Basic information

2015/0269(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Control of the acquisition and possession of weapons **Subject** 2.10.01 Customs union, tax and duty-free, Community transit 2.80 Cooperation between administrations 6.20.02 Export/import control, trade defence, trade barriers 7.30.12 Control of personal weapons and ammunitions	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	FORD Vicky (ECR)	07/12/2015
	Shadow rapporteur CORAZZA BILDT Anna Maria (PPE) COFFERATI Sergio Gaetano (S&D) CHARANZOVÁ Dita (ALDE) MAŠTÁLKA Jiří (GUE/NGL) DURAND Pascal (Verts/ALE) IWASZKIEWICZ Robert Jarosław (EFDD)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
INTA International Trade	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs (Associated committee)	VALERO Bodil (Verts/ALE)	10/12/2015

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3531	2017-04-25

	Justice and Home Affairs (JHA)	3473	2016-06-10
	Justice and Home Affairs (JHA)	3455	2016-03-10

European Commission	Commission DG	Commissioner
	Internal Market, Industry, Entrepreneurship and SMEs	BIEŃKOWSKA Elżbieta

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
18/11/2015	Legislative proposal published	COM(2015)0750	Summary
14/12/2015	Committee referral announced in Parliament, 1st reading		
10/03/2016	Debate in Council		
28/04/2016	Referral to associated committees announced in Parliament		
10/06/2016	Debate in Council		
13/07/2016	Vote in committee, 1st reading		
02/08/2016	Committee report tabled for plenary, 1st reading	A8-0251/2016	Summary
05/09/2016	Committee decision to open interinstitutional negotiations with report adopted in committee		
26/01/2017	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/T/(2017)007654 PE609.477	
14/03/2017	Decision by Parliament, 1st reading	T8-0068/2017	Summary
14/03/2017	Results of vote in Parliament		
14/03/2017	Debate in Parliament		
25/04/2017	Act adopted by Council after Parliament's 1st reading		
17/05/2017	Final act signed		
17/05/2017	End of procedure in Parliament		
24/05/2017	Final act published in Official Journal		

Technical information

Procedure reference	2015/0269(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the European Union TFEU 114
Mandatory consultation of other institutions	European Economic and Social Committee

Stage reached in procedure	Procedure completed
Committee dossier	IMCO/8/05094

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE578.822	22/03/2016	
Amendments tabled in committee		PE582.157	02/05/2016	
Amendments tabled in committee		PE582.208	02/05/2016	
Amendments tabled in committee		PE582.209	02/05/2016	
Committee opinion	LIBE	PE576.870	18/05/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0251/2016	02/08/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0068/2017	14/03/2017	Summary
Text agreed during interinstitutional negotiations		PE609.477	20/09/2017	

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/T/(2017)007654	20/12/2016	
Draft final act	00062/2016/LEX	17/05/2017	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2015)0750	18/11/2015	Summary
Commission response to text adopted in plenary	SP(2017)309	16/05/2017	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	FI_PARLIAMENT	COM(2015)0750	12/01/2016	
Contribution	IT_SENATE	COM(2015)0750	22/01/2016	
Reasoned opinion	SE_PARLIAMENT	PE577.020	16/02/2016	
Reasoned opinion	PL_SENATE	PE577.021	16/02/2016	
Contribution	PT_PARLIAMENT	COM(2015)0750	29/03/2016	
Contribution	RO_CHAMBER	COM(2015)0750	31/03/2016	

Contribution	CZ_SENATE	COM(2015)0750	26/04/2016	
Contribution	CZ_CHAMBER	COM(2015)0750	09/05/2016	
Contribution	AT_BUNDESRAT	COM(2015)0750	13/05/2016	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES6789/2015	27/04/2016	

Additional information

Source	Document	Date
European Parliament	Briefing	
European Parliament	Briefing	
European Parliament	Briefing	
European Commission	EUR-Lex	

Final act

Directive 2017/0853
OJ L 137 24.05.2017, p. 0022 Summary

Control of the acquisition and possession of weapons

2015/0269(COD) - 17/05/2017 - Final act

PURPOSE: to strengthen control over the acquisition and possession of weapons.

LEGISLATIVE ACT: Directive (EU) 2017/853 of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

CONTENT: this Directive revises and complements existing Directive 91/477/EEC in order to address the misuse of firearms for criminal purposes and taking into account recent terrorist acts.

Its main elements are:

Traceability of firearms: firearms manufactured or imported into the Union on or after 14 September 2018 and any essential parts of these firearms shall be visibly and permanently marked and registered without delay in accordance with the Directive.

This information shall be recorded in **computerised data-filing systems** in place in Member States containing all information relating to firearms required to trace and identify such firearms. Record of firearms and the essential components, including the related personal data, is retained in the data-filing systems by the competent authorities for a period of **30 years** after the destruction of the firearms or essential components in question.

Member States shall establish a system to regulate the **activities of dealers and brokers** and ensure that they register, electronically and without delay, any transactions involving firearms.

Acquisition and possession of firearms: Member States shall take all appropriate measures to **prohibit** the acquisition and possession of the most dangerous firearms in category A.

The national competent authorities may, in exceptional and duly reasoned cases, grant authorisations for firearms of this category with a view: (i) to protecting the security of critical infrastructure, commercial shipping, high-value convoys and sensitive premises, as well as for (ii) national defence, educational, cultural, research and historical purposes. Such derogations may be granted only if this is not contrary to public security or public order.

Member States may grant Category A authorisations to **shooting sports, recognised museums** and, in exceptional and duly motivated cases, to **collectors**, in accordance with strict safety measures.

Authorisations granted under this Article shall be **reviewed periodically** at intervals not exceeding 5 years

Authorisations for possession of firearms shall be reviewed periodically, at intervals not exceeding 5 years. An authorisation may be renewed or prolonged if the conditions on the basis of which it was granted are still fulfilled. The Directive enables the confirmation of authorisations granted for semi-automatic firearms (falling within category 6, 7 or 8) which have been legally acquired and registered before the entry into force of the Directive.

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 91/477/EEC.

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 reactived.

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.

Exchange of information: the Commission shall set up a system for the exchange of information between Member States. This system shall enable the competent authorities to exchange information by electronic means on authorisations granted for the transfer of firearms to another Member State and on refusals to grant authorisations for security reasons.

ENTRY INTO FORCE: 25.5.2017.

TRANSPOSITION: no later than 14.9.2018.

DELEGATED ACTS: the Commission may adopt delegated acts in order to enable Member States to set up a system for the exchange of information. The power to adopt such acts shall be conferred on the Commission for an **indeterminate period** from 13 June 2017. The European Parliament or the Council shall have the right to object to a delegated act within a period of two months (extendable for two months) from the date of notification of the act.

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.

Control of the acquisition and possession of weapons

2015/0269(COD) - 14/03/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 491 votes to 178, with 28 abstentions, a legislative resolution 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.

Parliament’s position adopted at first reading following the ordinary legislative procedure amended the Commission proposal.

Members stated that certain aspects of Directive 91/477/EEC on control of the acquisition and possession of weapons need to be further improved taking account of the recent terrorist attacks. The amendments concern the following issues:

Marking: in order to increase the traceability of all firearms and essential components and to facilitate their free movement, the amended text stipulated that all firearms or their essential components should be ma**rked with a clear, permanent and unique marking** and registered in the data-filing systems of the Member States.

Data files: these records should contain all information allowing a firearm to be linked to its owner and should record the name of the manufacturer or brand, the country or place of manufacture, the type, make, model, calibre and serial number of the firearm or any unique marking applied to the frame or receiver of the firearm. Records in the data-filing systems shall be retained for a period of **30 years** after the destruction of the firearms or essential components concerned.

EU Member States should establish a control system for the issuance or renewal of authorisations and for the exchange of information contained in computerised data-filing systems.

Dealers: each Member State shall establish a system for the regulation of the activities of dealers and brokers. Such systems shall include at least the registration, the licensing or authorisation and a check of the private and professional integrity and of the relevant abilities of the dealer or broker concerned.

Dealers and brokers should be able to **refuse to complete any suspicious transaction** for the acquisition of complete rounds of ammunition or live primer components of ammunition. A transaction may be considered suspicious if, for example, it involves quantities uncommon for the envisaged private use, if the purchaser insists on paying in cash while being unwilling to provide proof of his or her identity.

Firearms firing blanks: the amended Directive obliges Member States to take measures to ensure that devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant. They should classify these devices as firearms.

Category A (prohibited firearms) shall include any firearm in that category which has been converted to firing only blanks, irritants, other active substances or pyrotechnic signalling rounds.

Semi-automatic firearms: some semi-automatic firearms can easily be converted to automatic firearms, thus posing a threat to security. Therefore, the amended text provides for the application of **stricter rules** for semi-automatic firearms with a detachable loading device having a high capacity, as well as semi-automatic firearms with a fixed loading device allowing a high number of rounds to be fired. These weapons shall be classified among the most dangerous firearms (category A).

Deactivation of firearms: having regard to the high risk of reactivating improperly deactivated firearms, Member States shall make arrangements for the deactivation of firearms to be **verified** by a competent authority in order to ensure that the modifications made to a firearm render all its essential components permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way. The Commission shall lay down deactivation standards and techniques to ensure that all essential components of a firearm are **rendered permanently inoperable**.

Specific uses: Member States may grant category A authorisations to **target shooters** and **recognised museums** and, in exceptional and duly reasoned manner, to **collectors**, in accordance with strict safety measures.

Control of the acquisition and possession of weapons

2015/0269(COD) - 18/11/2015 - Legislative proposal

PURPOSE: to amend Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

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 and on an equal footing with the Council.

BACKGROUND: the acquisition, possession and import/export of firearms for civilian use is subject to a comprehensive EU regulatory framework set out in Directive 91/477/EEC as amended by Directive 2008/51/EC.

The recent terrorist attacks in Paris on 13 November are a clear evidence of the multidimensional threat posed by organised crime, and they have shown the need to **further strengthen the fight against trafficking of firearms, through a coordinated and coherent approach** and to take immediate action strengthening the existing rules on the access and trade with firearms.

After the terrorist attacks in Paris in January 2015, EU Interior and/or Justice Ministers adopted a "**Paris declaration**" in which they reiterated their countries' commitment to reduce the illicit supply of firearms throughout Europe.

During the informal **European Council** meeting of 12 February 2015, the Heads of State and Government requested that all competent authorities increase the level of cooperation in the fight against illicit trafficking of firearms, including through the swift review of relevant legislation, and a renewed dialogue with third countries on security issues.

On 11 February 2015, the **European Parliament** adopted a Resolution on antiterrorism measures in which it called on the Commission to evaluate as a matter of urgency the existing EU rules on the movement of illegal firearms, explosive devices and arms trafficking linked to organised crime.

IMPACT ASSESSMENT: due to the urgency of the proposal in the light of recent events, it is submitted without an impact assessment. The proposal can however rely on a **Regulatory Fitness and Performance programme** REFIT **evaluation** of the Firearms Directive. This evaluation has shown remaining shortcomings in areas such as the convertibility of blank firing weapons, marking requirements, deactivation, definitions, internet-selling arrangements, as well as data collection and exchange systems. Additional requirements have been identified in the light of the experience of recent events.

CONTENT: the proposal seeks to **amend Council Directive 91/477/EEC on control of the acquisition and possession of weapons** with a view to improving some of its provisions.

Definitions of brokers and dealers: the proposal clarifies definitions of brokers and dealers and ensures consistency with the definition of essential components and parts of firearms as defined by UN Firearms Protocol. Silencers are also included within the scope of the Directive.

Collectors: the proposal newly includes collectors within the scope of the directive. Collectors have been identified as a possible source of traffic of firearms by the evaluation carried out. Therefore, collectors will have the possibility to acquire firearms but only subject to authorisation/declaration.

Deactivated firearms: recent attacks have been conducted with badly deactivated firearms (or firearms assembled with badly deactivated components). Deactivated firearms should be covered by the directive as regards identification of the owner and registers.

The proposal to introduce shortly, through an implementing regulation, **stringent minimum common guidelines** regarding the deactivation of firearms will render reactivation much more difficult. It cannot be excluded that deactivated arms will be reactivated despite stringent rules. Consequently, for the most dangerous firearms (category A) stricter rules have been introduced – even if they are deactivated. This means that deactivated firearms from Category A will not be allowed to be owned nor traded (except for museums).

A new provision establishes the requirement for **record keeping of deactivated firearms in national registries**. Any transfer (ie change of owner) of deactivated firearms should be registered

Semi-automatic weapons: these weapons represent a high share of today's hunting and sport-shooting weapons and can be easily converted to automatic arms. However, even in the absence of conversion to category "A", certain semi-automatic firearms can be very dangerous when their capacity regarding the number of rounds is high. The proposal **bans the semi-automatic weapons which are included in the current category "B7.**

Marking: the proposal introduces EU common rules on marking to avoid that markings are easily erased. It especially clarifies on which components the marking should be affixed (ensure coherence with UNFP marking requirements). It should also apply to **imported firearms**. A computerised data-filling system is extended to **more than 20 years**.

Sales channel for firearms: given the recent terrorist attacks where in some cases firearms were illegally assembled with components legally bought via Internet, it would be an important risk not to regulate this sales channel.

The proposal considers a stricter approach: not accepting selling of arms and components by means of distance communication (notably internet), **except for dealers and brokers**.

Alarm, signalling, live-saving weapons: the existing Directive does not include alarm, signalling, live-saving weapons etc. It is proposed to define **common criteria concerning "alarm weapons"** in order to prevent their convertibility to real firearms. This should, of course, cover both alarm weapons manufactured in the EU and imported weapons.

The risk of convertibility of alarm weapons and other types of blank firing weapons to real firearms is high and constitutes a key recommendation resulting from the Directive's evaluation and other study. Convertible alarm weapons imported from third countries can enter the EU territory unhindered due to lack of coherent/common rules. Therefore, **technical specifications** should be adopted through an implementing act.

Exchange of information: the proposal introduces a system of exchange of information among Member States and requires dealers and brokers to be connected to central firearm registers.

Licences: the proposal also introduces a five year time limit for the duration of a licence.