

Control of the acquisition and possession of weapons

2006/0031(COD) - 21/05/2008 - Final act

PURPOSE: to make amendments to Council Directive 91/477/EEC in order to take into account the accession of the EC to the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, their parts components and ammunition (Firearms Protocol), and to improve the Directive.

LEGISLATIVE ACT: Directive 2008/51/EC of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

CONTENT: the Council, Austria abstaining, adopted a directive aimed at improving rules on the control of the acquisition and possession of weapons in the EU, by approving the European Parliament amendments voted at first reading under the codecision procedure. The Directive updates current rules on the control of weapons in order better to tackle the criminal use of firearms without inconveniencing legitimate owners (such as hunters and target shooters).

In particular, the Directive will reinforce rules aimed at enhancing safety with respect to gun ownership, including:

- control of the sale of guns over the internet;
- reinforcement of the marking and tracing system;
- computerisation and extension of the period for which records must be kept to 20 years;
- compliance with EU data-protection legislation.

In addition, it incorporates technical amendments into existing legislation in order to align it with the United Nations protocol on illicit manufacturing and trafficking of firearms, which supplements the UN convention against transnational organised crime.

The main points are as follows :

- the concepts of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition are specified in the Directive by using the definitions of these activities contained in the Protocol – Article 3 – in the aim of achieving legal clarity, certainty and coherence. Convertible weapons are brought within the definition of a firearm for the purposes of Directive 91/477/EEC;
- the activities of brokers, as well as dealers, come under the scope of the Directive ;
- the Directive establishes an obligation to mark weapons at the time of manufacture and at the time of transfer from government stocks to permanent civilian use;
- alphanumeric codes will be used in order to trace weapons;
- Member States must, by 31 December 2014, keep a computerised data-filing system which guarantees access to authorised authorities to the data-filing systems in which the necessary information regarding

each firearm is recorded. This filing system shall record and maintain for not less than 20 years 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;

- access by police, judicial and other authorised authorities to the information contained in the computerised data-filing system must be subject to compliance with Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;

- the professional integrity and abilities of dealers will be verified.

TRANSPOSITION : 28/07/2010.

ENTRY INTO FORCE : 28/07/2008.