

Control of the acquisition and possession of weapons

2006/0031(COD) - 27/06/2007

The Committee on the Internal Market and Consumer Protection adopted a report drawn up by Gisela **Kallenbach** (Greens/EFA, DE) and made several amendments to the proposal designed to tighten up gun controls, including restricting the sale of guns through the web. The principal amendments were as follows:

- **scope of the directive:** the directive will also apply to parts and ammunition of firearms, including those imported from third countries. The rules covering the acquisition and possession of ammunition capable of being used will be identical to the rules covering the possession of the firearms for which ammunition is intended. The directive will cover collectors and bodies concerned with cultural or historical aspects. Furthermore, the acquisition of firearms by private individuals through means of distance communications, for example via the Internet, will be subject to the rules laid down in the Directive and the acquisition of firearms by persons convicted by a final court judgment of certain serious criminal offences prohibited. The Committee felt that, given that intelligence evidence shows an increase in the use of converted weapons within the EU, it was essential to ensure that such convertible weapons were brought within the definition of 'firearm'. For the activities of cultural and historical institutions and associations which deal with and use weapons for peaceful purposes, mutual recognition of national documents for the cross-border transfer and use of weapons and ammunition should be put into practice, as provided for example in the bilateral agreement between Germany and Austria of 28 June 20021;

- **marking system:** in order to facilitate the tracing of weapons, the Committee stated that it is necessary to use only alphanumeric symbols and to include in the marking the year of manufacture of the weapon (if not part of the serial number). The Convention of 1 July 1969 on Reciprocal Recognition of Proof marks on Small Arms should be used as a reference for the marking system in the EU as a whole.

- **record keeping:** the Committee inserted a clause stipulating that each Member State shall ensure the maintenance of a computerised and centralised data filing system, in which each firearm subject to this Directive is attributed a unique identification number. This filing system shall record and maintain for not less than 20 years (rather than 10 years as the Commission had proposed) each firearm's type, make, model, calibre, serial number and year of manufacture (if not part of the serial number), the name and address of the manufacturer and former and current owner of the firearm, any trade or transfer, exchange, hiring out, repair or conversion of the firearm, and such other information as is necessary to enable the tracing of the firearm. The filing system shall also contain information enabling the tracing of parts and ammunition. Dealers and brokers, throughout their period of activity, will be required to maintain a register in which all firearms subject to the Directive and which are received or disposed of by them will be recorded, together with such particulars as enable the weapon to be identified and traced, in particular the type, make, model, calibre, serial number and year of manufacture (if not part of the serial number) and the names and addresses of the persons supplying and acquiring the weapon. Upon the cessation of his activities, the dealer or broker shall deliver the register to the national authority responsible for the registration system provided for in the Directive;

- **exchange of information between Member States:** Member States must, on a regular basis, exchange information relating to marking systems and techniques, the number of authorised dealers and brokers, transfers of firearms and their parts and ammunition, national legislation and practices, existing stocks on their territories, confiscated firearms and deactivation methods and techniques. They must also, in accordance with the European Convention on Mutual Assistance in Criminal Matters of 1959, exchange

information on persons having been found guilty by a final court judgment of a serious criminal offence defined in the Directive. The Commission must set up a contact group for the exchange of information for the purposes of applying this Article, and for cooperation regarding the tracing of illicit firearms and their parts and ammunition;

- **profession of a dealer:** due to the special nature of the activity of dealers and brokers, Member States must exercise a strict control over this activity, in particular to verify the professional integrity and abilities of those dealers and brokers. The Committee inserted definitions of 'dealer' and 'broker';

- **brokering activities:** a natural or legal person who carries out brokering activities involving

the transfer of firearms, their parts and ammunition will be subject to the same system of authorization as dealers;

- **control:** intra-community transfers must undergo physical inspection, at least on a random basis, by the authorities at the time of shipment or upon arrival with the recipient to ensure that the information corresponds to the actual consignment. In order to allow such inspections, authorities should be informed at least 5 working days prior to the transfer;

- **the European Firearms Pass:** the Pass functions in a satisfactory way in the main and should be regarded as the only document needed by hunters and marksmen to transfer a firearm to another Member State. The failure to carry a European firearms pass shall not be subject to custodial sentences;

- **deactivation of firearms:** the Commission shall issue common guidelines, following the procedure set in the Directive, on deactivation standards and techniques to ensure that deactivated firearms are permanently inoperable;

- **antique weapons:** a definition was inserted stating the term shall mean either any weapon manufactured before 1900, including replicas, or any newer weapon defined as an antique weapon by a Member State according to technical criteria;

- **reports:** within 5 years of the date of transposition, and every fifth year thereafter, the Commission must submit a report on the application of the Directive, accompanied, if appropriate, by proposals. The Commission shall carry out a study on the marketing of replica weapons within the Community. The Commission shall also carry out a study on the simplification and better functioning of the internal market in firearms. On the basis of this study, the Commission shall, if appropriate, submit a proposal three years after entry into force of the Directive, for the reduction of the classification of firearms into two categories, with possible derogations for hunters and sportsmen.

Lastly, the Committee adopted an innovative provision, which would require Member States to inform the European Parliament (and not just the Commission) of measures they take to implement the directive.