms* classified in category A *acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with the provisions that implement Article 10(b).*

#### *Amendment*

Member States may *choose to grant authorisations to museums and collectors for firearms and ammunition classified in category A provided that the museum or collector in question demonstrates to the competent national authorities that measures are in place to address any risks to public security or public order and that the firearm or firearms concerned are stored with a level of security proportionate to the risks associated with unauthorised access to such firearms.*

*Member States shall establish a register of all such authorised museums and collectors. Such authorised museums and collectors shall be required to maintain a register of all firearms in their possession classified in Category A, which shall be accessible to the competent national authorities. Member States shall establish an appropriate monitoring system with respect to such authorised museums and*

*collectors, taking all relevant factors into account.*

## **Amendment 63**

### **Proposal for a directive**

#### **Article 1 – point 6**

Directive 91/477/EEC

Article 6 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

*The acquisition of firearms and their parts and ammunition concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(\*), shall be authorised only with respect to dealers and brokers and shall be subject to the strict control of the Member States.*

*deleted*

## **Amendment 64**

### **Proposal for a directive**

#### **Article 1 – point -7 (new)**

Directive 91/477/EEC

Article 7 – paragraph 4 – point b

*Present text*

*Amendment*

"(b) *the periodic* verification that those persons continue to satisfy the conditions; and"

*(-7) In Article 7, paragraph 4, subparagraph 1, point (b) is replaced by the following:*

"(b) verification that those persons continue to satisfy the conditions; and"

*(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)*

## Amendment 65

### Proposal for a directive

#### Article 1 – point 7

Directive 91/477/EEC

Article 7 – paragraph 4 – subparagraph 2

#### *Text proposed by the Commission*

The maximum *limits* shall not exceed five years. The authorisation may be renewed if the conditions on the basis of which it was granted are still fulfilled.

#### *Amendment*

The maximum *duration of an authorisation* shall not exceed five years, *unless Member States have implemented a system of continuous monitoring as referred to in the first subparagraph of Article 5(2)*. The authorisation may be renewed if the conditions on the basis of which it was granted are still fulfilled.

## Amendment 66

### Proposal for a directive

#### Article 1 – point 7 a (new)

Directive 91/477/EEC

Article 8 – paragraph 2

#### *Present text*

"2. Every seller, dealer or private person shall inform the authorities of the Member State in which it takes place of every transfer or handing over of a firearm classified in category C, giving the particulars by which the firearm and the person acquiring it may be identified. If the person acquiring such a firearm is a resident of another Member State, that other Member State shall be informed of the acquisition by the Member State in which it took place and by the person acquiring the firearm."

#### *Amendment*

*(7a) Article 8(2) is replaced by the following:*

"2. Every seller, dealer, *broker* or private person shall inform the authorities of the Member State in which it takes place of every transfer or handing over of a firearm classified in category C, giving the particulars by which the firearm and the person acquiring it may be identified. If the person acquiring such a firearm is a resident of another Member State, that other Member State shall be informed of the acquisition by the Member State in which it took place and by the person acquiring the firearm."

*(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:01991L0477-20080728&from=FR>)*

## Amendment 67

### Proposal for a directive

#### Article 1 – point 7 b (new)

Directive 91/477/EEC

Article 10

#### *Present text*

"Article 10

The **arrangements** for the acquisition and possession of ammunition shall be the same as those for **the possession of the** firearms for which the ammunition is intended."

#### *Amendment*

**(7b) Article 10 is replaced by the following:**

"Article 10

The **rules** for the acquisition of **ammunition** and **for** possession of ammunition **containing a single projectile** shall be the same as those for the firearms for which the ammunition is intended. **The acquisition of ammunition shall be permitted only for persons who are allowed to possess a firearm of a respective category, or persons granted authorisations pursuant to the second subparagraph of Article 6.**

**Brokers and dealers may refuse to complete any transaction for the acquisition of complete rounds of ammunition, or components of ammunition, which they reasonably consider suspicious owing to its nature or scale, and shall report it or any attempted such transaction to the competent authorities. Brokers and dealers shall not be permitted to complete a transaction for the acquisition of a firearm where they cannot verify the identity of the purchaser in the data-filing system established pursuant to Article 4(4) and payment is to be made solely in cash."**

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

## Amendment 68

### Proposal for a directive

#### Article 1 – point 8

Directive 91/477/EEC  
Article 10 a – paragraph 1

*Text proposed by the Commission*

Member States shall take measures to ensure that alarm and signal weapons **as well as salute and acoustic weapons** cannot be converted into firearms.

*Amendment*

Member States shall take measures to ensure that alarm and signal weapons cannot be converted into firearms.

## **Amendment 69**

### **Proposal for a directive**

#### **Article 1 – point 8**

Directive 91/477/EEC

Article 10 a – paragraph 2

*Text proposed by the Commission*

The Commission shall adopt technical specifications for alarm and signal weapons as well as for salute and acoustic weapons to ensure they cannot be converted into firearms.

*Amendment*

The Commission shall adopt ***delegated acts in accordance with Article 13a in order to supplement this Directive by establishing*** technical specifications for alarm and signal weapons as well as for salute and acoustic weapons to ensure they cannot be converted into firearms. ***The Commission shall adopt the first such delegated act by ... [insert date].***

## **Amendment 70**

### **Proposal for a directive**

#### **Article 1 – point 8**

Directive 91/477/EEC

Article 10 a – paragraph 3

*Text proposed by the Commission*

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).***

*Amendment*

***deleted***

## **Amendment 71**

### **Proposal for a directive**

#### **Article 1 – point 8**



*Text proposed by the Commission*

Member States shall ***make arrangements for*** the deactivation of firearms ***to be verified*** by a competent authority ***in order to ensure*** that the ***modifications made to a firearm render it irreversibly inoperable***. ***Member States shall, in the context of this verification, provide for the issuance of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm.***

*Amendment*

***1.*** Member States shall ***ensure that*** the deactivation of firearms is ***carried out in accordance with the technical specifications set out in Annex III.***

***This shall not apply to firearms deactivated prior to 8 April 2016, unless those firearms are transferred to another Member State or placed on the market.***

***Deactivation of firearms shall be carried out by public or private entities, or by individuals, authorised to do so in accordance with national law.***

***Member States shall designate a competent authority (the "verifying entity") to verify that the deactivation of the firearm concerned has been carried out in accordance with the technical specifications set out in Annex III.***

***Where the deactivation of the firearm has been carried out in accordance with the technical specifications set out in Annex III, the verifying entity shall:***

- (a) affix a common unique marking to all components modified for the deactivation of the firearm; and***
- (b) issue a deactivation certificate to the owner of the firearm.***

***Where the firearm is recorded in the computerised data-filing system referred to in Article 4(4), its deactivation shall be entered in the record relating to it.***

***Member States may introduce additional measures for the deactivation of firearms***

*in their territory going beyond the technical specifications set out in Annex III.*

## **Amendment 72**

### **Proposal for a directive**

#### **Article 1 – point 8**

Directive 91/477/EEC

Article 10 b – paragraph 2

#### *Text proposed by the Commission*

The Commission *shall* adopt *deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable. Those implementing acts shall be adopted* in accordance with the *examination procedure referred to in Article 13b(2).*

#### *Amendment*

2. The Commission *is empowered to* adopt *delegated acts in accordance with Article 13a in order to amend Annex III by updating it, taking into account, where necessary, any additional measures introduced by Member States* in accordance with the *seventh subparagraph of paragraph 1 of this Article.*

## **Amendment 73**

### **Proposal for a directive**

#### **Article 1 – point 8**

Directive 91/477/EEC

Article 10 b – paragraph 2 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

2a. *The Commission shall adopt implementing acts establishing templates for the common unique marking and the model certificate for deactivated firearms. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).*

## **Amendment 74**

### **Proposal for a directive**

#### **Article 1 – point 8**

Directive 91/477/EEC

Article 10 b – paragraph 2 b (new)

**2b.** *By 31 December 2016 the Commission, after consulting Member States and relevant stakeholders, shall identify which national deactivation standards and techniques applied by Member States before 8 April 2016 ensured that firearms were rendered permanently unfit for use and inoperable, and shall provide for recognition of certified deactivations performed in accordance with such deactivation standards and techniques.*

## **Amendment 75**

**Proposal for a directive**  
**Article 1 – point 8 a (new)**  
Directive 91/477/EEC  
Article 10 ba (new)

**(8a)** *The following article is inserted:*

### ***“Article 10ba***

**1.** *Member States shall take measures to ensure that automatic firearms converted into semi-automatic firearms from ... [the date of entry into force of this Amending Directive] cannot be reconverted into automatic firearms.*

**2.** *The Commission shall adopt delegated acts in accordance with Article 13a in order to supplement this Directive by establishing technical specifications to ensure that semi-automatic firearms which have been converted from originally automatic firearms cannot be reconverted into automatic firearms. The Commission shall adopt the first such delegated act by ... [31 December 2017].”*

## Amendment 76

### Proposal for a directive

#### Article 1 – point 8 b (new)

Directive 91/477/EEC

Article 11 – paragraph 1

#### *Present text*

"1 Firearms may, without prejudice to Article 12, be transferred from one Member State to another only in accordance with the procedure laid down in the following paragraphs. These provisions shall also apply to transfers of firearms following a **mail order** sale."

#### *Amendment*

**(8b) Article 11(1) is replaced by the following:**

"1. Firearms may, without prejudice to Article 12, be transferred from one Member State to another only in accordance with the procedure laid down in the following paragraphs. These provisions shall also apply to transfers of firearms following a sale **by means of distance communication**."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

## Amendment 77

### Proposal for a directive

#### Article 1 point 8 c (new)

Directive 91/477/EEC

Article 11 – paragraph 2 – subparagraph 2

#### *Present text*

"The information referred to in the last two indents need not be supplied where the transfer takes place between dealers."

#### *Amendment*

**(8c) In Article 11(2), the second subparagraph is replaced by the following:**

"The information referred to in the last two indents need not be supplied where the transfer takes place between dealers **or brokers**."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

## Amendment 78

### Proposal for a directive

#### Article 1 – point 8 d (new)

Directive 91/477/EEC

Article 11 – paragraph 3 – subparagraph 1

#### *Present text*

"3. In the case of transfer of the firearms, other than weapons of war, excluded from the scope of this Directive pursuant to Article 2 (2), each Member State may grant dealers the right to effect transfers of firearms from its territory to a dealer established in another Member State without the prior authorization referred to in paragraph 2. To that end it shall issue an authorization valid for no more than three years, which may at any time be suspended or cancelled by reasoned decision. A document referring to that authorization must accompany the firearm until it reaches its destination; it must be produced whenever so required by the authorities of the Member States."

#### *Amendment*

**(8d) In Article 11(3), the first subparagraph is replaced by the following:**

"3. In the case of transfer of the firearms, other than weapons of war, excluded from the scope of this Directive pursuant to Article 2(2), each Member State may grant dealers **or brokers** the right to effect transfers of firearms from its territory to a dealer **or broker** established in another Member State without the prior authorization referred to in paragraph 2. To that end it shall issue an authorization valid for no more than three years, which may at any time be suspended or cancelled by reasoned decision. A document referring to that authorization must accompany the firearm until it reaches its destination; it must be produced whenever so required by the authorities of the Member States."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

## Amendment 79

### Proposal for a directive

#### Article 1 – point 8 e (new)

Directive 91/477/EEC

Article 11 – paragraph 3 – subparagraph 2

#### *Present text*

"Prior to the date of transfer, the dealer shall communicate to the authorities of the

#### *Amendment*

**(8e) In Article 11(3), the second subparagraph is replaced by the following:**

"Prior to the date of transfer, the dealer **or broker** shall communicate to the authorities

Member State from which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2. Those authorities shall carry out inspections, where appropriate on the spot, to verify the correspondence between the information communicated by the dealer and the actual characteristics of the transfer. The information shall be communicated by the dealer within a period allowing sufficient time."

of the Member State from which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2. Those authorities shall carry out inspections, where appropriate on the spot, to verify the correspondence between the information communicated by the dealer **or broker** and the actual characteristics of the transfer. The information shall be communicated by the dealer **or broker** within a period allowing sufficient time."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

## Amendment 80

### Proposal for a directive

#### Article 1 – point 8 f (new)

Directive 91/477/EEC

Article 11 – paragraph 4 – subparagraph 2

#### *Present text*

"Such lists of firearms shall be communicated to dealers who have obtained approval for transferring firearms without prior authorization under the procedure laid down in paragraph 3."

#### *Amendment*

**(8f) In Article 11(4), the second subparagraph is replaced by the following:**

"Such lists of firearms shall be communicated to dealers **and brokers** who have obtained approval for transferring firearms without prior authorization under the procedure laid down in paragraph 3."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

## Amendment 81

### Proposal for a directive

#### Article 1 – point 8 g (new)

Directive 91/477/EEC

Article 12 – paragraph 2 – subparagraph 1

*Present text*

“2. Notwithstanding paragraph 1, hunters, in respect of categories C and D, and marksmen, in respect of category B, C and D, may without prior authorization be in possession of one or more firearms during a journey through two or more Member States with a view to engaging in their activities, provided that they are in possession of a European firearms pass listing such firearm or firearms and provided that they are able to substantiate the reasons for their journey, in particular by producing an invitation or other proof of their hunting or target shooting activities in the Member State of destination.”

*Amendment*

**(8g) In Article 12(2), the first subparagraph is replaced by the following:**

“2. Notwithstanding paragraph 1, hunters, in respect of categories C and D, and marksmen, in respect of category A, B, C and D, may without prior authorization be in possession of one or more firearms during a journey through two or more Member States with a view to engaging in their activities, provided that they are in possession of a European firearms pass listing such firearm or firearms and provided that they are able to substantiate the reasons for their journey, in particular by producing an invitation or other proof of their hunting or target shooting activities in the Member State of destination.”

(<http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:31991L0477>)

**Amendment 82**

**Proposal for a directive**

**Article 1 – point 8 h (new)**

Directive 91/477/EEC

Article 12 – paragraph 2 – subparagraph 2

*Present text*

"Member States may not make acceptance of a European firearms pass conditional upon the payment of any fee or charge."

*Amendment*

**(8h) In Article 12(2), the second subparagraph is replaced by the following:**

"Member States may not make:

**(a) the issuance or renewal of a European firearms pass conditional upon the payment of any fee or charge exceeding the administrative costs incurred in issuing that pass; and**

**(b) the acceptance of a European firearms pass conditional, *directly or***

*indirectly*, upon the payment of any fee or charge **or the grant of any administrative approval.**"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

## Amendment 83

### Proposal for a directive

#### Article 1 – point 8 i (new)

Directive 91/477/EEC

Article 12 – paragraph 3

#### *Present text*

"3. Under agreements for the mutual recognition of national documents, two or more Member States may provide for arrangements more flexible than those prescribed in this Article for movement with firearms within their territories."

#### *Amendment*

**(8i) Article 12(3) is replaced by the following:**

"3. Under agreements for the mutual recognition of national documents, **or by way of mutual recognition of entries in the computerised data-filing systems referred to in Article 4(4)**, two or more Member States may provide for arrangements more flexible than those prescribed in this Article for movement with firearms within their territories."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

## Amendment 84

### Proposal for a directive

#### Article 1 – point 9

Directive 91/477/EEC

Article 13 – paragraph 4

#### *Text proposed by the Commission*

4. **The competent authorities of the Member States shall exchange information** on the authorisations granted for the **transfers** of firearms to another Member State as well as information with regard to refusals to grant authorisations as

#### *Amendment*

4. **Member States shall ensure, by ... [date], the efficient exchange of information by electronic means, in accordance with Regulation (EU) 2016/679, either directly or through single points of contact**, on the authorisations



*defined* in Article 7.

granted for the ***transfer*** of firearms to another Member State as well as information with regard to refusals to grant authorisations as ***provided for*** in Article 7 ***on grounds of security or relating to the reliability of the person concerned, by ... [date].***

***Each Member State shall, upon request by another Member State, exchange information relevant to an assessment of the criminal history, if any, of persons who apply for or who have been granted exceptions pursuant to Article 6 or authorisations pursuant to Article 7. That information shall refer to any corresponding decision of a judicial body or competent public authority, where applicable.***

## **Amendment 85**

### **Proposal for a directive**

#### **Article 1 – point 9**

Directive 91/477/EEC

Article 13 – paragraph 5

*Text proposed by the Commission*

5. The Commission shall ***be empowered to*** adopt delegated acts in accordance with Article 13a ***concerning*** the modalities of exchange of information on authorisations granted ***and on refusals***.

*Amendment*

5. The Commission shall adopt delegated acts in accordance with Article 13a ***in order to supplement this Directive by laying down*** the modalities of exchange of information on authorisations granted ***or refused for the transfer of firearms to another Member State. The Commission shall adopt the first such delegated act by ... [insert date].***

## **Amendment 86**

### **Proposal for a directive**

#### **Article 1 – point 10**

*Text proposed by the Commission*

*Amendment*

**3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.**

**Amendment 87**

**Proposal for a directive**

**Article 1 – point 10**

Directive 91/477/EEC

Article 13 a – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **2** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **2** months at the initiative of the European Parliament or the Council.

5. A delegated act adopted pursuant to **Article 10a(2), Article 10b(2), Article 10ba(2) or** Article 13(5) shall enter into force only if no objection has been expressed either by the European Parliament or **by** the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **two** months at the initiative of the European Parliament or **of** the Council.

**Amendment 88**

**Proposal for a directive**

**Article 1 – – point 11 a (new)**

Directive 91/477/EEC

Article 16 a (new)

**(11a) The following article is inserted:**

**“Article 16a**

**1. Member States may decide to confirm authorisations for semi-automatic firearms classified in point 6 or 7a of category A and legally acquired and registered before ... [date of entry into force of this Amending Directive], and to renew them for the legal owner as at that date, subject to the other conditions laid down in this Directive, and may also allow such firearms to be acquired by persons authorised by Member States in accordance with this Directive.**

**2. Member States may authorise marksmen to acquire and possess semi-automatic firearms classified in point 6 or 7a of Category A, subject to the following conditions:**

**(a) the marksman participates in shooting competitions organised by an official shooting sport organisation recognised by a Member State or by an internationally established and officially recognised shooting sport federation; and**

**(b) the marksman is a member of a recognised shooting club, regularly practises target shooting and has been doing so for at least 12 months.**

**Marksmen authorised to acquire and possess semi-automatic firearms classified in point 6 or 7a of Category A shall be entitled to have such firearms listed in a European firearms pass pursuant to Article 12(2).”**

**Amendment 89**

**Proposal for a directive**

**Article 1 – point 12**

Directive 91/477/EEC

Article 17 – paragraph 1

*Text proposed by the Commission*

The Commission shall **submit** every five years **a report** to the European Parliament and the Council on the application of this Directive, accompanied, if appropriate, by proposals in particular **as regards** the categories of firearms **of** Annex I and **the** issues related to new technologies such as 3D printing. The first report shall be submitted two years after the entry into force of this Directive.

*Amendment*

The Commission shall every five years **submit** to the European Parliament and the Council **a report** on the application of this Directive, **including a fitness check of its provisions**, accompanied, if appropriate, by proposals **concerning**, in particular, the categories of firearms **in** Annex I and issues related to **the implementation of the system for the European firearms pass, to marking and to** new technologies such as **impacts of** 3D printing. The first **such** report shall be submitted **by ...** [two years after the **date of** entry into force of this **Amending** Directive].

**Amendment 90**

**Proposal for a directive**

**Article 1 – point 12**

Directive 91/477/EEC

Article 17 – paragraph 2

*Text proposed by the Commission*

The Commission shall, by [date], assess the necessary elements of a system for the exchange of information contained in the computerised data-filing systems referred to in Article 4(4) between the Member States. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

*Amendment*

The Commission shall, by ... [date], assess the necessary elements of a system for the exchange of information contained in the computerised data-filing systems referred to in Article 4(4) between the Member States, **including the feasibility of enabling each Member State to access such a system**. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

**Amendment 91**

**Proposal for a directive**

**Article 1 – point 13 – point a – point i**

Directive 91/477/EEC

Annex I – part II – point A – category A – point 6

*Text proposed by the Commission*

*Amendment*

6. Automatic firearms which have been converted into semi-automatic firearms;

6. Automatic firearms which have been converted into semi-automatic firearms, ***unless the Commission has adopted technical specifications under Article 10ba, in which case this will not apply to firearms that have been converted in accordance with the requirements laid down;***

**Amendment 92**

**Proposal for a directive**

**Article 1 – point 13 – point a – point i**

Directive 91/477/EEC

Annex I – part II – point A – category A – point 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. Semi-automatic firearms which have been converted into automatic firearms;***

**Amendment 93**

**Proposal for a directive**

**Article 1 – point 13 – point a – point i**

Directive 91/477/EEC

Annex I – part II – point A – category A – point 7

*Text proposed by the Commission*

*Amendment*

***7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms;***

***deleted***

**Amendment 94**

**Proposal for a directive**

**Article 1 – point 13 – point a – point i**

Directive 91/477/EEC

Annex I – part II – point A – category A – point 7 a (new)

**7a. Semi-automatic firearms with centre fire percussion, and loading devices, with one or more of the following characteristics:**

**(a) long firearms (i.e. firearms that are originally intended to be fired from the shoulder) that can be reduced to a length of less than 60cm without losing functionality by means of a folding or telescoping stock;**

**(b) firearms which allow the firing of more than 21 rounds without reloading, if a loading device with a capacity exceeding 20 rounds is part of the firearm or is inserted into it;**

**In order to acquire a loading device, a corresponding firearm authorisation must be presented at the time of acquisition.”**

## **Amendment 95**

### **Proposal for a directive**

#### **Article 1 – point 13 – point a – point i**

Directive 91/477/EEC

Annex I – Part II – point A – category A – point 8

**8. Firearms under points 1 to 7 after having been deactivated.**

**8. Any firearm classified in this category after it has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.**

## **Amendment 96**

### **Proposal for a directive**

#### **Article 1 – point 13 – point a – point i a (new)**

Directive 91/477/EEC

Annex I – Part II – point A –category B – point 6 a (new)

*Text proposed by the Commission*

*Amendment*

*(ia) in category B, the following point is added:*

*"6a. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms."*

## **Amendment 97**

### **Proposal for a directive**

**Article 1 – point 13 – point a – point i b (new)**

Directive 91/477/EEC

Annex I – Part II – point A – category B – point 6 b (new)

*Text proposed by the Commission*

*Amendment*

*(ib) in category B, the following point is added:*

*"6b. Semi-automatic firearms with rimfire percussion in calibre .22 or smaller."*

## **Amendment 98**

### **Proposal for a directive**

**Article 1 – point 13 – point a – point i c (new)**

Directive 91/477/EEC

Annex I – Part II – point A – category B – point 6 c (new)

*Text proposed by the Commission*

*Amendment*

*(ic) in category B, the following point is added:*

*"6c. Any firearm classified in this category after it has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon."*

## Amendment 99

### Proposal for a directive

#### Article 1 – point 13 – point a – point iii

Directive 91/477/EEC

Annex I – Part II – point A – category C – point 5

*Text proposed by the Commission*

*Amendment*

5. *Alarm and signal weapons, salute and acoustic weapons as well as replicas;*

5. *Any firearm classified in this category after it has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon;*

## Amendment 100

### Proposal for a directive

#### Article 1 – point 13– point a – point iii

Directive 91/477/EEC

Annex I – Part II – point A –category C – point 6

*Text proposed by the Commission*

*Amendment*

6. *Firearms under category B and points 1 to 5 of category C, after having been deactivated.*

*deleted*

## Amendment 101

### Proposal for a directive

#### Article 1 – point 13 – point a – point iii a (new)

Directive 91/477/EEC

Annex I – Part II – point A – category D

*Present text*

*Amendment*

"Single-shot long firearms with smooth-bore barrels."

*(iiia) in category D, the wording under the heading is replaced by the following:*

"Single-shot long firearms with smooth-bore barrels, *including those which have been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapons.*"



## **Amendment 102**

### **Proposal for a directive**

#### **Article 1 – point 14 – point b (new)**

Directive 91/477/EEC

Annex I – Part III – subparagraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

**(b) in the first subparagraph, the following point is added:**

**"(ca) are deactivated firearms, provided that deactivation has been carried out:**

**(i) in accordance with the technical specifications set out in Annex III; or**

**(ii) before ... [the date of application of this Amending Directive] in accordance with the technical specifications set out in Annex I to Implementing Regulation (EU) 2015/2403; or**

**(iii) prior to 8 April 2016:**

**– in accordance with any national deactivation standards and techniques applied by Member States and established by the Commission pursuant to Article 10(2b); or**

**– in accordance with the national deactivation standards and techniques applied by Member States, provided that the deactivated firearm is not transferred to another Member State or placed on the market; or**

**– in accordance with a cut-through-slot procedure, meaning that a slot has been cut through the chamber wall of a minimum of 4mm width and into the barrel along at least 50% of the barrel length and the barrel has been securely pinned or welded to the receiver/frame, and conversion to expel a shot, bullet or projectile by the action of a combustible propellant is not possible;"**

## Amendment 103

### Proposal for a directive

#### Article 1 – point 14 – point b

Directive 91/477/EEC

Annex I – Part III – subparagraph 1 – point b

#### *Text proposed by the Commission*

are designed for life-saving, animal slaughter or harpoon fishing **or** for industrial or technical purposes provided that they can be used for the stated purpose only;

#### *Amendment*

**(b)** are designed for ***alarm, signalling***, life-saving, animal slaughter or harpoon fishing, for industrial or technical purposes ***or to only be capable of expelling a shot, bullet or projectile by the action of compressed air or other gas not generated by the action of a combusted propellant, or are designed as airsoft devices or airgun devices of any description from which only a small plastic missile with limited energy can be discharged,*** provided that they can be used for the stated purpose only ***and are not capable of being converted in such a way as to render them capable of expelling a shot, bullet or projectile by the action of a combusted propellant;***

## Amendment 104

### Proposal for a directive

#### Article 1– point 14 a (new)

Directive 91/477/EEC

Annex II – point f

#### *Present Text*

“(f) the statements:

‘The right to travel to another Member State with one or more of the firearms in categories B, C or D mentioned in this pass shall be subject to one or more prior corresponding authorizations from the Member State visited. This or these authorizations may be recorded on the

#### *Amendment*

***(14a) in Annex II, point (f) is replaced by the following:***

“(f) the statements:

‘The right to travel to another Member State with one or more of the firearms in categories **A**, B, C or D mentioned in this pass shall be subject to one or more prior corresponding authorizations from the Member State visited. This or these authorizations may be recorded on the

pass.

The prior authorization referred to above is not in principle necessary in order to travel with a firearm in categories C or D with a view to engaging in hunting or with a firearm in categories B, C or D for the purpose of taking part in target shooting, on condition that the traveller is in possession of the firearms pass and can establish the reason for the journey.'

Where a Member State has informed the other Member States, in accordance with Article 8 (3), that the possession of certain firearms in categories B, C or D is prohibited or subject to authorization, one of the following statements shall be added:

'A journey to... (State(s) concerned) with the firearm ... (identification) shall be prohibited.'

'A journey to... (State(s) concerned) with the firearm ... (identification) shall be subject to authorization.'"

pass.

The prior authorization referred to above is not in principle necessary in order to travel with a firearm in categories C or D with a view to engaging in hunting or with a firearm in categories A, B, C or D for the purpose of taking part in target shooting, on condition that the traveller is in possession of the firearms pass and can establish the reason for the journey.'

Where a Member State has informed the other Member States, in accordance with Article 8 (3), that the possession of certain firearms in categories A, B, C or D is prohibited or subject to authorization, one of the following statements shall be added:

'A journey to... (State(s) concerned) with the firearm ... (identification) shall be prohibited.'

'A journey to... (State(s) concerned) with the firearm ... (identification) shall be subject to authorization.'"

## Amendment 105

### Proposal for a directive

#### Article 1 – point 14 b (new)

Directive 91/477/EEC

Annex III (new)

*Text proposed by the Commission*

*Amendment*

***(14a) The following Annex is added:***

***'Annex III***

***Technical specifications for the deactivation of firearms***

***The deactivation operations to be performed in order to render firearms irreversibly inoperable are defined on the basis of three tables:***

***Table I lists the different types of firearms;***

*Table II describes the operations to be performed to render each essential component of firearms irreversibly inoperable,;*

*Table III sets out which deactivation operations are to be performed for the various types of firearm.*

**TABLE I: List of types of firearms**

**TYPES OF FIREARMS**

1	<i>Pistols (single shot, semi-automatic)</i>
2	<i>Revolvers (including cylinder-loading revolvers)</i>
3	<i>Single-shot long firearms (not break action)</i>
4	<i>Break action firearms (e.g. smoothbore, rifled, combination, falling/rolling block action, short and long firearms)</i>
5	<i>Repeating long firearms (smoothbore, rifled)</i>
6	<i>Semi-automatic long firearms (smoothbore, rifled)</i>
7	<i>(Full) automatic firearms, e.g. selected assault rifles, submachine guns, full automatic pistols (not crew-served machine guns)</i>
8	<i>Muzzle-loading firearms</i>

**TABLE II: Specific operations per component**

<b>COMPONENT</b>	<b>PROCESS</b>
<b>1. BARREL</b>	<i>1.1. If the barrel is fixed to the frame (1), pin the barrel to action with a hardened steel pin (diameter &gt; 50 % chamber, minimum 4,5 mm) through the chamber and frame. The pin must be welded (2).</i>
	<i>1.2. If the barrel is free (not fixed), cut a longitudinal slot through the full length of the chamber wall (width &gt; 1/2 calibre and maximum 8 mm) and securely weld a plug or a rod into the barrel from the start of the chamber (<math>L \geq \frac{2}{3}</math>barrel length). For smoothbore barrels, only the chamber requires permanently blocking with a plug of the same length as the chamber.</i>
	<i>1.3. Within the first third of the barrel from the chamber, either drill holes (must have a minimum of <math>\frac{2}{3}</math> of the diameter of the bore for smoothbore arms and the whole diameter of the bore for all other arms; one behind the other, 3 for short arms, 6 for long arms) or cut, after the chamber, a V slot (angle <math>60 \pm 5^\circ</math>) opening locally the barrel or cut, after the chamber, a longitudinal slot (width 8-10 mm <math>\pm</math> 0,5 mm, length <math>\geq</math> 52 mm) at the same position as the holes, or cut a longitudinal slot (width 4-6 mm <math>\pm</math> 0,5 mm)</i>

	<p><i>from the chamber to the muzzle, except 5 mm at the muzzle.</i></p> <p><i>1.4. For barrels with a feed ramp, remove the feed ramp.</i></p> <p><i>1.5. Prevent removal of the barrel from the frame by use of hardened steel pin or by welding.</i></p> <p><i>1.6. Fix a rod in the barrel forcing cone (<math>L &gt; \frac{2}{3}</math> barrel length). Weld into forcing cone. Pin the barrel (through forcing cone) to the frame and weld pin. Drill a hole <math>\frac{2}{5}</math> bore diameter within the first third of the barrel from the forcing cone and weld the rod to the barrel through the drilled hole</i></p>
<b>2. BREECH BLOCK, BOLT HEAD</b>	<p><i>2.1. Remove or shorten firing pin.</i></p> <p><i>2.2. Machine the bolt face with an angle of at least 45 degrees and on a surface larger than 50 % of the breech face.</i></p> <p><i>2.3. Weld the firing pin hole.</i></p>
<b>3. CYLINDER</b>	<p><i>3.1. Remove all internal walls from cylinder for a minimum of <math>\frac{2}{3}</math> of its length by machining a circular ring 50% case diameter.</i></p> <p><i>3.2. Where possible, weld to prevent the removal of the cylinder from the frame or appropriate measures such as pinning that render the removal impossible.</i></p>
<b>4. SLIDE</b>	<p><i>4.1. Machine or remove more than 50 % of the breech face with an angle between 45 and 90 degrees.</i></p> <p><i>4.2. Remove or shorten the firing pin.</i></p> <p><i>4.3. Machine and weld the firing pin hole.</i></p> <p><i>4.4. Machine away at least <math>\frac{2}{3}</math> of the locking lugs in slide</i></p> <p><i>4.5. Where applicable, machine the inside of the upper forward edge of the ejection port in the slide to an angle of 45 degrees.</i></p>
<b>5. FRAME (PISTOLS)</b>	<p><i>5.1. Remove feed ramp.</i></p> <p><i>5.2. Machine away at least <math>\frac{2}{3}</math> of the slide rails on both sides of the frame.</i></p> <p><i>5.3. Weld the slide stop or use appropriate measures if welding is not possible.</i></p> <p><i>5.4. Prevent disassembly of polymer frame pistols by welding or bonding or use appropriate measures if welding or bonding is not possible.</i></p>
<b>6. AUTOMATIC SYSTEM</b>	<p><i>6.1. Destroy the piston and the gas system by cutting or welding.</i></p> <p><i>6.2. Remove the breech block, replace it by a steel piece and weld it or reduce the breech block by 50 % minimum, weld it and cut off locking lugs from the bolt head.</i></p>

	<i>6.3. Weld the trigger mechanism together and, if possible, with the frame. If welding within the frame is not possible, remove the firing mechanism and fill the empty space appropriately (e.g. by gluing in a fitting piece of filling with epoxy resin).</i>
<b>7. ACTION</b>	<i>7.1. Machine a cone of 60 degrees minimum (apex angle), in order to obtain a base diameter equal to 1 cm at least or the diameter of the breech face.</i>
	<i>7.2. Remove the firing pin, enlarge the firing pin hole at a minimum diameter of 5 mm and weld the firing pin hole.</i>
<b>8. MAGAZINE (where applicable)</b>	<i>8.1. Weld the magazine with spots or use appropriate measures, depending on the type of arm and material to prevent removing the magazine.</i>
	<i>8.2. If the magazine is missing, place spots of weld in the magazine location or fix a lock to permanently prevent the insertion of a magazine.</i>
	<i>8.3. Drive hardened steel pin through magazine, chamber and frame. Secure by weld.</i>
<b>9. MUZZLE LOADING</b>	<i>9.1. Remove or weld the nipple(s), weld the hole(s).</i>
<b>10. SOUND MODERATOR</b>	<i>10.1. Prevent removal of the sound moderator from the barrel by use of hardened steel pin or weld if the sound moderator is part of the weapon.</i>
	<i>10.2. Remove all the inner parts and their attachment points of the moderator so that only a tube remains. Drill two holes in the casing (5mm) in diameter near the point the sound moderator attaches to the barrel.</i>
<b>Hardness of inserts</b>	<b>Hardened steel rod or pin</b>

<b>TABLE III: Specific operations per essential components of each type of firearm</b>								
<b>TYPE</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>PROCESS</b>	<i>Pistols (except automatic)</i>	<i>Revolvers</i>	<i>Single-shot long firearms (not break action)</i>	<i>Break action firearms (smoothbore, rifled, combination)</i>	<i>Repeating long firearms (smoothbore, rifled)</i>	<i>Semi-automatic long firearms (smoothbore, rifled)</i>	<i>Automatic firearms: assault rifles, (sub) machine guns</i>	<i>Muzzle loading firearms</i>
<b>1.1</b>			X		X	X	X	
<b>1.2 and 1.3</b>	X		X	X	X	X	X	X
<b>1.4</b>	X					X	X	

1.5								
1.6		X						
2.1			X		X	X	X	
2.2			X		X	X	X	
2.3			X		X	X	X	
3.1		X						
3.2		X						
4.1	X						X (for automatic pistols)	
4.2	X						X (for automatic pistols)	
4.3	X						X (for automatic pistols)	
4.4	X						X (for automatic pistols)	
4.5	X					X	X (for automatic pistols)	
5.1	X						X (for automatic pistols)	
5.2	X						X (for automatic pistols)	
5.3	X						X (for automatic pistols)	
5.4	X (polymer frame)						X (for automatic pistols)	
6.1						X	X	
6.2						X	X	

6.3							X	
6.4							X	
7.1				X				
7.2		X		X				
8.1 or 8.2	X				X	X	X	
8.3					X ( <i>magazine tube</i> )	X ( <i>magazine tube</i> )		
9.1		X						X
10.1	X		X		X	X	X	
10.2	X		X	X	X	X	X	

<sup>(1)</sup> *Barrel fixed to the frame by screwing or clamping or by another process.*

<sup>(2)</sup> *Welding is a fabrication or sculptural process that joins materials, usually metals or thermoplastics, by causing fusion.*

## Amendment 106

### Proposal for a directive

#### Article 2 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive [3 months after **publication to the OJ**]. They shall forthwith communicate to the Commission the text of those **provisions**.

##### *Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive [12 months after **the date of entry into force of this Amending Directive**]. They shall forthwith communicate to the Commission the text of those **measures**.



## **EXPLANATORY STATEMENT**

### **Introduction**

Since 1991 the European Union has had legislation on the acquisition and possession of firearms in the form of Directive 91/477/EC, which was amended in 2008. This directive lays down rules regarding the marking and traceability of firearms, as well as the conditions that must be met by individuals to be able to acquire and possess a firearm.

It is important to recognise that the vast majority of firearms held legally in the EU do not present any danger to the public.

Although the use of legally acquired firearms by criminals and terrorists is limited, there have been recorded cases. For example, a type of firearm used in the Charlie Hebdo attacks in Paris had been legally purchased in one Member State (MS) after conversion into a "blank-firing" acoustic firearm, which under the law of that MS before it was recently amended, did not require authorisation. It was then converted back into a live prohibited firearm.

It was in this context that the European Commission launched its review of the Firearms Directive. The Commission made a number of proposals that drastically change the scope and requirements of the Directive without presenting an impact assessment. Such an IA would have helped clarify the reasons for these proposals as well as the evidence base on which the proposals rest. Its absence has resulted in widespread concern from owners of legally acquired firearms from a number of different areas. It is clear that many stakeholders are concerned about the lack of clarity of some of the proposal and possible consequences for legal owners.

The Rapporteur has therefore endeavoured to consult as widely and transparently as possible in order to ensure her report tackles real problems and to limit unnecessary unintended consequences. She recommends maintaining the status quo wherever there is insufficient evidence to justify changing it.

However, in addition, the Commission adopted a Deactivation Regulation on the same day as its launch of the review of the Directive. Concerns have been expressed by stakeholders from many MS that the new Regulation may make it harder for law enforcement bodies to know if a firearm has been properly deactivated.

Deactivated firearms or replicas have legitimate uses in the film industry and military re-enactments. The Rapporteur notes from exchanges of views with experts that there is a difference in practical usage of the term "deactivated" between experts. For the avoidance of doubt, the term deactivated firearm for the purposes of this proposal is understood as a firearm that has been irreversibly rendered inoperable.

For this reason, the Rapporteur believes that any changes to the Directive must therefore balance the right to ownership of certain types of firearms with controls appropriate to the risk they present.

## **1. Definition of a Firearm**

The Rapporteur proposes to use an approach based on essential components such that any device which shares an essential component with a firearm is by definition a firearm.

Replicas and signal weapons are not treated as firearms unless they can be converted into firearms or share an essential component.

## **2. Blankfiring weapons**

The Rapporteur proposes that any firearm which has been converted to firing blanks remains in the definition of firearm in their original category.

## **3. Magazines**

The Rapporteur has received submissions from a small number of experts who have suggested that the control of magazines could be pursued, by determining magazines to be an "essential component" of a firearm. The Rapporteur has significant reservations about following this approach and has received many other representations, in view of the comparative simplicity of a magazine, which means the manufacture of a magazine is relatively easy, and the quantity of magazines which are already held legally by holders of firearms and are largely interchangeable. The effectiveness of such a measure is therefore not clear, and so the Rapporteur does not propose to include magazines within the scope of an "essential component".

## **4. Information Sharing**

Certain law enforcement authorities have suggested improvements to information sharing. The Rapporteur proposes that records should be immediately accessible via interoperable systems.

## **5. Storage**

The Rapporteur notes that most Member States already have rules on storage of firearms and recommends that this should be formalised in the directive and the storage requirements should take into account the nature and category of the firearms concerned.

## **6. Medical Tests**

The Rapporteur believes that several improvements can be made to the Commission's initial proposals regarding medical testing, which shall reflect different best practices across Member States. The Rapporteur proposes that Member States establish a system for checks, either as a periodic assessment or as a continuous monitoring process.

## **7. Special Cases**

The Rapporteur proposes to reinstate the existing provision in Article 6 which Member States may use to authorise certain persons to hold Category A firearms in specific circumstances. The Rapporteur understands that there are organisations that require this authorisation, such as armorers, proof houses, manufacturers, forensic scientists, certain cases in film production and certain individuals for personal protection. The Rapporteur proposes that these

authorisations should be on a case-by-case basis, strictly limited and only granted where it is not contrary to public security.

The Rapporteur proposes that authorisations for historical purposes are more strictly defined, only given where appropriate security measures are in place and given on a case-by-case basis at the discretion of the Member State.

## **8. Online sales**

The Rapporteur proposes that distance sales should only be permitted provided that the final handing over of the firearm, essential component or ammunition takes place if the necessary checks have been carried out.

## **9. The Deactivation Regulation**

A number of technical issues have been encountered by experts with the new Implementing Regulation on Deactivation, which comes into force on April 8th. The Rapporteur has proposed various ways to address this, either through detailed amendments to the Implementing Regulation, or through a review of previously existing standards, or through a specific amendment for firearms deactivated to technical definition of slotting and pinning.

## **10. Ammunition**

The Rapporteur proposes that legislation already in place for the purposes of control of explosives precursors may be relevant for the control of ammunition, namely that suspicious purchases of large quantities of ammunition should be reported. As part of an effort to reduce the danger of illicit use of legally held firearms and their parts and ammunition, this type of obligation shall help address any risks associated with an unchecked ability to purchase ammunition.

## **11. Category A and B firearms**

The Rapporteur understands that the Commission's proposal to recategorise "semiautomatic firearms for civilian use that resemble weapons with automatic mechanisms" into Category A would cause many practical problems in implementation and has been tried and rejected in certain Member States in the past.

## MINORITY OPINION

Tabled pursuant to Rule 56, paragraph 3, of the European Parliament's Rules of Procedure  
By Mylène Troszczynski, on behalf of the ENF Group

Whereas:

- The revision of Directive 91/477/EEC lacks legitimacy because it is not proportionate to its intended objectives, namely to fight the Islamist terrorists striking Europe and to cut off their preferred sources of firearms supplies;
- The proposed revision of Directive 91/477/EEC is unnecessary since it fails to address the illegal trafficking of firearms that is growing exponentially in the territories of countries that are members of the Schengen Agreement;
- The revision of Directive 91/477/EEC is vague and provides an inappropriate response to crucial questions of national and international security and safety and allows Islamist terrorists to thrive;
- The revision of Directive 91/477/EEC is unfair because it seeks only to restrict the civil liberties of blameless citizens in their efforts to acquire and possess firearms, matters that are already the subject of specific regulation;
- The proposed revision of Directive 91/477/EEC is disproportionate for the economic, cultural and sports sectors related to firearms that will suffer the consequences of poorly drafted legislation which lacks any serious impact analysis;

The ENF Group dissociates itself from the work done in the IMCO committee and will oppose the revision of Directive 91/477/EEC which it considers perfectly adequate in its present form.

18.5.2016

## **OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS (\*)**

for the Committee on the Internal Market and Consumer Protection

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 91/477/EC on control of the acquisition and possession of weapons (COM(2015)0750 – C8-0358/2015 – 2015/0269(COD))

Rapporteur (\*): Bodil Valero

(\*) Associated committees - Rule 54 of the Rules of Procedure

### **SHORT JUSTIFICATION**

#### **Background**

The acquisition, possession and import/export of firearms for civilian use is subject to a comprehensive EU regulatory framework set out in Directive 91/477/EC as amended by Directive 2008/51/EC. The Directive aimed to establish minimum standards for the marking, storing, manufacture, trade, registering and deactivation of firearms, as well as establishing definitions and introduction of punishable offences.

In spite of stricter legislation, gun related violence remains a significant threat within the EU. The Declaration of the Home Affairs Ministers Council of 29 August 2015 called for an urgent action on the deactivation of firearms to prevent their reactivation and use by criminals. It repeated its call for the revision of the Firearms Directive and for a common approach on the deactivation, enhancing the traceability in the existing legislation in order to close gaps and shortcomings in its implementation at national level.

The report on the implementation of the Firearms Directive also identified obstacles to tracing firearms due to differences across Member States. In its proposal the Commission suggested amending the existing legislation on a number of areas, for example:

- EU common standards on deactivation;
- EU common rules on marking of firearms to improve the traceability of weapons;
- Better exchange of information between Member States, for example on any refusal of

authorisation to own a firearm decided by another national authority, and obligation to interconnect national registers of weapons;

- Common criteria concerning alarm weapons (e.g. distress flares and starter pistols) in order to prevent their transformation into fully functioning firearms;
- Stricter rules on the online acquisition of firearms, to avoid the acquisition of firearms, key parts or ammunition through the Internet;
- Stricter rules to ban certain semi-automatic firearms, which will not be allowed to be held by private persons, even if they have been permanently deactivated;
- Stricter conditions for the circulation of deactivated firearms;
- Stricter conditions for collectors to limit the risk of sale to criminals.

The Committee on Civil Liberties, Justice and Home Affairs organised a mini-hearing on February 15th 2016 in order to examine points that could be improved within the current directive and to clarify the appropriate level of harmonisation on EU level.

The invited expert on firearms especially highlighted the threat caused by converted and reactivated firearms and the need for high common standards for deactivation within the EU and furthermore pointed out that each essential part of a firearm needs to be marked so that it can be traced if stolen or lost. The expert demonstrated that a general ban on semi-automatic firearms based on the criteria of "resemblance" is problematic and not feasible for Member States to implement.

Another invited expert on licensing and medical tests testified that some basic level of medical check (of both physical ability and mental health) is needed to give a license on firearms, as well as follow-up tests on a regular basis.

### **The rapporteur's position**

The rapporteur welcomes the revision of the directive so that loopholes in existing legislation can be closed and the security of European citizens can be enhanced. The rapporteur consequently supports the majority of suggestions in the Commission's proposal. However there are parts that need to be amended in order to make the new legislation understandable, effective, balanced and proportional.

Furthermore the rapporteur would strongly like to emphasize that this Directive, although the aim is better security for the citizens, is not addressing illegal arms and with them related organized crime and terrorist activity, which are only two types of gun related problems. It is more about preventing legal firearms from ending up on the black market, preventing shooting rampages, suicides, homicides and accidents with firearms.

The rapporteur regrets that the commission did not present an impact assessment in advance. In an impact assessment the commission for example could have specified the types and amounts of firearms affected by the proposal, making it easier for the parliament to take an informed position on the matter.

In view of these considerations, the rapporteur proposes amendments particularly concerning:

1. The scope of the directive (to include not only firearms, but also their essential components and ammunition);
2. The marking of essential components;
3. The deactivation of firearms;
4. The exchange of information between Member States;
5. Distance sales;
6. Suitability tests for license applicants;
7. Additional security measures.

In its proposal the commission wishes to amend Annex I of the Directive so as to add in category A "automatic firearms which have been converted to semi-automatic firearms" and "firearms under points 1 to 7 after having been deactivated", consequently prohibiting such firearms. The rapporteur supports this provision.

The commission also wishes to move the so called B7 category of "semi-automatic firearms for civilian use resembling automatic firearms" to category A. The Rapporteur recognizes that this provision is neither comprehensible nor practically implementable in its current shape, since it does not distinguish between physical appearance and technical characteristics. Instead of the mere looks of a weapon, technical criteria should be decisive, such as excitation energy of the firearm, the calibre, possibility of attaching a large magazine; or other properties that are not justified for good cause such as pistol grip, foldable stock, cooling systems et cetera. The Rapporteur urges the Commission to reconsider its proposal on this point.

## AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a directive

#### Recital 2

*Text proposed by the Commission*

(2) *As a response to recent terrorist acts which demonstrated gaps in the implementation of Directive 91/477/EEC especially with regard to deactivation of weapons, convertibility and marking rules, the "European Agenda on*

*Amendment*

(2) *The amendments to Council Directive 91/477/EEC should not result from the fact of implying any form of connection between the recent terrorist attacks and the legal use and possession of weapons within the Union, not least by*

*Security” adopted in April 2015 and the Declaration of the Home Affairs Ministers Council of 29 August 2015 called for the revision of that Directive and for a common approach on the deactivation of firearms to prevent reactivation and use by criminals.*

*hunters, persons who engage in shooting sports, and collectors. The manufacture of, trade in, and the possession and use of weapons and ammunition are legitimate activities of major recreational, sporting, and economic interest and important for job and wealth creation within the Union.*

## **Amendment 2**

### **Proposal for a directive Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*(2a) The maintenance and exchange of information are subject to compliance with Regulation (EU) 2016/... of the European Parliament and of the Council<sup>1a</sup>.*

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<sup>1a</sup> *Regulation (EU) 2016/... of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), and repealing Directive 95/46/EC(OJ L ...).*

## **Amendment 3**

### **Proposal for a directive Recital 3**

*Text proposed by the Commission*

*Amendment*

(3) Certain issues in Directive 91/477/EEC need further improvement.

(3) Certain issues in Directive 91/477/EEC need further improvement, *in a proportionate way, to tackle arms trafficking for criminal or terrorist purposes and to promote a harmonised application by the Member States.*



## Amendment 4

### Proposal for a directive

#### Recital 4

*Text proposed by the Commission*

(4) Bodies concerned with the cultural **and** historical aspects of weapons and recognised as such by the Member State in whose territory they are established **and holding in their possession firearms classified in category A acquired before the date of entry into force of this Directive** should be able to keep **those** firearms **in their possession** subject to authorisation by the Member State concerned **and provided that those firearms have been deactivated**.

*Amendment*

(4) Bodies **and persons, such as museums and collectors** concerned with the cultural, historical, **scientific, technical or educational** aspects of weapons and recognised as such by the Member State in whose territory they are established should be able to keep **and acquire** firearms **classified in category A** subject to authorisation by the Member State concerned **and provided that those bodies or persons have taken necessary measures to address any risks to public security, including by way of secure storage. Any such authorisation should take into account the specific situation including the nature of collection and its purposes**.

## Amendment 5

### Proposal for a directive

#### Recital 5

*Text proposed by the Commission*

(5) **Since collectors have been identified as a possible source of traffic of firearms, they should be covered by this Directive**.

*Amendment*

**deleted**

## Amendment 6

### Proposal for a directive

#### Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

**(6a) To prevent the misuse of firearms, it is necessary to include minimum requirements for secure storage of**

*firearms in this Directive. Member States should ensure that any person that lawfully acquires or possesses a firearm or ammunition is required to take reasonable precautions to ensure that the firearm or ammunition is secured from loss or theft and is not accessible to third parties.*

## Amendment 7

### Proposal for a directive

#### Recital 7

##### *Text proposed by the Commission*

(7) Taking into consideration the high risk of reactivating badly deactivated weapons and in order to enhance security across the Union, deactivated firearms should be covered by this Directive. ***Additionally, for the most dangerous firearms stricter rules should be introduced in order to ensure that those firearms are not allowed to be owned or traded. Those rules should also apply to firearms of that category even after they have been deactivated.*** Where those rules are not respected, Member States should take appropriate measures including the destruction of those firearms.

##### *Amendment*

(7) Taking into consideration the high risk of reactivating badly deactivated weapons and in order to enhance security across the Union, deactivated firearms should be covered by this Directive. Where those rules are not respected, Member States should take appropriate measures including the destruction of those firearms. ***In this regard account should be taken of Commission Implementing Regulation (EU) 2015/2403<sup>1a</sup> of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable.***

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<sup>1a</sup> OJ L 333, 19.12.2015, p. 62

## Amendment 8

### Proposal for a directive

#### Recital 8

##### *Text proposed by the Commission*

(8) In order to ensure ***the*** traceability ***of deactivated*** firearms, ***they*** should be registered in national registries.

##### *Amendment*

(8) In order to ensure traceability, ***the deactivation of*** firearms should be registered in ***regularly updated*** national registries ***accessible by each Member***

## **Amendment 9**

### **Proposal for a directive**

#### **Recital 9**

*Text proposed by the Commission*

*(9) Some semi-automatic firearms can be easily converted to automatic firearms, thus posing a threat to security. Even in the absence of conversion to category “A”, certain semi-automatic firearms may be very dangerous when their capacity regarding the number of rounds is high. Such semi-automatic weapons should therefore be banned for civilian use.*

*Amendment*

*deleted*

## **Amendment 10**

### **Proposal for a directive**

#### **Recital 10**

*Text proposed by the Commission*

*(10) To avoid **that** markings **are easily** erased and to clarify on which components the marking should be affixed, common Union rules on marking should be introduced.*

*Amendment*

*(10) To avoid markings **being** erased and to clarify on which components the marking should be affixed, common Union rules on marking should be introduced. **These rules should take account of the new materials used in weapon manufacture and the emergence of three-dimensional weapons. They should also take into account imported weapons.***

## **Amendment 11**

### **Proposal for a directive**

#### **Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) The Member States should lay down safety criteria for the storage and transport of firearms; those criteria***

*should be adapted to the number of weapons held and their level of danger.*

## Amendment 12

### Proposal for a directive

#### Recital 11

*Text proposed by the Commission*

(11) Firearms may be used for far more than 20 years. In order to ensure their traceability, records of them should be kept for an indeterminate period of time until destruction is certified.

*Amendment*

(11) Firearms may be used for far more than 20 years. In order to ensure their traceability, records of them should be kept for an indeterminate period of time until destruction is certified ***by the relevant authorities.***

## Amendment 13

### Proposal for a directive

#### Recital 12

*Text proposed by the Commission*

(12) Selling arrangements of firearms and their components by means of distance communication may pose ***a serious threat*** to security as they are more difficult to control than the conventional selling methods, ***especially as regards the on line verification of the legality of authorisations.*** It is therefore appropriate to limit the selling of arms and components by means of distance communication, notably internet, to dealers and brokers.

*Amendment*

(12) Selling arrangements of firearms and their ***essential*** components by means of distance communication may pose ***particular threats*** to security as they are more difficult to control than the conventional selling methods. ***To ensure adequate controls it*** is therefore appropriate to limit the selling of arms and components by means of distance communication notably internet, to dealers and brokers, ***except if the handing over or collecting of the firearm takes place at the premises of an authorised dealer, a local police station or another body authorised under national law by the Member State concerned, or if Member States in another way can ensure that identities, authorisations and respective documentation of the parties involved are verified and controlled. This provision is without prejudice for Member States to adopt stricter rules with regards to the private sales of firearms without***

*intermediaries.*

## Amendment 14

### Proposal for a directive

#### Recital 13

*Text proposed by the Commission*

(13) ***Furthermore, the risk of alarm weapons and other types of blank firing weapons being converted to real firearms is high, and in some of the terrorist acts converted arms were used. It is therefore essential to address the problem of converted firearms being used in criminal offences, notably by including them in the scope of the Directive.*** Technical specifications for alarm and signal weapons as well as for salute and acoustic weapons should be adopted in order to ensure that ***they cannot be converted*** into firearms.

*Amendment*

(13) Technical specifications for alarm and signal weapons as well as for salute and acoustic weapons should be adopted in order to ensure that ***it is impossible to convert them*** into firearms.

## Amendment 15

### Proposal for a directive

#### Recital 14

*Text proposed by the Commission*

(14) In order to improve the functioning of the information exchange between Member States, the Commission should assess the necessary elements of a system to ***support such exchange of*** information contained in the computerised data-filing systems in place in Member States. The Commission's assessment ***may*** be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

*Amendment*

(14) In order to improve the functioning of the information exchange between Member States ***and the traceability of firearms,*** the Commission should assess the necessary elements of a system to ***provide for compulsory access by all Member States to*** information contained in the computerised data-filing systems in place in Member States. The Commission's assessment ***should*** be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information. ***In addition to meeting the need to keep track of weapons held by private individuals or other bodies, in***

*accordance with the law, such a system should enable weapons to be traced when they have been seized by, or handed over to, the authorities or forfeited to Member States, thus making it possible to ascertain what happens to weapons until such time as they are destroyed, further used, or again placed on the market.*

## Amendment 16

### Proposal for a directive

#### Recital 15

##### *Text proposed by the Commission*

(15) In order to ensure appropriate exchange *of information* between the Member States on authorisations granted *and* on refusals, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adopting an act to enable the Member States to create such a system of exchange of information *on authorisations granted and on refusals*. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

##### *Amendment*

(15) In order to ensure appropriate exchange between the Member States *on authorisations granted, on refusals, on interruptions and on any other information referred to in this Directive*, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adopting an act to enable the Member States to create such a *systematic and compulsory* system of exchange of information *between the Member States*. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

## Amendment 17

### Proposal for a directive

#### Article 1 – paragraph 1 – point 1 – point a

#### Directive 91/477/EEC

#### Article 1 – paragraph 1b

*Text proposed by the Commission*

*Amendment*

1b. For the purposes of this Directive, "essential component" shall mean the barrel, frame, receiver, slide or cylinder, bolt or breach block **and any device designed or adapted to diminish the sound caused by firing a firearm** which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.

1b. For the purposes of this Directive, "essential component" shall mean the barrel, frame, receiver, slide or cylinder, bolt or breach block which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.

*Justification*

*Silencers are not "essential" components and adding them as such would not increase security*

**Amendment 18**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1 – point b**

Directive 91/477/EEC

Article 1 – paragraph 1e

*Text proposed by the Commission*

*Amendment*

1e. For the purposes of this Directive, "broker" shall mean any natural or legal person, other than a dealer whose trade or business consists wholly or partly in buying, selling or arranging the transfer within a Member State, from one Member State to another Member State or exporting to a third country fully assembled firearms, their parts and ammunition.

1e. For the purposes of this Directive, "broker" shall mean any natural or legal person, other than a dealer whose trade or business consists wholly or partly in buying, selling or arranging the transfer within a Member State, from one Member State to another Member State or exporting to a third country **or importing to a Member State from a third country** fully assembled firearms, their parts and ammunition.

*Justification*

*There is no reason not to include the importation of firearms from third countries to a Member State in the scope of activity of a broker.*

**Amendment 19**

**Proposal for a directive**

*Text proposed by the Commission*

*Amendment*

**1h.** For the purposes of this Directive, "replica firearms" shall mean objects that have the physical appearance of a firearm, but are manufactured in such a way that they cannot be converted to firing a shot or expelling a bullet or projectile by the action of a combustible propellant.

**deleted**

*Justification*

*A definition of a replica that refers to objects having the external appearance of a firearm and cannot be converted to expel a bullet refers to an object which is not even hypothetically a firearm and thus has no place in the Firearms Directive and should not be covered by it. There is no need in the Directive for provisions covering toys, decorative items etc.. Furthermore, the imprecise criterion of external appearance makes it difficult to distinguish between replicas and other objects.*

## **Amendment 20**

### **Proposal for a directive**

Article 1 – paragraph 1 – point 1 – point c  
Directive 91/477/EEC  
Article 1 – paragraph 1i

*Text proposed by the Commission*

*Amendment*

1i. For the purposes of this Directive, "deactivated firearms" shall mean firearms that have been modified with the purpose of rendering them permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way."

1i. For the purposes of this Directive, "deactivated firearms" shall mean firearms that have been modified with the purpose of rendering them permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way, **in accordance with Commission Implementing Regulation (EU) 2015/2403<sup>1a</sup> of 15 December 2015 establishing common guidelines on deactivation standards and techniques for**



*ensuring that deactivated firearms are rendered irreversibly inoperable.*

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*1a* OJ L 333, 19.12.2015, p. 62

## **Amendment 21**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 1 a (new)**

Directive 91/477/EEC

Article 2 – paragraph 1

#### *Present text*

"1. This Directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting.

#### *Amendment*

***(1a) Paragraph 1 is replaced by the following:***

"1. This Directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting, ***or to more stringent legislation on illegal arms sales.***"

#### *Justification*

*This directive must enhance cross-border traceability and transparency in respect of possession and sale of weapons and allow active measures to be taken to combat arms trafficking.*

## **Amendment 22**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2**

Directive 91/477/EEC

Article 2 – paragraph 2

#### *Text proposed by the Commission*

2. This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the armed forces, the police, the public authorities. ***Nor*** shall it apply to commercial transfers of ***weapons and ammunition of war.***

#### *Amendment*

2. This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the armed forces, the police, the public authorities ***or by collectors and bodies concerned with the cultural and historical aspects of weapons and recognized as such by the Member State***

*in whose territory they are established.*  
*Nor shall it apply to commercial transfers of products of the defence industry, nor to the acquisition or possession of those firearms and ammunition which are subject to authorisation, registration or declaration in accordance with national law, by museums and collectors that are recognised as such by the Member State in whose territory they are established.*

## **Amendment 23**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a)** *The Member States which create or have created a special status for collectors shall define the provisions of this Directive applicable to them.*

## **Amendment 24**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 3**

Directive 91/477/EEC

Article 4 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that any firearm or ***part placed on the market*** has been marked and registered in compliance with this Directive.

1. Member States shall ensure that any firearm ***or essential component thereof, manufactured after the date of entry into force of this Directive*** has been ***irremovably*** marked and registered ***without delay after manufacture or import before being placed on the market*** in compliance with this Directive.

## **Amendment 25**

### **Proposal for a directive**

#### **Article 1 – point 3**

Directive 91/477/EEC

Article 4 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

2. For the purposes of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm or at the time of import to the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.

*Amendment*

2. For the purposes of identifying and tracing each assembled firearm ***and its essential components***, Member States shall, at the time of manufacture of each firearm ***or of each essential component of that firearm or*** at the time of import to the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number ***and the type or model of the firearm as well as its calibre***. This shall be without prejudice to the affixing of the manufacturer's trademark.

**Amendment 26**

**Proposal for a directive**

**Article 1 – point 3**

Directive 91/477/EEC

Article 4 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

***The marking shall be affixed to the receiver of the firearm.***

*Amendment*

***deleted***

**Amendment 27**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 91/477/EEC

Article 4 – paragraph 2 – subparagraph 4

*Text proposed by the Commission*

Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the unique marking permitting identification of the transferring government.

*Amendment*

Furthermore, Member States shall ensure, at the time of transfer of a firearm ***or any of its essential components*** from government stocks to permanent civilian use, the unique marking permitting identification of the transferring

government.

## Amendment 28

### Proposal for a directive

#### Article 1 – paragraph 1 – point 3

Directive 91/477/EEC

Article 4 – paragraph 3

#### *Text proposed by the Commission*

3. Member States shall make the pursuit of the activity of dealer or broker within their territory conditional upon authorisation on the basis of at least a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.

#### *Amendment*

3. Member States shall make the pursuit of the activity of dealer or broker within their territory conditional upon authorisation on the basis of at least a check of the private and professional integrity and of the abilities of the dealer or broker, ***and also on the basis of the transparency of the commercial activity.*** In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.

## Amendment 29

### Proposal for a directive

#### Article 1 – paragraph 1 – point 4 – point a

Directive 91/477/EEC

Article 4 – paragraph 4 – subparagraph 1

#### *Text proposed by the Commission*

"This filing system shall record each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm. The record of firearms, ***including deactivated firearms***, shall be maintained until destruction of the firearm has been certified by the competent authorities.

#### *Amendment*

"This filing system shall record, ***in particular***, each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm. The record of firearms shall be maintained ***for an indefinite period*** until destruction of the firearm has been certified by the competent authorities.

***Member States shall, by [date] at the latest, provide the competent authorities of all other Member States with direct access to the information held in their national registers. To this end, they shall***

*designate the authority charged with allowing this access and shall communicate its name to the Commission".*

## **Amendment 30**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 91/477/EEC

Article 4b – paragraph 2

#### *Text proposed by the Commission*

2. The system referred to in paragraph 1 shall include at least a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.

#### *Amendment*

2. The system referred to in paragraph 1 shall include at least a check of the private and professional integrity and of the abilities of the dealer or broker ***and also a check of the transparency of the commercial activity.*** In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.

## **Amendment 31**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 1 – point a

#### *Text proposed by the Commission*

(a) are at least 18 years of age, except in relation to the possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licenced or otherwise approved training centre;

#### *Amendment*

(a) are at least 18 years of age, except in relation to the ***acquisition other than through purchase, and*** possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licenced or otherwise approved training centre;

### *Justification*

*The commission has deleted the text, re-introduced by this amendment, without proper justification. The extremely limited and strictly controlled exception allowing Member States to allow certain minors to have fire arms is necessary in the organisation of certain types of educations, notably with regards to forestry. Further it makes no sense to allow these minors to possess fire arms but not permitting the acquisition of the same fire arms. These fire arms are held under strict control.*

### **Amendment 32**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 1 – point b

#### *Text proposed by the Commission*

(b) are not likely to be a danger to themselves, to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.

#### *Amendment*

(b) are not likely to be a danger to themselves **and to others**, to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.

### **Amendment 33**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 1 – point b a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(ba) undertake to keep their weapons in accordance with the storage and transport criteria laid down by the laws of their Member State of residence and as referred to in Article 5(1a).***

### **Amendment 34**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. In order to minimise the risk of theft of privately owned firearms classified in category B, Member States shall provide for safety criteria relating to the storage, possession and transport of firearms and ammunition. These criteria should be adapted to the level of danger of the firearm and the number of weapons held.***

## **Amendment 35**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

***Member States shall provide for standard medical tests for issuing or renewing authorisations as referred to in paragraph 1 and shall withdraw authorisations if any of the conditions on the basis of which it was granted is no longer met.***

***deleted***

## **Amendment 36**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) This Directive is without prejudice to the ownership of firearms and ammunition acquired through inheritance; Member States shall restrain the possession of such firearms by owners who are not duly authorised.***

### *Justification*

*It is necessary to solve the situation of persons without due authorisation who acquire firearms by inheritance, which is a fact independent of their will. While their possession and use of such a firearm should be restrained, there should be no doubt on the mere fact of their ownership and certain rights derived therefrom, such as their legal capacity to sell the firearm.*

#### **Amendment 37**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 2b (new)

*Text proposed by the Commission*

*Amendment*

**(2b) *Provided that the correct procedure is followed for the test, there shall be no liability to the authority or the person conducting the suitability test in relation to the actions of a person subject to that test.***

#### **Amendment 38**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 2c (new)

*Text proposed by the Commission*

*Amendment*

**(2c) *Member States shall withdraw the authorisations referred to in paragraph 1 if any of the conditions contained in this Article are no longer met.***

#### **Amendment 39**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 6 – paragraph 1



*Text proposed by the Commission*

Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to destroy those firearms and ammunition held in violation of this provision and seized.

*Amendment*

Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to seize those firearms and ammunition held in violation of this provision and seized. ***In special cases for the purposes of national defence, the competent authorities may grant authorisations for of such firearms and ammunition where this is not contrary to public security or public order.***

**Amendment 40**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 6 – subparagraph 2

*Text proposed by the Commission*

Member States may authorise bodies concerned with the cultural ***and*** historical aspects of weapons and recognised as such by the Member State in whose territory they are established to keep in their possession firearms classified in category A acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with ***the provisions that implement Article 10(b).***

*Amendment*

***Without prejudice to paragraph 1,*** Member States may authorise bodies ***and persons*** concerned with the cultural, historical, ***scientific, technical or educational*** aspects of weapons and recognised as such by the Member State in whose territory they are established to keep in their possession firearms ***and ammunition*** classified in category A acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with ***Commission Implementing Regulation (EU)2015/2403 or have been exempted from deactivation on grounds of the conservation of cultural and historical heritage, or scientific, technical or educational aspects and if it can be demonstrated that their storage does not put public safety and security or public order at risk.***

## Amendment 41

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 91/477/EEC

Article 6 – paragraph 3

#### *Text proposed by the Commission*

The acquisition of firearms and their ***parts and ammunition*** concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(\*), shall be authorised only with respect to dealers and brokers and shall be subject to the strict control of the Member States.

#### *Amendment*

The acquisition of firearms and their ***essential components*** concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(\*), shall be authorised only with respect to dealers and brokers and shall be subject to the strict control of the Member States.

## Amendment 42

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 91/477/EEC

Article 6 – paragraph 3 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***Member States shall take the necessary measures to ensure that the shortening of a long firearm by means of the modification of one or more of its essential components resulting in its re-definition as a short firearm shall be considered manufacturing, and therefore illicit unless done by an authorised dealer or gunsmith.***

## Amendment 43

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6 a (new)

Directive 91/477/EEC

Article 7 – paragraph 3 – subparagraph 2 (new)

**(6a)** *In Article 7, the following subparagraph is added to paragraph 3:*

*The data on firearms belonging to category B, as well as any decision to authorise or refuse the acquisition or possession of such firearms, should be recorded on the computerised data-filing systems maintained by the Member States and should be directly accessible to the competent authorities of all Member States.*

#### **Amendment 44**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 7**

Directive 91/477/EEC

Article 7 – paragraph 4

**(7)** *In Article 7, the following subparagraph is added to paragraph 4:*

*deleted*

*‘The maximum limits shall not exceed five years. The authorisation may be renewed if the conditions on the basis of which it was granted are still fulfilled.’*

#### *Justification*

*Adding a mandatory time limit to permits would imply massive amounts of additional bureaucracy for authorities and legal fire arms holders alike without improving security. These resources are better spent on fighting illegal fire arms.*

#### **Amendment 45**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8**

Directive 91/477/EEC

Article 10a – paragraph 1

*Text proposed by the Commission*

*Amendment*

Member States shall take measures to ensure that alarm and signal weapons as well as salute and acoustic weapons cannot be converted into firearms.

Member States shall take ***all necessary*** measures ***with regard to arms manufacturers and arms dealers*** to ensure that alarm and signal weapons as well as salute and acoustic weapons cannot be converted into firearms. ***The Member States shall also ensure that these arms have been marked in line with Article 4(1) of this Directive and that they are recorded on the computerised data-filing systems maintained by the Member States.***

**Amendment 46**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 8**

Directive 91/477/EEC

Article 10a – paragraph 2

*Text proposed by the Commission*

*Amendment*

***The Commission*** shall ***adopt technical specifications for*** alarm and signal weapons as well as ***for*** salute and acoustic weapons ***to ensure they*** cannot be converted into firearms.

***Member States*** shall ***take measures to ensure that*** alarm and signal weapons as well as salute and acoustic weapons cannot be converted into firearms. ***The Commission shall, acting in accordance with the procedure referred to in Article 13a (2) of this Directive, issue common conversion standards by 31 December 2016 ensuring that any conversion of a firearm that changes its category is done in a manner which renders such conversion irreversible.***

**Amendment 47**

**Proposal for a directive**

**Article 1 – point 8**

Directive 91/477/EEC

Article 10b – paragraph 1

*Text proposed by the Commission*

*Amendment*

Member States shall make arrangements

***Having regard to Commission Regulation***

for the deactivation of firearms to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of this verification, provide for the issuance of a certificate *or* record attesting to the deactivation of the firearm *or* the apposition of a clearly visible mark to that effect on the firearm.

**2015/2403<sup>1a</sup> of 15 December 2015,**  
Member States shall make arrangements for the deactivation of firearms to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of this verification, provide for the issuance of a certificate **and** record attesting to the deactivation of the firearm **and** the apposition of a clearly visible mark to that effect **on each essential component of the deactivated** firearm.

***Member States shall designate the competent authority to carry out the deactivation of firearms and transmit them to the Commission by [date] at the latest.***

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<sup>1a</sup> OJ L 333, 19.12.2015, p. 62

## **Amendment 48**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8**

Directive 91/477/EEC

Article 10b – paragraph 2

*Text proposed by the Commission*

*Amendment*

***The Commission shall adopt deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).***

***deleted***

## **Amendment 49**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8**

Directive 91/477/EEC

Article 10 c (new)

*Text proposed by the Commission*

*Amendment*

***Member States shall establish rules on the secure storage of firearms and ammunition under category A, B and C that meet standards equivalent to those laid down in the Agreement on the European Economic Area, ensuring that firearms and ammunition is kept in such a way as to minimize any risk of their being accessed by unauthorised persons.***

## **Amendment 50**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 8**

Directive 91/477/EEC

Article 10 d (new)

*Text proposed by the Commission*

*Amendment*

***Duty surplus stock weapons in category A from police, customs and military are irreversibly deactivated in accordance with Commission Implementing regulation (EU) 2015/2403 of 15 December 2015, except for transfers in accordance with authorisations granted under Article 6(1) or (2).***

## **Amendment 51**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) In addition to the necessary registration system for weapons held by private individuals or other entities, in accordance with the law, each Member State shall keep a register ensuring that weapons seized by the authorities or forfeited to the State will be traceable from the moment when they are handed over or seized until such time as they are***

*destroyed or put to use by the authorities  
or again placed on the market.*

## **Amendment 52**

### **Proposal for a directive**

#### **Article 1 – point 9**

Directive 91/477/EEC

Article 13 – paragraph 4

#### *Text proposed by the Commission*

4. The competent authorities of the Member States shall exchange information on the authorisations granted for the transfers of firearms to another Member State as well as information with regard to refusals to grant authorisations as defined in Article 7.

#### *Amendment*

4. The competent authorities of the Member States shall ***by electronic means*** exchange information on the authorisations granted for the transfers of firearms to another Member State as well as information with regard to refusals to grant authorisations as defined in Article 7 ***by [date] at the latest and in accordance with Regulation (EU) 2016/... of the European Parliament and of the Council<sup>1a</sup>***.

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***<sup>1a</sup> Regulation (EU) 2016/... of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), and repealing Directive 95/46/EC(OJ L ...).***

#### *Justification*

*Information exchange must be effective and in accordance with existing legislation on data protection.*

## **Amendment 53**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 12**

Directive 91/477/EEC

Article 17 – paragraph 1

*Text proposed by the Commission*

The Commission shall submit every five years a report to the European Parliament and the Council on the application of this Directive, accompanied, if appropriate, by proposals in particular as regards the categories of firearms of Annex I and the issues related to new technologies such as 3D printing. The first report shall be submitted two years after the entry into force of this Directive.

*Amendment*

The Commission shall submit every five years a report to the European Parliament and the Council on the application of this Directive, ***including a fitness check of the new provisions***, accompanied, if appropriate, by proposals in particular as regards the categories of firearms of Annex I and the issues related ***to the modular design of arms and*** to new technologies such as 3D printing. The first report shall be submitted two years after the entry into force of this Directive.

**Amendment 54**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 12**

Directive 91/477/EEC

Article 17 – paragraph 2

*Text proposed by the Commission*

The Commission shall, by [date], assess the necessary elements of a system ***for the exchange of*** information contained in the computerised data-filing systems referred to in Article 4(4) ***between the Member States***. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

*Amendment*

The Commission shall, by [date], assess the necessary elements of a system ***allowing each Member State to access*** information contained in the computerised data-filing systems referred to in Article 4(4). The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

**Amendment 55**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 13**

Directive 91/477/EEC

ANNEX I – part II

*Text proposed by the Commission*

**(13) in Annex I to Directive 91/477/EC**

*Amendment*

***deleted***



*part II is amended as follows:*

*(a) point A is amended as follows:*

*(i) in Category A, the following points are added:*

*‘6 Automatic firearms which have been converted into semi-automatic firearms;*

*7 Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms;*

*8 Firearms under points 1 to 7 after having been deactivated.’*

*(ii) in category B, point 7 is deleted.*

*(iii) In Category C, the following points are added:*

*‘5 Alarm and signal weapons, salute and acoustic weapons as well as replicas;*

*6 Firearms under category B and points 1 to 5 of category C, after having been deactivated.’*

*(b) in point B, the following text is deleted.*

*‘The breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.’*

#### *Justification*

*The proposed modification would damage the comprehensive defence capabilities of certain Member States.*

#### **Amendment 56**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 13 a (new)**

Directive 91/477/EEC

Annex I – part II – point A – Category C – point 5

**(13a) in Annex I to Directive 91/477/EC part II is amended as follows:**

***In category C, the following point is added:***

**5. Alarm and signal weapons, salute and acoustic weapons as well as replicas;**

**5. Firearms under categories A, B and points 1 to 4 of category C, after having been converted to alarm, signal, salute, acoustic, gas, paintball or airsoft, Flobert, or percussion lock weapons.**

*Justification*

*We see no reason for alarm and signal weapons, salute and acoustic weapons to be included in category C, if they were originally produced as such (i.e. not by conversion from live ammunition). Provided that they have been approved and homologated to enter the market (which typically also includes safety checks), they should stay outside of the scope of the Directive. Regarding firearms converted to alarm, signal weapons etc., this proposal aims to close the loophole that was probably previously used by terrorists and criminals, who converted them back to live ammunition. Including them in category C acts as a preventive measure from their conversion back to the original state, as making them subject to declaration would make them traceable, and therefore uninteresting for committing crimes.*

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Control of the acquisition and possession of weapons			
<b>References</b>	COM(2015)0750 – C8-0358/2015 – 2015/0269(COD)			
<b>Committee responsible</b> Date announced in plenary	IMCO 14.12.2015			
<b>Opinion by</b> Date announced in plenary	LIBE 14.12.2015			
<b>Associated committees - date announced in plenary</b>	28.4.2016			
<b>Rapporteur</b> Date appointed	Bodil Valero 10.12.2015			
<b>Discussed in committee</b>	14.1.2016	17.3.2016	21.4.2016	9.5.2016
<b>Date adopted</b>	9.5.2016			
<b>Result of final vote</b>	+: 43 -: 6 0: 4			
<b>Members present for the final vote</b>	Malin Björk, Caterina Chinnici, Ignazio Corrao, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Laura Ferrara, Mariya Gabriel, Kinga Gál, Ana Gomes, Jussi Halla-aho, Monika Hohlmeier, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Cécile Kashetu Kyenge, Marju Lauristin, Juan Fernando López Aguilar, Monica Macovei, Roberta Metsola, Péter Niedermüller, Soraya Post, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Bodil Valero, Harald Vilimsky, Beatrix von Storch, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský			
<b>Substitutes present for the final vote</b>	Janice Atkinson, Anna Maria Corazza Bildt, Pál Csáky, Gérard Deprez, Petr Ježek, Teresa Jiménez-Becerril Barrio, Ska Keller, Miltiadis Kyrkos, Jean Lambert, Gilles Lebreton, Jeroen Lenaers, Nuno Melo, Maite Pagazaurtundúa Ruiz, Petri Sarvamaa, Barbara Spinelli, Josep-Maria Terricabras, Róza Gräfin von Thun und Hohenstein, Geoffrey Van Orden, Axel Voss			
<b>Substitutes under Rule 200(2) present for the final vote</b>	Eugen Freund, Georgi Pirinski			

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Control of the acquisition and possession of weapons			
<b>References</b>	COM(2015)0750 – C8-0358/2015 – 2015/0269(COD)			
<b>Date submitted to Parliament</b>	18.11.2015			
<b>Committee responsible</b> Date announced in plenary	IMCO 14.12.2015			
<b>Committees asked for opinions</b> Date announced in plenary	AFET 14.12.2015	INTA 14.12.2015	LIBE 14.12.2015	
<b>Not delivering opinions</b> Date of decision	AFET 1.2.2016	INTA 1.12.2015		
<b>Associated committees</b> Date announced in plenary	LIBE 28.4.2016			
<b>Rapporteurs</b> Date appointed	Vicky Ford 7.12.2015			
<b>Discussed in committee</b>	23.2.2016	15.3.2016	20.4.2016	24.5.2016
	14.6.2016			
<b>Date adopted</b>	13.7.2016			
<b>Result of final vote</b>	+: –: 0:	27 10 1		
<b>Members present for the final vote</b>	Dita Charanzová, Carlos Coelho, Sergio Gaetano Cofferati, Anna Maria Corazza Bildt, Nicola Danti, Vicky Ford, Ildikó Gáll-Pelcz, Evelyne Gebhardt, Maria Grapini, Sergio Gutiérrez Prieto, Robert Jarosław Iwaszkiewicz, Liisa Jaakonsaari, Jiří Maštálka, Marlene Mizzi, Margot Parker, Eva Paunova, Jiří Pospíšil, Marcus Pretzell, Christel Schaldemose, Andreas Schwab, Olga Sehnalová, Ivan Štefanec, Catherine Stihler, Richard Sulík, Róza Gräfin von Thun und Hohenstein, Mylène Troszczynski, Mihai Țurcanu			
<b>Substitutes present for the final vote</b>	Birgit Collin-Langen, Edward Czesak, Elisabetta Gardini, Jussi Halla-aho, Franz Obermayr, Julia Reda, Sabine Verheyen			
<b>Substitutes under Rule 200(2) present for the final vote</b>	James Carver, Caterina Chinnici, Anneli Jäätteenmäki, Gesine Meissner, Judith Sargentini			
<b>Date tabled</b>	2.8.2016			