Control of the acquisition and possession of weapons

2015/0269(COD) - 02/08/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Vicky FORD (ECR, UK) 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.

The Committee on Civil Liberties, Justice and Home Affairs, exercising its prerogatives as an associated committee in accordance with Article 54 of the Rules of Procedure, also gave its opinion on the report.

The committee recommended that the European Parliament's position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Definition of a firearm: Members proposed 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. In addition, any **portable device** containing an essential component which is capable of being used in a firearm shall be considered a firearm. **Replicas** and signal weapons are not treated as firearms unless they can be converted into firearms or share an essential component. Members proposed that **any firearm which has been converted to firing blanks** remains in the definition of firearm in their original category.

National defence: 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.

Museums and collectors: 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.

Dealers: Members stressed 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.

Suspicious transactions: 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.

Valid reason for the acquisition and possession of firearms: 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.

Effective system for monitoring the acquisition and possession of firearms: Members States should ensure that an effective system is implemented for monitoring the acquisition and possession of firearms. That system should be based on an assessment of relevant **medical and psychological information** upon the issuance or renewal of an authorisation.

Storage: firearms should be stored in a secure way. When stored, firearms and ammunition for them shall not be readily accessible together. The level of scrutiny for the storage arrangements shall correspond to the category of the firearm concerned.

Deactivation: Members proposed that Member States should ensure that the deactivation of firearms is carried out in accordance with the technical specifications set out in **Annex III** of the Directive. 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.

Traceability: 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.

In order to improve the functioning of the information **exchange between Member States**, Members proposed that records should be immediately accessible via interoperable systems. 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.

Online sales: Members stated 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.

Activities of authorised dealers and brokers: 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.

Category A (prohibited) and B (subject to authorisation) firearms: the Commission proposal would have added many firearms used legally by hunters and sport shooters to the list of “Category A” firearms prohibited for civilian use.

Members **restricted Category A** to firearms with specified characteristics, such as: (i) 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; (ii) 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.

Members are of the opinion that Member States may **authorise marksmen to acquire and possess semi-automatic firearms** classified in point 6 or 7a of Category A, subject to the condition that the marksman

participates in shooting competitions organised by a recognised shooting club or that he regularly practises target shooting and has been doing so for at least 12 months.