Basic information

2020/0029(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Control of the acquisition and possession of weapons. Codification **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**
	JURI Legal Affairs	ADAMOWICZ Magdalena (EPP)	01/07/2020
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Legal Service	JOHANSSON Ylva	
European Economic and Social Committee			

Key events

Date	Event	Reference	Summary
19/02/2020	Legislative proposal published	COM(2020)0048	Summary
09/03/2020	Committee referral announced in Parliament, 1st reading		
27/01/2021	Vote in committee, 1st reading		
29/01/2021	Committee report tabled for plenary, 1st reading	A9-0010/2021	
08/02/2021	Results of vote in Parliament		
09/02/2021	Decision by Parliament, 1st reading	T9-0032/2021	Summary
09/03/2021	Act adopted by Council after Parliament's 1st reading		
24/03/2021	Final act signed		
25/03/2021	End of procedure in Parliament		
06/04/2021	Final act published in Official Journal		

Technical information

Procedure reference	2020/0029(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Codification
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the European Union TFEU 114-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	JURI/9/02551

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE660.352	18/11/2020	
Committee report tabled for plenary, 1st reading/single reading		A9-0010/2021	29/01/2021	
Text adopted by Parliament, 1st reading/single reading		T9-0032/2021	09/02/2021	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00056/2020/LEX	24/03/2021	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2020)0048	19/02/2020	Summary
Follow-up document	COM(2021)0647	27/10/2021	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2018/2020	10/06/2020	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act
Directive 2021/0555 OJ L 115 06.04.2021, p. 0001

Delegated acts	
Reference	Subject
2021/2717(DEA)	Examination of delegated act

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 reactived.

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.

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.