

Expert Opinion of IMCO Amendments

This document represents a comparison between the **Firearms Directive of 1991, its amendments of 2008, the Proposal of the Commission of November 2015 and the Amendments submitted by IMCO MEPs** this year. Deletions, changes and additions in text which the Commission wants to introduce and which represent disproportionate restrictions on legal firearm owners without improving public security are marked **highlighted in red** while those which are of a positive nature are **marked in blue** as are our opinions and justifications.

Firearms United is the voice of over 14 million authorised firearm owners in Europe. It also defends the position of more than 15 million owners of deactivated guns, alarm devices and other guns which are outside the scope of the Directive. We have the ability to draw upon the experience and knowledge of a number of experts in various fields in order to provide broad technical advice when consulted by the EU institutions as well as national governments. This we do free of charge. Our objective is clear: sensible and effective legislation which targets illegal firearms ownership and use without infringing on the legitimate activities of sport shooters, hunters, collectors, reservists and other law abiding citizens.

Authorisation

Article 5 – paragraph 1 – introductory part	In order
1991 Without prejudice to Article 3, Member States shall allow the acquisition and possession of firearms classified in category B only by persons who have good cause and who:	
2008 Without prejudice to Article 3, Member States shall permit the acquisition and possession of firearms only by persons who have good cause and who:	<i>Text proposed by the Commission</i> Without prejudice to Article 3, Member States shall authorise the acquisition and possession of firearms only by persons who have good cause and who:
Firearms United Expert Opinion: Delete Commission's text	<i>Justification</i> <i>The Commission has not provided for an explanation of its proposal to change the wording of this provision by deleting "permit" and adding "authorise". The proposal is unmotivated and unclear. Moreover, it creates legal uncertainty because the concept of "authorisation" is reserved for category B firearms in Directive 91/477. It is unclear whether the Commission proposes to create an additional authorisation or wishes to add new requirements to the existing category of firearms subject to authorisation.</i>

Article 5 – paragraph 1 – point a	
1991: are 18 years old or more, except for hunting or target shooting;	
2008: 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 licenced or otherwise approved training centre ; and	<i>Text proposed by the Commission</i> are at least 18 years of age, except in relation to the 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 licenced or otherwise approved training centre;
Firearms United Expert Opinion: Delete Commission's text	<i>Justification</i> <i>Reverting to the current wording of the Directive is necessary both for the training of young sport shooters as well as for educational purposes (e.g. forestry schools).</i>

Article 5 – paragraph 1 – point b	
1991: are not likely to be a danger to themselves, to public order or to public safety.	
2008 are not likely to be a danger to themselves, to public order or to public safety. Having been convicted of a violent intentional crime shall be considered as indicative of such danger.	<i>Text proposed by the Commission</i> are not likely to be a danger to themselves, to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.
are not likely to be a danger to themselves or others , to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.	Amendment 44

Medical Tests

Article 5 – paragraph 1 – rest	
1991 Without prejudice to Article 3, Member States shall allow the possession of firearms classified in categories C and D only by persons satisfying the conditions in point (a) of the first paragraph. Member States may withdraw authorization for possession of the firearm if any of the conditions in point (b) of the first paragraph is no longer satisfied. Member States may not prohibit persons resident within their territories from possessing a weapon acquired in another Member State unless they prohibit the acquisition of the same weapon within their own territories	

<p>2008</p> <p>Member States may withdraw authorisation for possession of a firearm if any of the conditions on the basis of which it was granted are no longer satisfied. Member States may not prohibit persons resident within their territory from possessing a weapon acquired in another Member State unless they prohibit the acquisition of the same weapon within their own territory.’;</p>	<p><i>Text proposed by the Commission</i></p> <p>2. Member States shall provide for standard medical tests for issuing or renewing authorisations as referred to in paragraph 1 and shall withdraw authorisations if any of the conditions on the basis of which it was granted is no longer met. Member States may not prohibit persons resident within their territory from possessing a weapon acquired in another Member State unless they prohibit the acquisition of the same weapon within their own territory.</p>
<p>Firearms United Expert Opinion:</p> <p>Member States shall establish a monitoring system which may include medical checks, which may be on a continuous or periodic basis, for the acquisition and possession of firearms, and shall withdraw authorisations if any of the conditions on</p>	<p><i>Justification</i></p> <p><i>Different Member States have their own systems of checking if persons are fit to possess firearms including a medical perspective. Significant changes to well- functioning systems and the resulting bureaucracy should be avoided.</i></p> <p>Standardized medical tests are not effective in reducing personal violence. At most they are an assessment of the general health and functional capacity of the applicants to see whether they are fit to use a firearm and generally flag poor vision or significant memory problems. The same apply to standard psychological examinations. On the other hand, research into an applicant’s history for violent behaviour and other crime is most important to identify risk factors. According to leading experts in criminal psychiatry, specially trained police officers with unlimited access to comprehensive police registers have the best chance of making valid assessments of any future risk of violence.</p>

Renewal Period

<p>Article 1 – point 7.4</p>	
<p>1991 : --</p>	
<p>2008</p> <p>Member States may consider granting persons who satisfy the conditions for the granting of an authorisation for a firearm a multiannual licence for the acquisition and possession of all firearms subject to authorisation, without prejudice to: (a) the obligation to notify the competent authorities of transfers; (b) the periodic verification that those persons continue to satisfy the conditions; and (c) the maximum limits for possession laid down in national law.</p>	<p><i>Text proposed by the Commission</i></p> <p>In Article 7, the following subparagraph is added to paragraph 4: "The maximum limits shall not exceed five years. The authorisation may be renewed if the conditions on the basis of which it was granted are still fulfilled."</p>
<p>Firearms United Expert Opinion:</p> <p>Delete Commission's text</p>	<p><i>Justification</i></p> <p>The term of validity of an authorisation falls within the competence of the MS. The principle of subsidiarity should be respected in order to avoid imposing unnecessary burdens and costs on end users as well as on the national authorities that issue</p>

	<i>licences. The current legal framework provides for an adequate system of control and for the possibility for MS to “withdraw authorizations for possession of a firearm if any of the conditions on the basis of which it was granted are no longer satisfied”.</i>
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Safe Storage

Article 5a (new)	
None before, no text from Commission	
Firearms United Expert Opinion: Member States shall ensure that persons possessing firearms store them, their essential components and ammunition, in an appropriate manner, including when under transport, ensuring a level of security proportionate to the risk of unauthorised access and to the nature and category of the firearms concerned. Storage standards are to be defined by each MS.	<i>Justification</i> <i>Safe storage of firearms is essential to ensure that firearms do not end up in the wrong hands.</i>

Marking and Tracing

Article 4 – paragraph 1	
1991 --	
2008 Member States shall ensure either that any firearm or part placed on the market has been marked and registered in compliance with this Directive, or that it has been deactivated.	<i>Text proposed by the Commission</i> Member States shall ensure that any firearm or part placed on the market has been marked and registered in compliance with this Directive.
Firearms United Expert Opinion: Member States shall ensure that any assembled firearm or, separately sold essential component placed on the market has been marked, in the case of essential components where feasible , and registered in compliance with this Directive, or that it has been deactivated in accordance with the provisions implementing Article 10b and registered in compliance with this Directive.	<i>Justification</i> <i>The firearm as well as the essential component needs to be marked. The serial number contains already all relevant information so that it is sufficient for essential components (also due to a possible lack of space) to only contain the serial number. The marking requirements shall not be applicable retro-actively but only for firearms and essential components that are put on the market after the entering into force of the directive</i>

Article 4 – paragraph 2 – point a and b	
1991: --	

<p>2008:</p> <p>For the purpose of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm, either:</p> <p>a require a unique marking, including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture (if not part of the serial number). This shall be without prejudice to the affixing of the manufacturer's trademark. For these purposes, the Member States may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms; or</p> <p>b maintain any alternative unique user-friendly marking with a number or alphanumeric code, permitting ready identification by all States of the country of manufacture.</p>	<p><i>Text proposed by the Commission</i></p> <p>For the purposes of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm or at the time of import to the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.</p>
<p>Firearms United Expert Opinion:</p> <p><i>For the purposes of identifying and tracing each assembled firearm and each separately sold essential component, Member States shall either at the time of manufacture of each firearm and each essential component intended for sale separately, or without delay after importation into the Union, require a clear, permanent and unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. Where a separately sold essential component is too small to be practicably marked with all of this information, it shall be marked at least with a serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.</i></p> <p><i>The marking requirement shall not apply to firearms or separately sold essential components manufactured before the entry into force of this directive, nor shall it apply to firearms considered to be of particular historic or other significance as determined by national law.</i></p>	<p><i>Justification</i></p> <p><i>Firearms and essential components thereof should be marked upon manufacture or import, but not at every instance of their placing on the market which can include situations where retrospective marking would be problematic and inefficient (such as inheritance or lending). It may not always be possible or practical to mark the firearms exactly at the moment of crossing borders.</i></p> <p><i>“Antiques” are outside the scope of the Directive and should not even be mentioned here. Moreover a few but significantly rare and/or historical firearms, such as prototypes, may not bear any markings whatsoever but are nevertheless identifiable.</i></p>
<p>Article 4 – paragraph 2</p>	
<p>1991:--</p>	
<p>2008</p> <p>The marking shall be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable.</p>	<p><i>Text proposed by the Commission</i></p> <p>The marking shall be affixed to the receiver of the firearm.</p>

<p>Firearms United Expert Opinion:</p> <p><i>In the case of an assembled firearm the marking shall be affixed to the receiver or the frame of the firearm.</i></p>	<p style="text-align: center;"><i>Justification</i></p> <p><i>If the modification suggested for Article 4, paragraph 1 is accepted, the receiver would already be among the components to be marked, which makes the sentence superfluous. Also, it should be noted that not every firearm has a receiver.</i></p>
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<p>Article 4 – paragraph</p>	
<p>1991---</p>	
<p>2008</p> <p>Member States shall ensure that each elementary package of complete ammunition is marked so as to provide the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition. For these purposes Member States may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms.</p>	<p style="text-align: center;"><i>Text proposed by the Commission</i></p> <p>Member States shall ensure that each elementary package of complete ammunition is marked so as to provide the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition.</p>
<p><i>It is recommended that Member States follow the provisions of the United Nations Convention for the Reciprocal Recognition of Proof Marks on Small Arms of 1 July 1969.</i></p>	<p style="text-align: center;"><i>Justification</i></p> <p><i>The Convention on Reciprocal Recognition of Proofmarks on Small Arms provides a valuable international standard that the directive should align to in order to increase traceability.</i></p>

<p>Article 4 rest</p>	
<p>1991 : --</p>	
<p>2008</p> <p>Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by States of the transferring country.</p>	<p style="text-align: center;"><i>Text proposed by the Commission</i></p> <p>Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the unique marking permitting identification of the transferring government.</p>
<p>Firearms United Expert Opinion:</p> <p><i>Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, that appropriate unique marking is applied permitting identification of the transferring government.</i></p>	<p style="text-align: center;"><i>Justification</i></p> <p><i>The transfer of firearms from government stocks to permanent civilian use can encompass different situations.</i></p>

Brokers

Article 1 –paragraph 1e	
1991 --	
2008	Text proposed by the Commission
For the purposes of this Directive, “ broker ” shall mean any natural or legal person, other than a dealer, whose trade or business consists wholly or partly in the buying, selling or arranging the transfer of weapons.	For the purposes of this Directive, "broker" shall mean any natural or legal person, other than a dealer whose trade or business consists wholly or partly in buying, selling or arranging the transfer within a Member State, from one Member State to another Member State or exporting to a third country fully assembled firearms, their parts and ammunition.
<p>Firearms United Expert Opinion:</p> <p>Unlike dealers, brokers do not possess the firearms they seek to sell, transfer or lend. They arrange business contracts between authorized sellers and buyers by means of advertising (e.g. auction houses, internet sales, auction sites and journals) or by being middlemen through correspondence and providing the necessary licences for transfers.</p> <p>Thus it is unclear why a broker should need to have an authorisation similar to a gun dealer. It should be assured that the onerous obligations of a broker, normally associated with transactions for defence purposes, do not impact negatively on these sectors which offer services of a totally different nature.</p> <p>It is recommended that a dealer licence is only issued to natural or legal persons who acquire, sell or rent firearms, essential components or ammunition, other than for transportation purposes. Thus such a licence would also be required by film armourers and shooting range who possess firearms and loan them at the range. However a dealer licence would not be required in the case of persons who carry out this business without actually handling the firearms.</p>	

Dealers

Article 1(2)	
1991:	
For the purposes of this Directive ' dealer ' shall mean any natural or legal person whose trade or business consists wholly or partly in the manufacture, trade, exchange, hiring out, repair or conversion of firearms.	
2008:	Text by Commission
For the purposes of this Directive, “dealer” shall mean any natural or legal person whose trade or business consists wholly or partly in the manufacture, trade, exchange, hiring out, repair or conversion of firearms, parts and ammunition. ’;	For the purposes of this Directive, "dealer" shall mean any natural or legal person whose trade or business consists wholly or partly in any of the following: (i) the manufacture, trade, exchange, hiring out, repair or conversion of firearms; (ii) the manufacture, trade, exchange, hiring out, repair or conversion of parts of firearms ; (iii) the manufacture, trade, exchange or conversion of ammunition. "
<p>Firearms United Expert Opinion:</p> <p>For the purposes of this Directive, "dealer" shall mean any natural or legal person whose trade or business consists wholly or partly in any of the following: (i)the manufacture, including modification, or conversion, trade, exchange, hiring out or repair, of firearms; (ii) the manufacture, including modification, or conversion, trade, exchange, hiring out or repair, of essential</p>	

components of firearms;
 (iii) the manufacture, **including modification**, or conversion, *trade or exchange* of ammunition.
 When covering the activity of dealers and brokers the correct definition for parts should be **essential components of firearms** and not simply parts otherwise objects such as sights, stocks, grips, springs etc. would end up regulated unintentionally and only dealers and brokers would be permitted to handle them. It is also important to clarify that individuals have the right to load their own ammunition for private use.

1991 The arrangements for the acquisition and possession of ammunition shall be the same as those for the possession of the firearms for which the ammunition is intended.	
2008	Text by Commission: "The arrangements for the acquisition and possession of ammunition shall be the same as those for the possession of the firearms for which the ammunition is intended."
The arrangements for the acquisition of ammunition and possession of ammunition containing a single projectile shall be the same as those for the firearms for which the ammunition is intended.	
Firearms United Expert Opinion: The arrangements for the acquisition of ammunition and possession of ammunition shall be the same as those for the firearms for which the ammunition is intended. The wording "containing a single projectile" implies that certain shotgun ammunition are not included.	
Brokers and dealers may refuse any transaction for the acquisition of complete rounds of ammunition, or components of ammunition, which they reasonably consider suspicious owing to its nature or scale, and shall report it or any attempted such transaction to the relevant authorities. Brokers and dealers shall not be permitted to complete a transaction for the acquisition of a firearm where payment is to be made solely in cash.	
Firearms United Expert Opinion: We do not support a ban on cash transactions between dealers and dealers or dealers and end-users. This is a thoroughly useless measure that creates unnecessary burdens on legal stake holders. Such a ban should be limited to defence deals transacted by brokers where it is obvious that the use of cash has no logical place and the use of cash would be indicative of dubious intentions.	

Distance Sales

Article 6 – paragraph 1	
1991 Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A . In special cases, the competent authorities may grant authorizations for such firearms and ammunition where this is not contrary to public security or public order.	
2008	Text proposed by the Commission

<p>Member States shall ensure that, except with respect to dealers, the acquisition of firearms and their parts and ammunition by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (*), <u>shall, where authorized, be strictly controlled.</u></p>	<p>Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to destroy those firearms and ammunition held in violation of this provision and seized. Member States may authorize bodies concerned with the cultural and historical aspects of weapons and recognized as such by the Member State in whose territory they are established to keep in their possession firearms classified in category A acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with the provisions that implement Article 10(b). The acquisition of firearms and their parts and ammunition concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(*), shall be authorised only with respect to dealers and brokers and shall be subject to the strict control of the Member States.</p>
<p>Firearms United Expert Opinion:</p> <p>The 1991 Firearms Directive harmonised distance sales. Many firearm dealers restructured their business from a local warehouse to the world-wide sale of specialised products, which is done against authorisation, by importing and exporting to and from MS or Third Countries.</p> <p>The Single Market for firearms and their parts followed the same specialisation as other sectors. This is valid for buyers and sellers.</p> <p>A ban of distance sales would not only hit the buyers who again have to pay higher local prices but much of the 580,000 jobs in this sector who focus their offers for worldwide customers.</p> <p>Verification of identity must be ensured in distance sales of firearms and ammunition.</p>	<p><i>Justification</i></p> <p>The Commission has not substantiated its claim that "selling arrangements of firearms and their components by means of distance communication may pose a serious threat to security". On the contrary, the Evaluation of the Firearms Directive of December 2014 which the Commission refers to in the explanatory memorandum to the proposal, clearly states that "new sales channels (e.g. internet) may challenge in the future the scope of the Directive which, for the moment, seems to be adequate to face the current concerns" (p. 4 of the Evaluation). It appears the focus has slipped from the criminal darknet to wider internet use and other distance communication methods.</p> <p>The introduction of a total ban of the use of distance communication between private persons in relation to the acquisition of firearms goes much further than the prevention of (future) obstacles to trade and affects purely internal issues, such as advertising in local magazines, phone and e-mail messages between inhabitants of a member states, etc. The EU is not competent to regulate such issues. Finally, a total ban constitutes a disproportionate infringement of the right of property of the legal owners of civilian firearms in the EU, including the right to use and sell such property, which may result in the confiscation and destruction without any compensation of firearms that were purchased and registered by law-abiding citizens in good faith.</p>

Essential Components

Definition of Essential Components	
<p>1991 No regulations.</p>	

<p>2008: For the purposes of this Directive, "essential component" shall mean the <u>breach-closing mechanism</u>, the <u>chamber</u> and the <u>barrel of a firearm</u> which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.</p> <p>2010: 'essential components' means the breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;</p>	<p>Text proposed by the Commission For the purposes of this Directive, "essential component" shall mean the <u>barrel, frame, receiver, slide or cylinder, bolt or breach block</u> and <u>any device designed or adapted to diminish the sound caused by firing a firearm which</u>, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted."</p>
<p>Firearms United Expert Opinion:</p> <p>For the purposes of this Directive, "essential component" shall mean the barrel, frame, body, receiver, slide or cylinder, breach block or bolt</p>	<p><i>Justification</i></p> <p><i>Silencers (sound moderators) do not affect the functionality of firearms, thus they should not be classified as essential components. Sound moderators do not eliminate the sound of a gun-shot but merely reduce its peak noise by 15-30 dB so as not to harm the hearing of a shooter or a hunting dog. Magazines are by nature disposable wear-items and therefore cannot be controlled. It is also very short-sighted to attempt enforcing restrictions on items which are already in circulation and number in the millions. Other countries have tried it already and have failed.</i></p>

Blank firing and alarm weapons

<p>1991 Signal weapons and replicas are not in the scope of the directive.</p>	
<p>2008 Signal weapons and replicas are not in the scope of the directive.</p>	<p>Text proposed by the Commission</p> <p>1f. For the purposes of this Directive, "alarm and signal weapons" shall mean portable devices with a cartridge holder having a gas exit to the front, aside or on the top, which are specifically designed and constructed for the purpose of raising alarm or sending a signal and which are only designed to fire blanks, irritants, other active substances or pyrotechnic ammunition.</p> <p>1g. For the purposes of this Directive, "salute and acoustic weapons" shall mean firearms specifically converted for the sole use of firing blanks, for use in theatre performances, photographic sessions, movies and television recordings.</p> <p>1h. For the purposes of this Directive, "replica firearms" shall mean objects that have the physical appearance of a firearm, but are manufactured in such a way that they cannot be converted to firing a shot or expelling a bullet or projectile by the action of a</p>

	combustible propellant.
<p>Firearms United Expert Opinion:</p> <p>We agree that blank firing firearms and replicas stay out of the scope of the directive if those have been purpose built to be blank firing firearms and cannot be converted to fire live rounds with ordinary tools and skills.</p> <p>Firearms which have been poorly converted to fire blank ammunition might pose a security risk and should remain in their original category.</p>	<p><i>Justification:</i></p> <p><i>A definition of a replica that refers to objects having the external appearance of a firearm and cannot be converted to expel a bullet refers to an object which is not even hypothetically a firearm and thus has no place in the Firearms Directive and should not be covered by it. There is no need in the Directive for provisions covering toys, decorative items etc. Furthermore, the imprecise criterion of external appearance makes it difficult to distinguish between replicas and other objects.</i></p>

Data filing records and information exchange

<p>1991</p> <p>Not in scope of original directive</p>	
<p>2008</p> <p>Member States shall, by 31 December 2014, ensure the establishment and maintenance of a computerised datafiling system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data-filing systems in which each firearm subject to this Directive shall be recorded.</p> <p>This filing system shall record and maintain for not less than 20 years each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm.</p> <p>Throughout their period of activity, dealers shall be required to maintain a register in which all firearms subject to this Directive and which are received or disposed of by them shall be recorded, together with such particulars as enable the firearm to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the persons supplying and acquiring it.</p> <p>Upon the cessation of his activities, the dealer shall deliver the register to the national authority responsible for the filing system provided for in subparagraph 1.</p>	<p>Text proposed by the Commission</p> <p>Member States shall, by 31 December 2014, ensure the establishment and maintenance of a computerised datafiling system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data-filing systems in which each firearm subject to this Directive shall be recorded.</p> <p>This filing system shall record each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm.</p> <p>The record of firearms, including deactivated firearms, shall be maintained until destruction of the firearm has been certified by the competent authorities.</p> <p>Throughout their period of activity, dealers and brokers shall be required to maintain a register in which all firearms subject to this Directive and which are received or disposed of by them shall be recorded, together with such particulars as enable the firearm to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the persons supplying and acquiring it.</p> <p>Upon the cessation of his activities, the dealer or broker shall deliver the register to the national authority responsible for the filing system provided for in the first subparagraph. Each Member State shall ensure that the registries of the dealers and brokers established in their territory are connected to the computerised data-filing system of firearms.</p>

Firearms United Expert Opinion:

Granting automatic access to all MS authorities into a massive international database may have disastrous consequences if it ends up being accessed by undesirable persons. Hacking of official databases is not a rare occurrence and delicate information may end up in the wrong hands.

The more data is saved (including local address and name of owners) and the more people get access, the higher is the risk of corruption and misuse.

Less than 150 legally-owned firearms are misused annually in fatal violent crimes and less than 200 parts and firearms which have been lost or stolen annually are found on crime scenes or confiscated from criminals. Are the costs and risk of a massive international database justified?

Let us learn from the experience with explosives. All legally-held explosive is traceable 24/7 following the introduction of the amendment in 2012. This IT database and the marking with individual serial numbers costs 30 million Euro annually. It did not prevent the Brussels and Paris bombings as the terrorists did not use legally-manufactured explosives.

Review and entry into force

<p>1991 Within five years from the date of transposition of this Directive into national law, the Commission shall submit a report to the European Parliament and to the Council on the situation resulting from the application of this Directive, accompanied, if appropriate, by proposals.</p>	
<p>2008 Within five years from the date of transposition of this Directive into national law, the Commission shall submit a report to the European Parliament and to the Council on the situation resulting from the application of this Directive, accompanied, if appropriate, by proposals.</p>	<p><i>Text proposed by the Commission</i></p> <p>The Commission shall submit every five years a report to the European Parliament and the Council on the application of this Directive, accompanied, if appropriate, by proposals in particular as regards the categories of firearms of Annex I and the issues related to new technologies such as 3D printing. The first report shall be submitted two years after the entry into force of this Directive.'</p> <p>The Commission shall, by [date], assess the necessary elements of a system for the exchange of information contained in the computerized data-filing systems referred to in Article 4(4) between the Member States. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.</p>

<p>Firearms United Expert Opinion:</p> <p>A newly-introduced Directive should be assessed by evaluating the effectiveness of new measures in order to withdraw that any regulation that has not produced tangible results against crime and terrorism should be evaluated and unnecessary and inefficient regulation should be removed.</p> <p>The MS should have at least 18 months to implement changes, because drawing firearm related laws in a hurry might compromise public security and leave potential loopholes for criminal elements to exploit.</p>	<p style="text-align: center;"><i>Justification</i></p> <p><i>Fitness check should be carried out in order to attest the necessity of the new provisions, taking into account the lack of a prior impact assessment.</i></p> <p><i>The fitness check should include a study of gun crime in the MS involving legal (licenced) firearms, the number of crimes committed, the number of firearms reported stolen or missing and the number of firearms converted to automatic, in order to establish their relevance to the situation prior to the adoption of the new provisions.</i></p>
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National Defence and Collectors

<p>1991:</p> <p>This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the armed forces, the police, the public authorities or by collectors and bodies concerned with the cultural and historical aspects of weapons and recognized as such by the Member State in whose territory they are established. Nor shall it apply to commercial transfers of weapons and ammunition of war</p>	
<p>2008: (unchanged from 1991)</p> <p>This Directive shall not apply to the acquisition or possession of weapons and ammunition, <u>in accordance with national law, by the armed forces, the police, the public authorities or by collectors and bodies concerned with the cultural and historical aspects of weapons and recognized as such by the Member State in whose territory they are established.</u> Nor shall it apply to commercial transfers of weapons and ammunition of war.</p>	<p><i>Text proposed by the Commission</i></p> <p>This Directive shall not apply to the acquisition or possession of weapons and ammunition, <u>in accordance with national law, by the armed forces, the police, the public authorities.</u> Nor shall it apply to commercial transfers of weapons and ammunition of war. This means collectors and museums, deactivated and antique firearms would not be excluded anymore.</p>
<p>Firearms United Expert Opinion:</p> <p>We oppose the deletion of the text in red. The original text is consistent with the Rapporteur’s significant recommendation for “maintaining the status quo wherever there is insufficient evidence to justify changing it.” The Commission has failed to provide any evidence whatsoever that recognised collectors may be a possible source of trafficking of firearms (Recital 5) even challenged to do so. It turns out that the Commission quoted selectively from an Interpol report which goes on to state that there is no evidence of such a link between collectors and trafficking. Hence museums AND collectors should remain outside the scope of the Directive provided that they are regulated in their MS.</p>	<p style="text-align: center;"><i>Justification</i></p> <p><i>Collectors should be excluded, and the proposal should be changed to take into account reservists and defense solutions of MS that are based on conscription and large reserve. Commission has launched serious accusations towards collectors regarding weapons trafficking and failed to bring forth ANY evidence about the collectors trafficking firearms to criminals.</i></p> <p><i>Well trained and well-armed reserve should be seen as an asset contributing towards security. Commission has failed to bring forth ANY evidence which supports restricting category A firearms and in original form commissions proposal is clear and present threat to internal security of many MS.</i></p>

Exception possibility for category A

<p>1991: Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A. <u>In special cases, the competent authorities may grant authorizations for such firearms and ammunition where this is not contrary to public security or public order.</u></p>	<p><i>Text proposed by the Commission</i> Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A <u>and to destroy those firearms and ammunition held in violation of this provision and seized. Member States may authorise bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established to keep in their possession firearms classified in category A acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with the provisions that implement Article 10(b). The acquisition of firearms and their parts and ammunition concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(*), shall be authorised only with respect to dealers and brokers and shall be subject to the strict control of the Member States.</u></p>
<p>Firearms United Expert Opinion:</p> <p>MS should be able to grant authorizations to category A firearms when it is not against public security and there is a valid reason for requiring category A firearm and firearm is stored in safe manner to prevent unauthorized access.</p> <p>Following text is recommended: <i>The competent authorities should grant authorization for category A firearms and ammunition provided that such authorization is not contrary to public security, public order or national defence.</i></p>	<p><i>Justification</i></p> <p><i>It should be up to the MS competent authorities to decide on a case-by-case basis whether an exception should be granted, taking into account public security and order. Examples of bodies and persons who should be in justifiably permitted to acquire and possess category A firearms include forensic experts and forensic institutes, private security businesses, national defence forces, encompassing all units, reservists and other persons under their command including the military, and authorized collectors.</i></p> <p><i>There is a stereotypical misconception that automatic firearms are somehow more dangerous than semi-automatic ones. In real life, automatic weapons have very limited use even in military context. (Excluding support weapons). Any weapon is as dangerous as is its user.</i></p> <p><i>Furthermore, an unequivocal requirement to destroy illegally held firearms and even ammunition after their seizure could in certain cases lead to the destruction of items of cultural or historical value or ones useful or legitimate (e.g. law enforcement) purposes. There is absolutely no point in destroying confiscated goods once they are withdrawn from illegal circulation.</i></p>

Collectors and Museums

<p>1991</p> <p>This <u>Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the armed forces, the police, the public authorities or by collectors and bodies concerned with the cultural and historical aspects of weapons and recognized as such by the Member State in whose territory they are established.</u> Nor shall it apply to commercial transfers of weapons and ammunition of war.</p> <p>2008 : --</p>	<p>Text proposed by the Commission</p> <p>This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the armed forces, the police, the public authorities. Nor shall it apply to commercial transfers of weapons and ammunition of war.</p>
<p>Firearms United Expert Opinion:</p> <p>This is the second best option provided the text is corrected as underlined below:</p> <p><i>“Member States may choose to grant authorisations to legal or natural persons dedicated to the gathering, study and conservation of firearms and associated artefacts for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes, recognised as such by the Member State in whose territory they are established, for the acquisition and possession of firearms, essential components and ammunition classified in category A provided that such persons demonstrate that measures are in place to address any risks to public security or public order and that the firearm or firearms concerned are stored with a level of security proportionate to the risks associated with unauthorised access to such firearms. Member States shall establish a register of all such authorised persons. Such authorised persons shall be required to maintain a register of all firearms in their possession classified in Category A, which shall be accessible to authorised authorities.”</i></p>	<p><i>Justification</i></p> <p><i>Including museums and collectors (recognized by the Member States) in the scope could jeopardize important parts of the European cultural heritage without adding significantly to security.</i></p> <p><i>However if there is no option and collectors are included in the scope of the Directive, particular attention has to be focused on related clauses which affect collectors as well as important and historically-significant firearms, essential components and ammunition such as:</i></p> <ul style="list-style-type: none"> <i>a) Marking</i> <i>b) Firearms released from government stocks</i> <i>c) Deactivation methods where applicable</i> <p><i>Moreover if collectors are to be brought into the scope of the Directive then they should benefit from the use of the Firearms Pass which in addition to sports shooting and hunting should also cover Collecting. This would facilitate the movement of collectors' items for the purpose of participating in exhibitions and studies.</i></p>

Annex I - and Article 10 ba new

<p>Firearms United Expert Opinion:</p> <p>The following text is proposed:</p> <p>1. Member States shall take measures to ensure that automatic firearms that have been converted into semi-automatic firearms cannot be reconverted into automatic firearms. Each MS shall define criteria for demilitarizing firearms to ensure that firearms cannot be converted to automatic mode without specialist equipment.</p>	<p><i>Justification</i></p> <p><i>This measure addresses one of the main loopholes in the current legislative framework: the illegal conversion of firearms into prohibited automatic firearms. The focus should be on conversions that change the category of the firearm in order to make sure that it remains correctly registered and traceable also after conversion.</i></p>
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<p>Firearms United shall not support allowing the Commission to establish technical specification given its poor track record in the drafting of the Directive and the Regulation on deactivated firearms.</p>	
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Category A - Prohibited firearms

<p>1991</p> <ol style="list-style-type: none"> 1. Explosive military missiles and launchers. 2. Automatic firearms. 3. Firearms disguised as other objects. 4. Ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition. 5. Pistol and revolver ammunition with expanding projectiles and the projectiles for such ammunition, except in the case of weapons for hunting or for target shooting, for persons entitled to use them. 	
<p>2008 --</p>	<p>Text by Commission:</p> <ol style="list-style-type: none"> 6. Automatic firearms which have been converted into semi-automatic firearms; 7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms; 8. Firearms under points 1 to 7 after having been deactivated';
<p>Firearms United Expert Opinion – Category A:</p> <p>Facts show that in addition to focusing on illegal firearms, what is badly required in new legislation is an effective restriction on automatic firearms that are poorly converted to semi-automatic ones. Any conversion from category B to category A is already highly illegal if performed by individuals without permission. Hence the following text is recommended:</p> <p><i>Annex I - Part II - Category A, point 6a (new)</i> <i>Automatic firearms which have been converted into semi-automatic firearms and which do not satisfy the requirements on conversion set out in Article 10ba;</i></p> <p>The part below is highly questionable since automatic firearms are automatically category A firearms:</p> <p><i>Annex I - Part II - Category A, point 6c (new)</i> <i>Semi-automatic firearms which have been converted into automatic firearms;</i></p>	<p style="text-align: center;"><i>Justification</i></p> <p><i>The Commission has failed to produce any data or statistics to justify further restrictions on Category B firearms which are already highly regulated.</i></p> <p><i>Such firearms should remain in Category B if they are semi-automatic - no change in categorization is necessary.</i></p> <p><i>The proposed confiscation of these firearms would be impossible to implement considering the very large number of EU citizens who own such firearms legally.</i></p> <p><i>A proposal to confiscate private property would push these firearms into the illegal market.</i></p> <p><i>If the Commission is truly interested in combating terrorism and crime then it should focus its full attention on the illegal market rather than diverting badly-needed MS resources to pursue useless witch hunts.</i></p>

Category B

<p>1991</p> <ol style="list-style-type: none"> 1. Semi-automatic or repeating short firearms. 2. Single-shot short firearms with centre-fire percussion. 3. Single-shot short firearms with rimfire percussion whose overall length is less than 28 cm. 4. Semi-automatic long firearms whose magazine and chamber can together hold more than three rounds. 5. Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose magazine and chamber can together hold more than three rounds. 6. Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length. 7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms <p>"Any essential component of such firearms: The breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted."</p>	<p>Text by Commission</p> <p>in category B, point 7 is deleted.</p> <p>in point B, the following text is deleted.'</p> <p>'The breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.'</p>
<p>2008 --</p>	
<p>Firearms United Expert Opinion – Category B:</p> <p>Category B7 should be removed completely since firearms in category B7 already belong to category B4. The Commission has failed to produce any data or statistics to justify further restrictions on Category B firearms which are already highly regulated and subject to authorization in MS. Category B7 firearms already belong to category B4, thus B7 is superfluous. B7 was introduced in Germany in 1991 because of a 1972-dated legislation. B7 was officially repealed in 2003 because it was found to increase bureaucracy without producing any improvements in security.</p>	

Category C

<p>1991</p> <ol style="list-style-type: none"> 1. Repeating long firearms other than those listed in category B, point 6. 2. Long firearms with single-shot rifled barrels. 3. Semi-automatic long firearms other than those in category B, points 4 to 7. 4. Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm. 	<p>Text by Commission</p> <p>In Category C, the following points are added:</p> <ol style="list-style-type: none"> 5. Alarm and signal weapons, salute and acoustic weapons as well as replicas; 6. 6. Firearms under category B and points 1 to 5 of category C, after having been deactivated'.
<p>2008 --</p>	
<p>Firearms United Expert Opinion – Category C:</p> <p>It is recommended to move <i>Category A, B and C firearms which have been properly converted to fire blank ammunition into category C.</i></p>	<p style="text-align: center;"><i>Justification</i></p> <p><i>The Inclusion of such firearms into category C acts as a preventive measure and a deterrent to conversion back to the original state since, once they are subject to declaration they would be traceable and hence uninteresting for use in criminal activity.</i></p>

Part III not in scope

<p>1991</p> <p>For the purposes of this Annex objects which correspond to the definition of a 'firearm' shall not be included in that definition if they:</p> <ul style="list-style-type: none"> a) have been rendered permanently unfit for use by the application of technical procedures which are guaranteed by an official body or recognized by such a body; b) are designed for alarm, signalling, life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only; c) are regarded as antique weapons or reproductions of such where these have not been included in the previous categories and are subject to national laws. <p>Pending coordination throughout the Community, Member States may apply their national laws to the firearms listed in this Section.</p>	
<p>2008 --</p> <p>"For the purposes of this Annex objects which correspond to the definition of a 'firearm' shall not be included in that definition if they:</p> <ul style="list-style-type: none"> a) have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way'; b) are designed for alarm, signalling, life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only; c) are regarded as antique weapons or reproductions of such where these have not been included in the previous categories and are subject to national laws. <p>Pending coordination throughout the Community, Member States may apply their national laws to the firearms listed in this Section."(a) have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way';</p> <p>Member States shall make arrangements for the deactivation measures referred to in point (a) to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the</p>	<p>Text by Commission</p> <ul style="list-style-type: none"> (a) point (a) is deleted; (b) point (b) is replaced by the following: "are designed for life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only; (c) the second subparagraph is deleted.

<p>context of this verification, provide for the issuance of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm.</p> <p>The Commission shall, acting in accordance with the procedure referred to in Article 13a (2) of the Directive, issue common guidelines on deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable.'</p>	
<p>Firearms United Expert Opinion:</p> <p>It should be ensured that the Directive applies only to Category A, B, C and D firearms and blank-firing guns mentioned in our recommendation for Category C.</p> <p>Airsoft guns, toys, replicas or blank-firing weapons should not fall within the scope of the Directive.</p>	<p style="text-align: center;"><i>Justification</i></p> <p><i>A reversal to the current wording Directive in accordance with the proposals above. Again, deactivated firearms pose no appreciable threat to public order and internal security if deactivated properly, and should therefore be outside the scope of the Directive. Reversal to the current wording, i.e.:"(a) have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way;"</i></p>

Deactivated Firearms and Empowerment of Commission

Firearms United Expert Opinion:

Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

The Regulation on deactivation standards was drafted without proper consultation with knowledgeable stakeholders while the proposal for a new Directive was created under a veil of secrecy - members of our community were intentionally misled when they requested additional information!

It is clear that the Commission proceeded with plans to ban semi-automatic firearms (and automatic ones owned by collectors) without conducting an impact assessment and against the recommendations resulting from the studies that it initiated.

Moreover, the Commission put forward serious allegations against recognised collectors without providing evidence.

This approach does not inspire confidence and trust in one of the main EU Institutions and consequently it simply cannot be left to its own designs in formulating legislation.