Control of the acquisition and possession of weapons

2015/0269(COD) - 18/11/2015 - Legislative proposal

PURPOSE: to amend Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

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/EEC as amended by Directive 2008/51/EC.

The recent terrorist attacks in Paris on 13 November are a clear evidence of the multidimensional threat posed by organised crime, and they have shown the need to **further strengthen the fight against trafficking of firearms, through a coordinated and coherent approach** and to take immediate action strengthening the existing rules on the access and trade with firearms.

After the terrorist attacks in Paris in January 2015, EU Interior and/or Justice Ministers adopted a "**Paris declaration**" in which they reiterated their countries' commitment to reduce the illicit supply of firearms throughout Europe.

During the informal **European Council** meeting of 12 February 2015, the Heads of State and Government requested that all competent authorities increase the level of cooperation in the fight against illicit trafficking of firearms, including through the swift review of relevant legislation, and a renewed dialogue with third countries on security issues.

On 11 February 2015, the **European Parliament** adopted a Resolution on antiterrorism measures in which it called on the Commission to evaluate as a matter of urgency the existing EU rules on the movement of illegal firearms, explosive devices and arms trafficking linked to organised crime.

IMPACT ASSESSMENT: due to the urgency of the proposal in the light of recent events, it is submitted without an impact assessment. The proposal can however rely on a **Regulatory Fitness and Performance programme** REFIT **evaluation** of the Firearms Directive. This evaluation has shown remaining shortcomings in areas such as the convertibility of blank firing weapons, marking requirements, deactivation, definitions, internet-selling arrangements, as well as data collection and exchange systems. Additional requirements have been identified in the light of the experience of recent events.

CONTENT: the proposal seeks to **amend Council Directive 91/477/EEC on control of the acquisition and possession of weapons** with a view to improving some of its provisions.

Definitions of brokers and dealers: the proposal clarifies definitions of brokers and dealers and ensures consistency with the definition of essential components and parts of firearms as defined by UN Firearms Protocol. Silencers are also included within the scope of the Directive.

Collectors: the proposal newly includes collectors within the scope of the directive. Collectors have been identified as a possible source of traffic of firearms by the evaluation carried out. Therefore, collectors will have the possibility to acquire firearms but only subject to authorisation/declaration.

Deactivated firearms: recent attacks have been conducted with badly deactivated firearms (or firearms assembled with badly deactivated components). Deactivated firearms should be covered by the directive as regards identification of the owner and registers.

The proposal to introduce shortly, through an implementing regulation, **stringent minimum common guidelines** regarding the deactivation of firearms will render reactivation much more difficult. It cannot be excluded that deactivated arms will be reactivated despite stringent rules. Consequently, for the most dangerous firearms (category A) stricter rules have been introduced – even if they are deactivated. This means that deactivated firearms from Category A will not be allowed to be owned nor traded (except for museums).

A new provision establishes the requirement for **record keeping of deactivated firearms in national registries**. Any transfer (ie change of owner) of deactivated firearms should be registered

Semi-automatic weapons: these weapons represent a high share of today's hunting and sport-shooting weapons and can be easily converted to automatic arms. However, even in the absence of conversion to category "A", certain semi-automatic firearms can be very dangerous when their capacity regarding the number of rounds is high. The proposal **bans the semi-automatic weapons which are included in the current category "B7.**

Marking: the proposal introduces EU common rules on marking to avoid that markings are easily erased. It especially clarifies on which components the marking should be affixed (ensure coherence with UNFP marking requirements). It should also apply to **imported firearms**. A computerised data-filling system is extended to **more than 20 years**.

Sales channel for firearms: given the recent terrorist attacks where in some cases firearms were illegally assembled with components legally bought via Internet, it would be an important risk not to regulate this sales channel.

The proposal considers a stricter approach: not accepting selling of arms and components by means of distance communication (notably internet), **except for dealers and brokers**.

Alarm, signalling, live-saving weapons: the existing Directive does not include alarm, signalling, live-saving weapons etc. It is proposed to define **common criteria concerning "alarm weapons"** in order to prevent their convertibility to real firearms. This should, of course, cover both alarm weapons manufactured in the EU and imported weapons.

The risk of convertibility of alarm weapons and other types of blank firing weapons to real firearms is high and constitutes a key recommendation resulting from the Directive's evaluation and other study. Convertible alarm weapons imported from third countries can enter the EU territory unhindered due to lack of coherent/common rules. Therefore, **technical specifications** should be adopted through an implementing act.

Exchange of information: the proposal introduces a system of exchange of information among Member States and requires dealers and brokers to be connected to central firearm registers.

Licences: the proposal also introduces a five year time limit for the duration of a licence.