



*23 February, 2017*

*On 15 February FIREARMS UNITED held a fruitful meeting with Rapporteur Vicky Ford in Strasbourg. This meeting was followed up with a letter that the Rapporteur sent us and which we reproduce below.*

*FIREARMS UNITED appreciates the sterling work done by the Rapporteur in securing the best possible terms within her remit in spite of the intense pressure exerted by the Council and the Commission during the Trilogues.*

*Nevertheless, FIREARMS UNITED and its team of technical experts have grievous concerns about the text that will be tabled in Plenary, which still presents a potential minefield for the criminalisation of innocent and law-abiding citizens and for diverting valuable Member State resources in dealing with unduly complex and unenforceable legislation.*

*FIREARMS UNITED is therefore committed to working with the RAPPORTEUR and sensible MEPs from any political group to introduce technical improvements that guarantee an efficient but safe implementation of the Directive. It is thanks to the continued moral and financial support of legal firearm owners that FIREARMS UNITED is permitted to carry on with its negotiations and, if necessary in the near future, to seek legal redress at European and Member State levels.*

----- Forwarded message -----

From: **FORD Vicky** <[vicky.ford@europarl.europa.eu](mailto:vicky.ford@europarl.europa.eu)>

Date: 22 February 2017 at 18:53

Subject: Letter on the revision of the firearms directive

To: Grzegorz Duszyński <[grzegorz.duszynski@firearms-united.com](mailto:grzegorz.duszynski@firearms-united.com)>, "Tomasz W. Stepień" <[tomasz.stepien@firearms-united.com](mailto:tomasz.stepien@firearms-united.com)>

Dear Mr Duszyński,

Thank you for coming to meet me last week. We discussed a number of points and I agreed to write this letter for you to pass on to your members.

There has been a European law on firearms since the 1990s. This did require reviewing, especially regarding the provisions for inadequately deactivated firearms. However the changes that were

proposed by the European Commission in 2015 were unworkable and would have put disproportional restrictions on legal owners. There was a vote in the European Parliament Committee to reject the entire proposal but this was not supported by a majority. Instead the Committee proposed significant amendments in order to protect the interests of citizens.

It is not possible for the European Parliament to make these changes alone as it also needs the approval of the European Council which consists of national governments of the 28 different countries that are members of the EU. Many of these governments wanted to introduce even more new rules and did not accept the amendments from the Parliament.

### **Significant Amendments**

During the months of scrutiny the Parliament worked with many different groups of legal owners and secured many very significant improvements to the proposal including:

- Removing the restriction on items that "resemble" automatic firearms, as criteria based on cosmetic appearance is legally unworkable;
- Reintroducing provisions to enable reservists, museums and collectors, and film makers to continue ownership with Member State approval and strict safety procedures;
- Enabling re-enactors and holders of deactivated firearms to continue ownership whilst also ensuring that deactivation standards are robust across Europe. Technical issues with deactivation standards have been re-considered;
- The issue of poorly deactivated "salute and acoustic weapons" which were sold without authorisation, but then reconverted and used in certain recent terror attacks has been addressed;
- Provisions to support younger owners have been retained, as has recognition of the needs of those in remote rural areas;
- Strong conditions for storage were introduced in line with common practice in many Member States;
- Proposals for a controversial mandatory medical test have been removed, instead each country will need to have in place its own systems for medical assessment;
- New measures for clearer marking and better information sharing between Member States are introduced but with care taken not to put overly burdensome requirements on small dealers.

Nevertheless there are some outstanding questions from owners.

### **Target and Sports Shooters**

The European Parliament negotiators believe that people participating in target and sports shooting should be able to continue to do so, provided that this is accepted in the Member State

concerned. The Commission's original approach would have placed many of the firearms used by target shooters into the Category A which is restricted for civilians. However after the Parliament amendments each Member State has the power to give Category A authorisations to target shooters, provided the individual is actively practising for or participating in shooting competitions.

The Parliament negotiators worked closely with national and international sports shooting organisations, including IPSC, to ensure that the authorisation covers those entering the sport as well as those already competing. The current freedom of choice of equipment used by competitors in their shooting disciplines can continue and, in order to facilitate continued participation in international competitions, the rules governing the European Firearms Pass will be updated to cover firearms, including Category A firearms, held by such target shooters.

Many firearms commonly used for sports shooting, such as centre-fire semi-automatics, are not themselves affected.

This is one of several areas where the Member States sought the inclusion of more rigid and less workable provisions, but this was rejected by the Parliament team. If target shooters are concerned about how the new proposals will work in practice they should work with the authorities in their own Member States as it will be a national decision whether or not to authorise such activities.

### **Magazines and loading devices**

The European Council and the Commission both wanted to ban all high capacity magazines. The Parliament negotiating team did not support this. However the Council refused to accept that there should be no new limitations on magazines and loading devices. Here again the Member States sought more restrictive and less workable provisions which were rejected by the Parliament team. After much negotiation the following was offered:

- Loading devices themselves, including magazines, are not restricted per se.
- Semi-automatic centre fire firearms which allow the firing of more than a certain number of rounds without reloading will now become Category A firearms only if a loading device with a capacity exceeding a set number of rounds is inserted into it or is part of the firearm. For short firearms, the limit is at 20 rounds and for long firearms at 10. Target shooters, existing holders, collectors, reservists and certain other specialist users will be able to continue holding such firearms and use the higher capacity magazine provided their Member State agrees and issues them the appropriate Category A authorisation.
- People who do not have a Category A authorisation but have a Category B firearm and who are also found in possession of a high capacity magazine will risk having their authorisation to hold

firearms removed. There is no restriction in the Directive on re-applying for an authorisation in the future.

- New purchases of high capacity magazines are restricted to those with a Category A authorisation.

## **Reservists**

Under the agreement Member States continue to have the ability to organise and protect their national reserve or public defence forces.

Member States will be able to give Category A authorisations to individuals for the protection of the security of critical infrastructure, commercial shipping, high-value convoys and sensitive premises, as well as for national defence. Member States may issue or permit the acquisition and possession of firearms for those purposes. This meets the needs of countries like Finland.

Armed forces, the police and certain public authorities are not regulated by the Directive and there is special recognition of the Swiss situation.

## **Collectors and Museums**

The European Commission and the Council insisted that collectors and museums fall within the scope of the Directive under the revision, as in many Member States they are required to follow existing national rules already. Once in force, the Directive will require collectors to follow the same acquisition and possession rules as other firearms holders.

The Parliament negotiating team worked hard to secure a special authorisation for collectors to continue hold Category A firearms. Member States will therefore have the ability to give Category A authorisations in exceptional cases to collectors subject to strict security measures. These authorisations can be given when demonstrating good cause, which can be for historical and research purposes, as is the case for collectors licensed at present.

Firearms of particular historical importance will not be covered by the new marking requirements, nor will marking requirements apply to antiques.

The collection of ammunition is permitted and rules regarding the marking of ammunition have not changed.

## **Automatic firearms converted into semi-automatic firearms**

The Parliament's initial approach was that automatic firearms which have been converted into semi-automatic firearms should remain in Category B if the conversion was irreversible. However this was completely rejected by the Council and the Commission.

The Parliament team secured a grandfathering provision that will allow existing owners to continue to own, transfer, inherit or sell these firearms to others who have appropriate authorisation, provided their own Member State agrees.

These types of firearms will also be available to target and sports shooters who receive a Category A authorisations.

### **Next steps**

The provisional deal needs to be voted by the full Parliament in an upcoming plenary session on 14 March and formally approved by the EU Council of Ministers.

There will also be a full debate in the chamber of the Parliament on the morning of 14 March, where MEPs from across Parliament will be able to speak on the matter. MEPs may table amendments to the negotiated position but if these are passed it does risk destabilising the entire package as the proposal is then returned for a "second reading". At this stage the Parliament is not so involved in the detailed negotiation and there is a risk that the Council reverts to its much more rigid approach.

In order to protect the rights of legal owners it is important to keep engaging with national governments as soon as possible and especially during the "transposition" process when governments update their own national laws. Individual Member States have the power and the flexibility to grant their own authorisations and exemptions for the many types of genuine legal owners. It is important that citizens hold their governments to account, and ensure that those powers are applied to the fullest extent.