

Impact Assessment by FIREARMS UNITED

When Commission published in November 2015 its "*Proposal for amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons*" it wrote: "**Due to the urgency of the proposal in the light of recent events, it is submitted without an impact assessment.**" European Parliament denied the urgency at the very beginning.

What is the problem and why is it a problem?

Commission wrote: The **recent terrorist attacks** on Europe's people and values were coordinated across borders. We must work together to resist these threats. We are proposing stricter controls on sale and registration of firearms, and stronger rules to irrevocably deactivate weapons. We want to tackle the threat of **weapons falling into the hands of terrorists. Organised criminals accessing** and trading military grade firearms in Europe cannot and will not be tolerated.

Facts about firearms-related homicides

1. Terrorism

When we talk about terrorism prevention it must be said that Islamic Extremists killed 192 people and injured around 2000 with stolen explosives. EU then decided to implement TTE (Track and Trace of Explosives" which has a cost more than 40 million Euros and it didn't prevent November 2015 Paris attack and 2016 Brussels' bombing, as well as Ansbach. You won't prevent terrorism by banning legally-held goods.

2. Mass murders

Since 2001 (box cutters in planes) and Nice (truck) everybody knows that banning means will not prevent mass murder. Mass murderers use explosives, firearms, poison, fire in small rooms (plane, cinema, train) and vehicles for their attacks.

3. Gun Crime

All studies and statistics show that legally-held firearms are almost never used for "ordinary" gun crimes like robbery, burglary, kidnapping, car napping or rape. Why does gun prevalence not have a significant positive effect on homicide? The most likely explanation is that most guns are possessed by non-criminals whose only involvement in crime is as victims, and defensive gun use by crime victims is both common and effective in preventing the offender from injuring the victim.

4. Homicides

For 2012 Eurostat reported 5211 homicides within the 28 Member States. Eurosafe reported 17% deadly assaults with firearms (885). One of the 3 EU studies wrote that at least 75% of the firearms-related homicides are gang-related; therefore committed with illegally-held firearms (664). The number of homicides committed with legally-held firearms is still lower than 221 as a number of non-gang-related homicides are also committed with illegally-held firearms. For all MS a share of 7 to 17% seems appropriate.

From 70 to 150 homicides occur yearly with legally-held firearms, most of these occur during domestic / relationship disputes, where the victim is predetermined and the means is secondary, most with shotguns of category D or hunting rifles of category C.

Does Firearms legislation have an impact on gun crime?

The Commission spent € 600.000 for a 12-month-research on gun crime. Its final report says:

Individual contact **crimes involving firearms are a relatively rare** occurrence across European countries, with robbery being more likely to involve firearms than cases of interpersonal violence. (Chapter 2). There is more evidence **that firearms owners are likely to be victims of, rather than perpetrators** of, violence. Additionally, a **potential deterrent effect was also found**, since higher levels of firearm ownership in a country were associated with lower levels of victimization by contact crime in general (Chapter 3). The current (2008) European Firearms Directive was considered by respondents to be relevant to most security risks, but deficiencies were perceived to exist on the issues of conversion of alarm firearms, de- and re-activation of firearms, and firearm markings. 3D printing and the use of the internet for firearms trade were considered as emerging threats (Chapter 3). Legislative controls on legitimate acquisition of firearms was the most often adopted legislative response to gun crime, but there is **little evidence to support any beneficial effect** except a reduction in homicide by firearm, not total homicide rates. Many stakeholders expressed doubts that firearms legislation may impact gun crime (Chapter 3)

This study came to the similar conclusion as the last ones: **Loopholes in legislation and missing investigative work and collaboration to combat illicit trafficking of firearms.**

What are the impacts different options and who will be affected?

EU guidelines say: *When quantitative analysis is not possible or proportionate, impacts should be assessed qualitatively. Impacts should be assessed from the point of view of society as a whole although distributional effects and cumulative burdens on individual parties should also be proportionately assessed and considered.*

Impact of options on:	Options					
	1	2	3	4	5	6
Illicit end users	+1	+4	+5	-5	-2	+4
Illicit traffickers and other intermediaries	+1	+5	+5	-3	0	+5
Illicit suppliers	+1	+3	+3	-3	+2	+3
Impact on illicit groups	+3	+12	+13	-11	0	+12

Financial, economic and social impacts	Options					
	1	2	3	4	5	6
Costs to public authorities	-1	-2	-2	-5	-3	-3
Economic impacts on EU's licit firearms sector	-3	0	0	-5	-3	+3
Social impact on law abiding owner of firearms	-2	0	0	-5	-4	+3
Impact on licit groups	-6	-2	-2	-15	-10	+3

TOTAL	-3	10	11	-26	-10	15
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- **Options 1** is the baseline scenario (doing nothing) with impact assessment.
- **Option 2 + 3** have been made with participation of 10 law enforcement agencies, 41 Entities covered by the Firearms Protocol and 2 academics/experts and with impact assessment.
- **Option 4** (Commission's Proposal) has been made without consultation of stakeholders, without impact assessment and is already rejected by the amendments of the European Parliament.
- **Option 5** will be a compromise of trilogue without impact assessment
- **Option 6** has been made by FIREARMS UNITED, a grassroots movement with members belonging to the licit firearms sector, which really read all four studies and impact assessments of the EU regarding firearms and gun crime and followed their recommendations.