

# Control of the acquisition and possession of weapons. Codification

2020/0029(COD) - 19/02/2020 - Legislative proposal

**PURPOSE:** to lay down minimum provisions on the movement of firearms within the EU (codification of Council Directive 91/477/EEC).

**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 on an equal footing with the Council.

**BACKGROUND:** Council Directive 91/477/EEC on control of the acquisition and possession of weapons has been substantially amended several times. In the interests of clarity and transparency of the law, the purpose of this proposal is to undertake a codification of Council Directive 91/477/EEC. The proposed new Directive will supersede the various acts incorporated in it; it fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

**CONTENT:** the proposed Directive lays down minimum provisions on the movement of firearms in the EU as defined in Annex I (Category A - Prohibited firearms; Category B - Firearms subject to authorisation and Category C - Firearms and other weapons subject to declaration).

The Directive shall be without prejudice to the application of national provisions concerning the carrying of weapons, hunting or sporting shooting, where the weapons are legally acquired and held in accordance with the Directive. It shall not apply to the acquisition or possession, in accordance with national law, of arms and ammunition by armed forces, police or public authorities.

The Directive shall not affect the power of Member States to take measures to prevent illegal arms trafficking. Member States could adopt stricter provisions in their legislation than those provided for in the Directive.

## ***Marking and registration***

All firearms manufactured in or imported into the Union on or after 14 September 2018 should be clearly, permanently marked and registered without delay after manufacture and, at the latest, before being placed on the market, or without delay after import into the Union.

Member States shall:

- establish a system including at least: (a) the registration of dealers and brokers operating in the territory of that Member State; (b) the requirement for dealers and brokers to be licensed or authorised in the territory of that Member State; and (c) a check on the professional and private good repute and relevant competence of the dealer or broker concerned;
- establish a computerised data file, whether centralised or decentralised, guaranteeing access by the authorised authorities to the data-filing systems in which each firearm covered by the Directive is registered;

- ensure that data relating to firearms, including the relevant personal data, are kept by the competent authorities in the data files for a period of 30 years after the destruction of the firearms or essential components in question.

### ***Traceability***

The Directive requires dealers and brokers to keep a record of all entries and exits they make with respect to each firearm, as well as data to enable the identification and tracing of the firearm. Gunsmiths and brokers established on their territory should report firearms transactions to the competent national authorities without undue delay.

### ***Acquisition and possession***

Member States shall permit the acquisition and possession of firearms only by persons who have good cause and who:

- 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;

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

Member States shall:

- have in place a monitoring system, which operates continuously or periodically, to ensure that the conditions for the granting of an authorisation laid down by national law are fulfilled for the entire duration of the authorisation ;

- lay down rules on the proper monitoring of firearms and ammunition and rules on their proper storage under safe conditions.

Member States may take all appropriate measures to prohibit the acquisition and possession of category A firearms, essential components and ammunition. They may grant category A authorisations to marksmen and sportsmen, as well as to recognised museums and, in exceptional and duly substantiated cases, to collectors, subject to strict security measures.

Authorisations to possess firearms shall be subject to periodic review at intervals of not more than five years.

### ***Deactivation of firearms***

The risk of acoustic weapons and other types of blank-firing weapons being converted into real firearms is high. Therefore, they shall be included within the scope of Directive.

Taking into consideration the high risk of reactivating improperly deactivated firearms, the Directive requires the classification of deactivated firearms under category C (firearms subject to declaration).

The deactivation of firearms shall be verified by a competent authority to ensure that modifications made to a firearm render all its essential components permanently inoperable and incapable of being reactivated.

The Commission shall establish standards and techniques to ensure that all essential components of a firearm are rendered permanently inoperable.

### ***Semi-automatic firearms***

Some dangerous semi-automatic firearms have now been added to category A and are therefore prohibited for civilian use. This is the case for:

- short semi-automatic firearms with loading devices over 20 rounds;
- long semi-automatic firearms with loading devices over 10 rounds;
- semi-automatic long firearms that can be reduced to a length of less than 60 cm without losing functionality by means of a folding or telescoping stock or by a stock that can be removed without using tools.

### ***European firearms pass***

The European firearms pass is a document issued by the competent authorities of a Member State, upon request, to a person who becomes lawfully the holder and user of a firearm. Its maximum period of validity is five years, with the possibility of extension. The European firearms pass would be regarded as the main document required of target shooters and other persons authorised in accordance with this Directive to possess a firearm during a journey to another Member State.