

# Control of the acquisition and possession of weapons

2006/0031(COD) - 18/11/2015 - Follow-up document

The Commission presents an evaluation of Council Directive 91/477/EC, as amended by Directive 2008/51/EC of 21 May 2008, on control of the acquisition and possession of weapons. This evaluation has been linked to the regulatory fitness and performance (REFIT) programme of the Commission.

To recall, the two main objectives of the Firearms Directive are to ensure the proper functioning of the internal market and to ensure a high level of security in the EU. It provides in particular minimum requirements for the acquisition and possession of firearms for civil use in the EU and harmonised administrative measures for the transfer of firearms within the EU.

**Purpose of the report:** in order to prepare the report, the Commission launched an evaluation study carried out by external consultants. The aim of this report is to describe the findings of the evaluation study, complement them with feedback received so far.

The report begins by recalling the background and main provisions of the Firearms directive. It presents the methodology of the evaluation using five criteria (effectiveness, efficiency, consistency, relevance and Union added value) as well as the recommendations of the evaluation. It also presents a critical assessment of the conclusions. Lastly, the report sets out the actions that the Commission envisaged taking to deal with the problems revealed by the evaluation and confirmed by Member States feedback.

**Conclusions of the evaluation and the way ahead:** the evaluation study showed that that the Firearms Directive has **positively contributed to the functioning of the internal market supporting cross border movement of firearms** and maintaining high levels of security, has EU added value and is relevant. However, **some obstacles remain** that could risk undermining its functioning. The evaluators and the discussion with Member States have highlighted the following critical issues for further action:

- **the issue of convertibility of blank firing weapons (such as alarm guns) into real firearms:** the evaluation highlighted the importance of clarifying the definition of convertibility and the criteria defining alarm weapons so as to create a common understanding of which types of alarm weapons can be converted and to restrict the circulation of those that proved to be convertible into operable firearms;
- **the need to clarify requirements for the marking of firearms (allowing their traceability):** the evaluation recommended the adoption of EU-wide standards for marking, and including in the Directive an obligation to mark all essential components at the time of manufacturing or import;
- **the need for common and stringent guidelines for the deactivation of firearms:** the evaluation recommended continuing the ongoing process of defining common guidelines on deactivation standards and techniques for firearms in line with the provisions of the Directive which explicitly provides for the drafting of common deactivation guidelines by the Commission. The scope of the guidelines should be extended in order to address rules related to the requirements for the ownership, sale, or transfer of deactivated firearms;
- **the need to clarify definitions:** the report suggests performing a preliminary in-depth analysis of the firearms parts regulated and marked across Member States and addressing at EU level differences between the definition of “essential components” included in the Firearms Directive and “parts and components” regulated by the United Nations Protocol against the illicit manufacturing on firearms. The evaluation recommends aligning the definitions;

- **the need to consider internet selling arrangements:** the evaluation recommended further measures to facilitate knowledge sharing among Member States regarding developments in the firearms market and trafficking (such as the online market for firearms, firearms parts and other weapons), and the impact of new technologies (3D printing) on control and tracing of weapons;
- **the need to streamline and improve the national data-exchange systems and explore the possibilities for interoperability:** the evaluation recommended improving the accessibility at EU level of information collected at national level for all interested parties, especially in consideration of information costs that SMEs might be incurred (e.g. by creating a database collecting information on the existing legislation and requirements in the 28 Member States);
- **the need to strengthen data collection activities** related to civilian firearms and related criminal offences to support appropriately future decision-making processes at EU level.

**Review of the Directive:** since work on standards and guidelines on deactivation was well advanced, the Commission decided to advance the review of the Directive taking into consideration the impact of the terrorist attacks on 15 November in Paris as well as previous attacks and shooting in Paris and Copenhagen and the incident in Thalys.

In line with the Commission Communication "[The European Agenda for Security](#)", in answer to the EU minister's Riga Joint Statement and to the Declaration from the Home Affairs Ministers of 29 August 2015, the Commission has decided to accompany this report with a [proposal for the revision of the Directive](#) on the basis of the evidence collected so far.

The proposal aims to reinforce the existing legislative framework on firearms, to improve the sharing of information, to address trafficking and reactivation of weapons, to enhance standards for marking in view of better traceability, and, finally, it will consider how to address the issues related to convertibility of weapons or blank-firing weapons (i.e. alarm weapons).