

Control of the acquisition and possession of weapons. Codification

2020/0029(COD) - 09/02/2021 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 601 votes to 77, with 14 abstentions, a legislative resolution on the proposal for a Directive of the European Parliament and of the Council on control of the acquisition and possession of weapons (codification of Council Directive 91/477/EEC).

Parliament adopted its position at first reading on the proposal which, in the opinion of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, contains a straightforward codification of the existing texts without any change in their substance.

The purpose of the proposal for a codified Directive is to lay down minimum provisions governing the movement of civil firearms within the EU. To this end, it provides for the categories of firearms whose acquisition and possession by private individuals will have to be either prohibited (category A), or subject to authorisation (category B) or declaration (category C).

As long as firearms are legally acquired and possessed in accordance with the Directive, national provisions on carrying, hunting or shooting should apply.

Marking and registration

The codified directive obliges Member States to:

- ensure that all firearms manufactured in or imported into the Union on or after 14 September 2018 bear a clear, permanent and unique marking and are registered in Member States' data filing systems;
- carry out strict controls on the activities of dealers and brokers, in particular by verifying the private and professional integrity of dealers and brokers;
- establish a computerised, centralised or decentralised data filing system, guaranteeing authorised access to the data-filing systems in which each firearm covered by the Directive is registered;
- ensure that data relating to firearms, including related personal data, are kept by the competent authorities in the data-filing system for a period of 30 years after the destruction of the firearms or essential components in question.

Tracing of weapons

The proposed Directive obliges arms dealers and brokers to keep a register in which all entries and exits they carry out in relation to each firearm are recorded, together with data enabling the identification and tracing of the firearm.

Arms dealers and brokers established on the territory of a Member State will have to report transactions involving firearms to the competent national authorities without undue delay.

Acquisition and holding

Member States may permit the acquisition and possession of firearms only by persons who have been issued with a licence or, in the case of category C firearms, by persons who are specifically permitted to acquire or possess such firearms in accordance with national law.

The acquisition and possession of firearms should be permitted only for persons who have a valid reason and who have reached the age of 18 (except for hunting and sport shooting where parental authorisation is required) or who are not likely to present a danger to themselves or others, public order or public safety.

Member States should take all appropriate measures to prohibit the acquisition and possession of firearms, essential components and ammunition in category A. 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, in accordance with strict security measures.

Authorisations to possess firearms should be subject to periodic review at intervals of no more than five years.

Deactivation of firearms

Given the high risk of acoustic weapons and other types of blank-firing weapons being converted into real firearms, it is foreseen that these should now fall within the scope of the Directive.

Taking into consideration the high risk of reactivating improperly deactivated firearms, the Directive requires that deactivated firearms be classified in category C, i.e. firearms subject to declaration. The deactivation of firearms should be verified by a competent authority.

Semi-automatic firearms

Firearms which are designed for military use, such as the AK47 and the M16, and which are equipped to operate based on selective fire, where they may be manually adjusted between automatic and semi-automatic firing modes, should be classified as category-A firearms and should therefore be prohibited for civilian use.

Certain dangerous semi-automatic firearms are now classified in category A and their civilian use should therefore be prohibited:

- semi-automatic short firearms than can hold more than 20 rounds;
- semi-automatic long firearms that can hold more than 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.

European firearms pass

The European firearms pass should be regarded as the main document needed by target shooters and other persons authorised in accordance with this Directive for the possession of a firearm during a journey to another Member State. The European firearms pass should be valid for a maximum period of five years, which could be extended.