

To Rapporteur Vicky Ford

WORKING DOCUMENT

on the control of the acquisition and possession of weapons Committee on
the Internal Market and Consumer Protection

We copied your working document and [commented in blue letters](#).

Firearms United
09.03.2016

1. Introduction

This document is a discussion paper to enable the Rapporteur to start preparing draft amendments to the Commission proposal.

It is important to recognise that the vast majority of owners of firearms in the EU do not present any danger to the public. Any changes to the 1991 Directive must be necessary, proportionate and targeted. The absence of an impact assessment is problematic since it is unclear which problems have been identified and what the evidence is for how they should best be addressed.

Although the use of legally acquired firearms by criminals and terrorists is limited, there have been recorded cases. For example, a type of firearm used in the Charlie Hebdo attacks in Paris had been legally purchased in one Member State (MS) after conversion into a "blank-firing" acoustic firearm, which under the law of that MS before it was recently amended, did not require authorisation. It was then converted back into a live prohibited firearm.

No law can reduce the abuse of firearms to nil. The Directive of 1991 is so good that the recorded cases with registered firearms are insignificant in regards to crime and transfer to illicit ownership by theft or unauthorized delivery in most MS. Criminals use mostly firearms which are not in the scope of the actual directive: smuggled firearms, thefts from military depots and reactivated, formerly converted firearms. [1].

It is clear that many stakeholders are concerned about the lack of clarity of some of the proposal and possible consequences for legal owners.

Any changes to the Directive must therefore balance the right to ownership of certain types of firearms with controls appropriate to the risk presented. This approach should take different forms. More precise criteria could assist free movement by further clarifying the controls applicable and reducing national differences. Clarifying requirements such as those needed for authorisation, for example on secure storage and museums, could ease free movement of licit firearms by approximating to the degree necessary the safety requirements across MS, increasing trust by reducing discrepancies between national laws. In so doing, the risk of legally acquired firearms being sold into the black market could be lessened.

The high priorities of the evaluation was easement for free movement of authorised firearms. [3]

The high priorities of the study to combat illicit trafficking was closer cooperation and legally-binding common minimum standards for definition of criminal offences and their sanctions related to illicit arms trafficking. [1]

The latter study reported that the great majority of illicit firearms circulating in the EU originate from cross-border trafficking activities

However, in addition, the Commission adopted a Deactivation Regulation on the same day as its launch of the review of the Directive. Concerns have been expressed by stakeholders from many MS that the new Regulation may make it harder for law enforcement bodies to know if a firearm has been properly deactivated.

We support balanced regulations to close loopholes and united prosecution of illicit trafficking.

We reject regulations which costs for administration, legal owners, manufacturers and traders are unbalanced, e.g. high costs but insignificantly small impact on security.

The Rapporteur seeks your views on the following issues:

2. Characteristics v. appearance

The proposal includes replicas/imitations in category C and continued control of deactivated firearms. That (and the proposed move of category B7 to A7) touches on the appearance of an object, not its characteristics.

The Directive defines and controls “essential components”. This could provide a basis for an approach based on technical characteristics instead of appearance.

The Rapporteur welcomes your views on the following:

- i. exclude from scope firearms, including in category A, deactivated under the new Deactivation Regulation or alternative prior deactivation standard which has rendered the firearm irreversibly inoperable¹ (except for continued registration of an already registered firearm after its deactivation, for tracing purposes). This would remove the proposed category A8 and C6 in Annex I,
We agree. We support record keeping until deactivation and also marking of deactivation by authorised body. This would allow tracing to the responsible for the deactivation even after border crossing.

As not all MS have a proof house we need free movement to proof houses in other MS or training of national authorised bodies. We also need common rules for sanctions of the responsible if the standards have not been met.

As soon as a firearm is properly deactivated, it cannot be reactivated with ordinary tools and knowledge and therefore should be excluded from the scope. According to the new Deactivation Regulation already deactivated firearms in private ownership, which do not meet the new rules, should also be excluded from the scope as long as they do not cross the border.

Other options would increase administrative costs and criminalize law abiding owners as there are millions of deactivated firearms in circulation.

- ii. exclude from scope other objects which do not contain any essential component which can also be used in a firearm,
Agree
- iii. keep in scope objects which have an essential component,
Agree
- iv. clarify that essential components are included in the highest category of firearm on which they are intended to be mounted,
Not agree. Essential components need authorised transfer and record keeping. The intended use is prior to the potential use as there is no significant evidence that registered essential components have been mounted to unauthorised firearms. Essential components should therefore be included in the category of firearms on which they are to be mounted.
- v. clarify which components are "essential", regarding the proposal to add additional items to the list (e.g. silencers).
In Germany we have two essential parts for every firearm: always the barrel and in regards to the type of firearm a second component: frame for pistols, cylinder for revolvers, bolt/bolt-head for repeating rifles or action system for others.

Our crime statistics show that this is enough to deter illicit modification by converting, as

our regulations have high standards to these both essential components for deactivated, salut and alarm weapons. In Germany illicit modification needs smuggled components or expert's tools and knowledge.

The above approach would specify the current text of Art 1 and the proposal on replicas (1h) could be dropped.

This is very important as replica as toy guns (airsofts) and simple objects would be otherwise in the scope of the directive. This could lead to such strange and unnecessary outcome as in Germany where we have some ineffective, unenforceable laws in regards to forbidden weapons and resemblance. People got arrested because they owned handbags with brass knuckles or bathroom hooks which resemble ninja stars or silverware with components of antiques. [5]

All studies show that replica do not produce a real danger for life and that they have never been used in terroristic acts.

However, it may have an impact on certain objects such as airguns and airsoft, which might require clarification. The Rapporteur is interested in your suggestions.

Even if all replica, airsofts and airguns would be registered people with criminal intend would use homemade imitations to threaten people.

All these harmless objects and firearms are mostly not misused. The few recorded cases were threats without shootings or damage of properties (airguns). So their impact on crime is small. It is even smaller in comparison to the quantities in legal, unmodified ownership.

Registering all harmless firearms may produce three negative counter-effects.

1. Instead of threats with harmless objects criminals will move to improvised firearms which can shoot and pose a real threat to life. Improvised firearms are most commonly encountered in regions with restrictive gun control laws. [6]
2. As registering costs time and money for owners, dealers and administration the impact in deterring crime by defence with harmless firearms for law abiding people could be negative.
3. As Mr. Benstein of BKA said: every citizen has the right to self defence. If we ban or raise the costs for harmless weapons law abiding citizens with the need of self defence may move to illicit or improvised firearms, e.g. the Dutch jeweller who bought an illicit firearm after the third robbery with which his wife shot both robbers at the fourth robbery. We assume that legal ownership with mandatory training in handling and de-escalation could deter crime.[7]

All three studies of the EU have no impact assessment for registering all harmless firearms and replica and destroying all objects which "resembles" war weapons. [1] [2] [3] We assume that there are at least 100 million of these objects in circulation; most of them not registered.

We've made the experience in Germany and Austria that after implementing registration for real firearms only 10% of the owners followed the law. If registration leads to time-limited ownership, mandatory and costly medical attests and confiscation and destruction we assume that even less than 1% will be voluntary registered. Up to 100 million of these objects would become illicit without registration, criminalize their owners and lead to many hundred thousand lawsuits in future. The costs for the lawsuits alone are not reasonable in comparison to the impact on crime.

3. Blank firing weapons (alarm/signal/salute/acoustic)

Defective implementation by some MS of the Directive has led to demonstrated problems particularly relating to the use of reconverted blank firing weapons.

As amended in 2008, Art 1 of the Directive means that an object which has been converted to fire blanks remains a firearm if it can be converted back. The Directive also provides that objects designed for alarm, signalling etc. are excluded if they “can be used for the stated purpose only”. In the Rapporteur's view this should already cover the situation. The Commission proposes to clarify primarily by introducing three new definitions, each of which could be discussed, and by including alarm/signal/salute/acoustic weapons as well as replicas in category C, regardless of their technical characteristics.

The Rapporteur believes there may be a simpler approach and welcomes views on the following:

- i. firearms converted to firing blanks remain in their original categories, and
[Agree only, if trustworthy citizens and bodies getting permits for category A weapons. Certified museums, collectors, re-enactors, movie outfitters, firearms experts and other certified people with a "good cause" should be able to get a permit.](#)

[It may be more reasonable if the conversion to firing blanks leads to the next category: A to B, B to C, C to D. The quantity of category A weapons would decrease and not increase. Blank firing A firearms are less dangerous than full automatic firearms and should not be listed in the same category. Their essential components in category B would need permits to buy.](#)

- ii. objects originally manufactured to fire blanks, meeting requirements to be laid down by the Commission by a set date, remain outside scope.
[Agree, Italian and German requirements show in crime statistic that their blank firing firearms pose no serious threat to security.](#)

In addition, as outlined in 2 above, any other objects containing an essential component could be placed in the category for the firearm on which the **component could be mounted**. This might remove a need for definitions of alarm, signal, salute or acoustic weapons.

[Please change the words to "component intended to be mounted", as barrels could be mounted to firearms of category A.](#)

[Other suggestion: Every live firing firearm which has been converted to a blank firing, salut, alarm or acoustic weapon moves to the next category.](#)

[Experts in crime and technic should have a look on converted D firearms \(long single loaded shotguns\) and decide if converted D weapons should stay in D or fall out of the scope.](#)

4. Art 2(2), Art 6 authorisation, category A-B

The Commission proposes to move category B7 to A7, to delete the possibility in Art 6 for MS to grant category A authorisations in special cases, and to require all category A firearms are destroyed (save for "authorised bodies concerned with historical and cultural aspects", under extremely limited circumstances).

Under the current wording of the Directive, despite category A being described as “prohibited”, firearms listed in both category A and B are allowed, subject to authorisation, either under Art 6 (category A) or Art 5 and 7 (category B). Art 2(2), which states that the Directive does not apply to the armed forces, police etc., is also of relevance in this context.

Based on the discussion in the EP so far, and as she understands the situation in Council, the Rapporteur takes it that the proposal in this respect has little realistic prospect of approval.

The Rapporteur has considered the option to include all semi-automatics in category A unless they are included in category B or C. However she believes that this approach is unworkable.

Therefore, the Rapporteur would invite your views on the following alternatives:

4.1 to revert to the existing legislation,
Agree, but with deletion of category B7.

This category has been invented 1991 because of the former German Firearms Act. The restriction on semi-automatic rifles which “resemble war weapons” had been in place since 1973 in Germany. It was removed in 2003 since the Ministry of the Interior could not find any evidence of any security threat with such firearms. Recent police data on reported crime shows that this assessment remains correct. Since 2003, registered B7 rifles have not been used for criminal acts in Germany and have not been used in terroristic acts in Europe. This is a strong argument against the claim by the EU Commission that B7 semi-automatic rifles are the “most dangerous. [8]

The Evaluation reported : "Some semi-automatic firearms can be transformed into automatic firearms and thus represent a real threat to security, as stated by representatives from 2 MS (FI, SE), with the process of conversion being straightforward in some cases, like that of a Glock semi-automatic pistol. The same happens for certain semi-automatic rifles, with online demonstrations to convert from semi-automatic to automatic in roughly one minute." [3. page 27]

FI and SE are the countries who opposes against the ban for B7 semi-automatic rifles. Their concern was for Glock pistols of category B1. The online demonstration forgot to mention that the parts for conversion are strictly regulated and usually forbidden for private citizens. Before anybody can switch to automatic he first have act as criminal to get hold of the parts.

But even if a registered semi-automatic firearm could be easily modified to an automatic one, registered gun owners will not do it because it is strictly forbidden. Crime statistics prove this.
or

4.2 to consider a package of

- i. clarifying in Art 2(2) that “armed forces” cover the defence forces as defined under MS law with all units and persons under their command, including, where relevant, the home guard, reservists etc. if authorised or obliged to acquire or possess category A firearms, In some MS at least one third of all licensed gun owners are reservist or home guard. If they would fall out of the scope they could own a full automatic A2 rifle instead of converted ones. This option may increase the number of full automatic weapons.
- ii. maintaining the possibility for MS to grant authorisations also for category A in special cases, while clarifying possibly that with examples of types of persons which could be considered for authorisations (via an open list), and a further description in a recital of the nature of associated stringent requirements, MS controls already the most trustworthy licence holders of category A weapons. There is no evidence for illicit cross border movement of registered category A weapons. So nothing should be changed in the Directive.
- iii. ensuring that shortening a firearm (making it more easily concealable) is considered manufacturing, and therefore illicit unless done by an authorised dealer, and Shortening of the total length is possible for everyone if the firearms stays within its category. If the shortening moves a firearm in the next higher category an authorisation is already needed before the private owner is allowed to do so. So nothing should be changed in the Directive.

In Germany shortening a barrel is only allowed by an authorised gunsmith and needs testing by proof house. Technical experts should decide if the German rule is overregulated or if it really has a positive impact on safety for the firearm.

- iv. rejecting the proposed move of category B7 to A7 (as B7 requires authorisation in any event).
Agree. See point 4.1.

4.3 Alternative wording for A7

The Rapporteur has considered a number of options, but has not yet been able to identify a viable alternative allowing e.g. to specifically identify a particular type of semi-automatic firearm by way of unique technical characteristics.

However, she would appreciate views on inserting one or more of the following options to replace the A7 text of the proposal:

- i. "firearms and ammunition specially designed for military use" (cf Art 3(b) of Regulation 258/2012),
There are two different types of military ammunition.
 - a) ammunition forbidden for civilians with penetrating, explosive or incendiary projectiles (A4) - used to attack tanks
 - b) full metal ammunition due to Geneva Convention. This military ammunition is cheap and forbidden for hunting as it does not kill as fast as possible. But it is allowed for target shooting. "Normal" hunting ammunition is more dangerous than ammunition designed for military use.There are lots of different types for military firearms. For combat, for defence, for long distance shots, for attacks and urban warfare. Military uses pistols, shotguns and repeating rifles as well as full automatic rifles which can be switched to semi automatic fire. There is no type of firearm in category B and C1 which cannot be used by military.
As registered firearms of category B are not threat to society we don't need to forbid them.
- ii. "centrefire semi-automatic rifled long firearms specially designed for military use",
As registered firearms of category B are not threat to society we don't need to forbid them.
- iii. "Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms except in the case of firearms for hunting or for target shooting, for persons entitled to use them",
As registered firearms of category B are not threat to society we don't need to forbid them.
- iv. "semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms, except where specially designed for hunting or target shooting",
As registered firearms of category B are not threat to society we don't need to forbid them.
- v. "semi-automatic long firearms for civilian use which have or can be equipped with a firing capacity exceeding 6 rounds without reloading, or which otherwise are constructed in a way that they are more appropriate for combat than for hunting".
As registered firearms of category B are not threat to society we don't need to forbid them.
Most semi automatic firearms have more than 6 rounds.

A number of the above options are quite broad and would require clarification which firearms are not intended to be included, e.g. rimfire, .22 calibre. The Rapporteur is interested in drafting suggestions.

A further option could be to reinstate category B7 (rejecting the proposal to move it to A), plus possibly some higher standards related to authorisations for B7 e.g. regarding ammunition, training or storage.

As registered firearms of category B7 are not threat to society we don't need to forbid them or restricting them by higher and costly standards as other B firearms.

In addition, the Rapporteur invites your views with respect to the possibilities of introducing more stringent requirements for certain cases, including large capacity magazines, see below.

5. Authorisation requirements

5.1 The proposal includes "authorised bodies concerned with historical and cultural aspects" under the scope of the Directive (while granting a possibility to keep any category A firearms already held provided they are deactivated).

Deactivating historical collections would result in considerable costs and permanent damage to historical artefacts and it is important for museums to be able to add to their collections. The Rapporteur invites your views on:

- i. clarifying the position of museums to enable them to hold category A firearms provided they have MS authorisation and that storage measures are in place to address risks to public safety and security,
MS already control their museums with category A firearms and their storage. Nations knows perfectly what is the best control. There is no evidence that museums fuel the black market.
- ii. whether this should be done as per the current text of the Directive by continuing to exclude museums (recognised by MS) from scope, or via Article 6.
To keep it simple and short keep current text.

In the current Directive, the word "collector" is used but not defined. The Commission proposes removing all exemptions for them. The Rapporteur is interested in your views on whether MS should continue to be able to exempt collectors in specific circumstances and if there should be any differentiation between "authorised bodies" and "collectors".

The EU study [1] reports for collectors:

In the attacks in Liège in 2011, the gunman drew from a huge personal arsenal including military weapons and collectors' items which he had purchased and converted.

> The attacker was a convicted rapist and illicit gun dealer - no authorised collector

Evidence provided by Danish law enforcement officers also suggests that gun collectors are unknowingly involved in illicit firearms trafficking (i.e. by importing unlicensed firearms for private display).

> Authorised collectors do not import unlicensed firearms. They would lose their licence. The recent seizure of firearms in Reims (France) illustrates this situation: the suspected group of "collectors" imported deactivated firearms by mail from a number of Member States which were then reassembled.

> Authorised collectors are not interested in deactivated firearms.

The next study [2] reports:

These individuals have been described as arms collectors who acquired weapons illegally through the Internet to trade among guns enthusiasts.

> Authorised collectors do not import unlicensed firearms. They would lose their licence.

Every mark imposed on an original weapon apart from that of the manufacturer changes the weapon's appearance and lowers its value for collectors.

According to the findings from this study, collectors have very limited interest in deactivated weapons and in replica weapons.

The evaluation [3] reports:

The rise in burglaries of gun collections, including the theft in 2013 summer of 26 deactivated pistols in Suffolk, further increased the concern that old weapons are getting into the wrong hands.

> Authorised collectors are not interested in deactivated firearms.

Every reported "evidence" that collectors would fuel the black market refers to not authorised "collectors" who intentional or unintentional import illicit firearms and whose storage is not controlled by authorities.

Authorised collectors are controlled, their storage is controlled and they are not interested in deactivated firearms and replica. But they are very interested in category A firearms, in original markings, in culture, in history and work together with museums and forensic experts.

As authorised collectors and their collections are no threat to society and they have other priorities in firearms than practical hunters and target shooters, they should stay exempted as long as they don't get an impact assessment and - similar to German Firearms Act - an individual Section of their own with exemption of markings, different rules for permits and storage etc.

We assume that the 300.000 authorised collectors in the EU are treated so perfectly by their national Firearms Acts that a whole new Section with impact assessment would be more costly than their exemption.

With respect to all persons, the Rapporteur invites your views on whether:

- iii. controls on large capacity magazines would contribute to public safety, e.g. by permitting them only for recognised target shooting organisations, on condition that the magazines are kept by those organisations and only possessed under their control on their ranges, In 2009 German Government has evaluated the prohibition of high capacity magazines. The Ministry of Interior reported in 2010: "Ignoring the fact that several approved shooting sports would have serious limitations due to the new regulations and German shooters would be adversely affected at international competitions, the new rules for existing weapons and magazines would need testing. Against the background of many legally-held magazines and also in view of the desired result, the prohibition of high capacity magazines is hardly feasible." [10]

"The only kind of shootings in which large numbers of rounds are commonly fired are mass shootings, incidents that involve many victims. Mass shootings fortunately are quite rare in absolute terms.... Even in the extremely rare mass shootings in which large numbers of victims were shot, the shooters virtually never needed "large capacity magazines" to injure or kill as many victims as they did, because they either (a) possessed multiple guns, (b) possessed multiple magazines, or (c) had ample time and opportunity to reload, using smaller-capacity magazines. Therefore, even the hypothetical potential for reducing harm or improving the public's safety by limiting magazine capacity [...] can be fairly described as being limited to no more than a very small subset of already very rare events." [11]

- vi. to introduce minimum requirements for safe storage of firearms (as 20 MS already have) and whether such storage requirements should correspond to the level of risk or danger posed.
MS already punish legal gun owners if their storage did not deter burglary. But even very strict and expensive requirements cannot prevent every theft and loss.

EC claims that 500.000 recorded losses in SIS II database require minimum standards. But SIS II does not list only stolen guns but mostly inventory losses. We assume that more than 95% of the recorded losses belong to inventory losses.

Sweden investigated all reported gun thefts between 2003 and 2010. On average 269 guns were stolen annually from legal gun owners. The study states also that only 15% of the stolen guns were of use for criminals. But even fewer guns have been misused. Within 10 years a total of nine cases of serious crime took place (i.e. <1 year) using firearms stolen from private individuals. No full automatic weapon has been stolen from private individuals since 2003. The study shows that the most common method of theft is to steal the entire gun safe (53%). The information obtained from the crime reports also indicates that gun safes are highly interesting for burglars not looking for weapons since it is common that gun safes contain cash or other valuables. The study also found a number of cases in which the gun safe had been opened but the guns had not been stolen as the thieves know that police starts investigation only for guns, not for valuables. [11]

Minimum requirements for safe storage of all firearms may even increase gun thefts as burglars suspect valuables in a safe and therefore steal the whole safe - including the firearms.

5.2 The proposal changes Art 5 to ban the acquisition of firearms for persons under 18 through inheritance or gift (purchase is already banned). The Rapporteur invites your views on whether to retain the possibility for persons under 18 to acquire firearms other than through purchase. We don't see any evidence for trouble caused by juvenile owners and illicit cross border movements. Therefore MS should regulate this topic by national law.

In addition, "standard medical tests" for the issuing or renewal of authorisations are proposed, and a five-year limit for the duration of an authorisation. Evaluation reported that no holder of a European Firearms Passport ever was a threat to the visited MS.

The Rapporteur invites views on whether:

- i. to replace the proposal by a system allowing MS to choose to implement either periodic medical and psychological review or a continuous monitoring system,
- ii. to clarify the language of "standard medical tests" or reject it, and if rejected,
- iii. to develop the requirement in Art 7 for periodic verification by requiring MS to implement continuous monitoring to ensure that the conditions under which an authorisation was granted continue to apply.

Aspects MS could consider for a system of monitoring include appropriate medical and psychological testing, time-limited licenses, in particular for certain categories of firearms, verification of the continued need for possessing a firearm and continued practice in its use etc.

When in 2013 DG Home represented its Action Plan on Firearms, the German Government wrote the following: "Further restricted legal access to firearms and the legal possession of arms including the requirements for secure storage and the implementation of an EU-wide, coherent approval concept relate to in core the questions of public security.

According to Article 3 paragraph 2 EUV and Article 67 paragraph 1 AEUV the EU offers its citizens a true space of freedom, security and justice. [...] A broad interpretation of these provisions is ruled out, however the maintenance of public security and order and the safeguarding of internal security are responsibilities of the Member States. (Article 72 AEUV)

and remain in their sole responsibility (Article 4, paragraph 2, sentence 3 EUV).

The EU does not have a regulatory authority by the harmonization powers or coordinating powers laid down in Article 114 AEUV, which relates to the installation and functioning of the internal market.

For the creation of a largely unified substantive weapons legislation at European level Article 114 AEUV does not constitute an adequate legal basis.

Unlike the primary trade-related matters of firearms policy and the contract's conclusion of the UNFP this proposal regarding the legal access to and possession of firearms does not in general relate to cross-border situations.

With this background concerns remain against a legislative proposal by the Commission regarding the maintenance of the subsidiarity principle (Article 5 paragraph 3 EUV) and the principle of proportionality (Article 5 paragraph 4 EUV)." [13]

6. Distance sales

The proposal bans distance sales, other than between dealers and brokers.

Your views are invited on the following approach: To allow the use of distance communications while requiring that the actual handing over is done under conditions allowing for verifying the identity and authorisation of the buyer, for instance in the premises of a dealer, at the local police station or some other body authorised under MS law.

This would be in line with the distinction in Art 11 between mail order sales and the subsequent transfer of a firearm. Suggestions specific to remote areas would also be welcome.

The current Directive has already all the needed rules which prevent shipping to unauthorized persons of firearms, essential parts and ammunition. There is no need to ban simple spare parts or reloading components for private distance sale - if every MS has the same essential parts under strict regulation.

Every cross-border movement of firearms, essential parts or ammunition needs already two permits: the import permit from the buyer's MS and the export permit of the seller's MS. The latter has to be attached to the shipment in original. During the movement every shipping company or national authority can control the legal status of the shipment by opening the parcel and control the content with the permit.

The seller's MS reports the sale with serial numbers to the buyer's MS. And the buyer reports his buy with the original export permit to his authority. If the buyer does not report the delivery to his national authority investigation is starting. If the data in the export permit does not match to the shipped firearm investigation is starting. We have made in the past the experience that these investigations really started. So the system is working.

Shipments to smaller dealers are made in the same way as to private citizens: by parcel service. So there is no need for banning internet sales for private citizens.

To improve this process EU could invent one certified tamper-proved document paper for the export - similar to the EFP - which looks in every country the same.

We also need easement for picking up the sold goods by the buyer in the premises of the dealer. Under the current Directive it is more complicated and costly for the buyer to pick up the goods than to ship, especially if the buyer has to cross other MS on his way home.

To improve free movement EU should include parcel services which check the identity of the consignee with the passport as authorised body and forbid all national regulations which ban the shipping of firearms in total. This method is used for smart phones, for contracts and also for DVDs for adults in the internal market every day. We see no security reason why this method could not be used for firearms and their parts. Most parcel services offer track and trace by the internet. Buyer and seller have an economical interest in secure shipping. We know lots of buyers who follow each step of their parcel with this internet tracking and send warnings if the movement is delayed.

7. Ammunition

The Rapporteur invites your views on whether to:

- i. introduce a possibility for dealers and brokers to refuse suspicious transactions (e.g. involving quantities unusual for private use) and an obligation to report attempted such transactions,

There are no unusual quantities for private use. Sport shooters shoot sometimes thousands of ammunition in a week-end. Dealers offer discounts for huge quantities. Therefore is it normal that private citizens buy several thousands of rounds at one time.

As the cross-border movement of ammunition needs two national permits (see point 6) there is no need for further restrictions. If the MS does not trust its own licensed gun owner it won't give its permit for import. If the exporting MS does not trust the other MS it won't give permit for the export.

Moreover shipping of ammunition as dangerous goods is so expensive that usually ammunition is bought in the home country. Cross border movement is very seldom, and only cross border movement should be regulated by EU instead of MS.

- ii. clarify that only ammunition for the specific firearm/s held can be acquired.
As EU has only to control cross-border movements this is up to the national law and does not concern EU at all.

8. The European Firearms Pass (EFP)

The December 2014 evaluation report identifies some areas where the functioning of the EFP could be improved. They include the number of firearms MS enter on the EFP, the possibility for an EFP holder to acquire ammunition in the MS of destination, the possibility for MS to require additional authorisations for entry, and widely varying fees for EFP issuance, unrelated to the actual costs of processing an application or later changes to and renewals of the EFP.

The Rapporteur invites your views also on this aspect.

Evaluation [3] showed that holders of EFP are no threat at all when they cross border with their firearms and ammunition. There is no need for more national and costly papers for these movements. UK and Romania (and others) should trust the other MS that they only give EFP to trustworthy citizens.

If EFP holders run out of ammunition in visited countries small quantities (e.g. up to 49 rounds for rifles, up to 99 rounds for shotguns and up to 999 rounds for short guns) should be made

available for them to bring them back without additional permits. These limits (49, 99, 999) are made for opened sales packages for these types of ammunition (50, 100 and 1000).

Bigger quantities could be "disguised" buys and should need the two permits of import/export as mentioned in point 6.

We also need easement for warranty and repairs. If a firearms is registered in the European Firearms Passport (EFP) cross border movement for repair should not need new permits as the ownership does not change and the firearm returns to it holder. If the firearm is not personally brought or picked up in the shop, but shipped to and fro, an official certification that the copy of the EFP matches the original should be enough when this certification is attached to the shipment. If it is brought personally the gunsmith's/gun dealer's declaration in the invoice that this firearms is registered on EFP should be sufficient when returned by shipping.

9. The Commission Deactivation Regulation

The Rapporteur proposes to address what appear to be certain discrepancies between the Deactivation Regulation and the Directive, including to align the record-keeping obligation under the Regulation with the Directive.

In addition, the Rapporteur has been made aware of other issues, in particular the practical impossibility of re-deactivating some already deactivated firearms, the possibility that at least some existing national deactivation standards and procedures are at least as effective as the Regulation and that permanently welding together certain parts as required by the Regulation may make it more difficult to inspect that deactivation has actually taken place. She invites your views on the following:

- i. obliging the Commission to review the Regulation as a whole immediately on adoption of the amended Directive, and
- ii. the possibility of introducing under Art 10b a way to acknowledge the equivalence of deactivations performed prior to the entry into force of the Regulation, on condition that they were done pursuant to recognised alternative national deactivation standards and procedures resulting in at least the same outcome of irreversible inoperability.

We support a review of the Regulation and acknowledging of equally diligent methods of deactivation.

Mr. Benstein of the German Federal Bureau of Crime (BKA) said in the Mini-Hearing of LIBE [4] that the final version of the new Regulation was not made with stakeholders, but only with proof houses, who are not interested in economics. The new regulation is so strict that only a lump of metal is left over. Every experienced person can build a firearm out of any metal if it has special equipment.

Regulation should prevent that ordinary citizens can reactivate deactivated firearms with ordinary tools. No strict regulation can make it totally impossible as there is no way at all to make it totally impossible. Regulation has to be reviewed and amended therefore with the stakeholders who are interested in economics and experts of technical standards. We are no expert for this.

References:

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