



## Commission Proposals to strengthen control of firearms: Questions & Answers

Brussels, 18 November 2015

### What is the extent of the problem?

The use of firearms by criminal and terrorist organisations poses a great security threat to our citizens, as we have witnessed on several occasions this year. These tragic events call for a stronger, coordinated European approach to control the use of weapons and fight against trafficking of firearms, as well as to combat crime and terrorism.

There is little official data on the types of firearms circulating in the EU, weapons illegally used and trafficked, and criminal offences and activities involving civilian firearms. However, it has become clear that gaps in the current legislation on firearms and shortcomings in its implementation at national level make us vulnerable to criminal activity and have an impact on the overall level of security of EU citizens.

The [EU Firearms Directive](#) (Directive 91/477/EEC as amended by Directive 2008/51/EC) defines the rules under which private persons can acquire and possess weapons, as well as the transfer of firearms to another EU country.

The **Commission's report on the implementation of the Firearms Directive**, published alongside today's proposals, has identified obstacles to tracing firearms and law enforcement due to differences across Member States regarding the marking of weapons, the categorisation and registration of firearms and deactivation standards, as well as lack of interconnection of national tracking and data-filing systems.

Under the current legal framework, deactivated firearms are not considered firearms anymore. They can therefore freely move within the internal market. They are also erased from the official register making it impossible to trace them to their current or original owner. And yet, there is evidence of cases of reactivation of deactivated firearms. Recent terrorist attacks or attempted attacks included the use of firearms that had been incorrectly deactivated or firearms assembled with badly deactivated components. There are also concerns about the potential conversion of blank firing weapons to fire ammunition.

### What are the current rules at EU level on firearms?

The existing EU legislative framework on firearms largely derives from the [UN Firearms Protocol](#) (UNFP) which the EU concluded in 2013.

Current EU legislation consists of:

- Directive [2008/51/EC](#), which amends Directive 91/477/EEC, and integrates the appropriate provisions required by the Firearms Protocol as regards intra-Community transfers of weapons;
- Regulation [258/2012](#) which addresses trade and transfers with countries outside the EU, thereby transposing the provisions of Article 10 of the UNFP.

The main provisions of the Firearms Directive are:

- **Classification** of four categories of firearms and corresponding rules for acquisition and possession:
- Category A - fully automatic weapons and military weapons: cannot be owned by private persons unless deactivated;
- Category B - repeating or semi-automatic arms: can be owned by private persons subject to authorisation;
- Category C - less dangerous repeating and semi-automatic firearms and single shot firearms used mainly by hunters: can be owned by private persons subject to declaration;

- Category D - other firearms: can be owned by private persons and are not subject to authorisation or declaration.
- **Marking and traceability:** Member States need to ensure that any firearm or part placed on the market has been marked and registered, and they need to have national computerised data-filing systems in place to strengthen traceability of firearms.
- **Deactivation:** Member States are obliged to introduce national procedures for the deactivation of firearms which render the weapons permanently inoperable, to be verified by a competent authority. Permanently deactivated arms are no longer considered arms and can be held by private persons and freely move within the internal market.

The Directive leaves the possibility open for Member States to adopt more stringent rules than those prescribed.

### **What changes to the Firearms Directive is the Commission proposing today?**

On 18 November 2015, the Commission tabled **proposals to amend the EU Firearms Directive** (Directive 91/477/EEC as amended by Directive 2008/51/EC), the main objectives of which are:

#### ***To make it more difficult to acquire firearms, including deactivated firearms***

- Stricter conditions for the **online acquisition** of firearms, to avoid the acquisition of firearms, pieces thereof or munition through the Internet;
- Stricter rules to ban certain **semi-automatic firearms**, which move from Category B to Category A and will not, under any circumstances, be allowed to be held by private persons, even if they have been permanently deactivated;
- The inclusion of **blank-firing weapons** (e.g. alarm, signaling, life-saving weapons) in the scope of the Directive, because of their potential to be transformed into firearms.
- Further restrictions to the use and circulation of **deactivated firearms**. National registries should keep records of deactivated firearms and their owners. **Under no circumstances will civilians be authorised to own any of the most dangerous firearms** falling under Category A (e.g. a Kalashnikov), which is currently possible if they have been deactivated. The enforcement of the ban is a national responsibility, and Member States have all necessary tools at their disposal including the destruction of illegally held deactivated arms;
- **Collectors**, as defined by national law, are currently excluded from the scope of the Directive. The Commission is proposing today to change this, since collectors have been identified as a possible source of traffic of firearms. In the future, collectors will have the possibility to acquire firearms, but subject to the same authorisation/declaration requirements as private persons.
- **Brokers** will be brought into the scope of the Directive, since they provide services similar to those of dealers. Member States will have to introduce regulation covering the registration, licensing and/or authorisation of brokers and dealers operating within their territory.

#### ***Better traceability of firearms***

- Tighter rules on **marking of firearms** to improve the traceability of weapons by making them harder to erase (e.g. by affixing markings on the receiver), extending the obligation to imported firearms and clarifying on which components the marking should be affixed. Member States will have to keep the data until the destruction of the firearm (i.e. not only for 20 years as currently the case).

#### ***Stronger cooperation between Member States***

- Better **exchange of information between Member States**, for example on any refusal of authorisation decided by another national authority, interconnection of national registers to ensure full European cooperation, and obligations for dealers and brokers to connect their registers to national registers.

#### **What are the common standards on deactivation?**

Today's package of measures also includes an Implementing Regulation imposing stringent minimum common guidelines for the deactivation of firearms which will render reactivation much more difficult.

The Firearms Directive specifies that weapons which have been rendered unfit for use are no longer considered firearms but pieces of metal which can move freely within the internal market without authorization/declaration. However, recent experience shows that deactivated arms can be illegally reactivated by using pieces from other deactivated arms, home-made pieces or pieces acquired via the

Internet. The fact that there is no harmonised way to deactivate weapons across the EU increases the security risk.

To solve this problem, the Commission has prepared a Regulation that sets out common, strict, harmonised criteria on how Member States must deactivate weapons so they are rendered unfit to use. This is complemented by the ban on the possession of Category A firearms – even when they are deactivated. The Implementing Regulation is based on the criteria for deactivation developed by the [Permanent International Commission for the Proof of Small Arms \(the CIP\)](#).

The Commission has been negotiating this Implementing Regulation with Member States since April 2015 in the context of the comitology procedure, with discussions intensifying in the last few weeks. The draft text sent to Member States on Friday 13 November was adopted in committee on 18 November, following which the College adopted the implementing act on the same day.

### **What is the role of the Internet in the illicit arms trade?**

The evaluation of the Firearms Directive and other preparatory studies demonstrated the increasing use of the Internet as a sales channel for firearms and the difficulties in controlling this traffic in the future. This was confirmed in recent terrorist attacks where in some cases firearms were illegally assembled with components legally bought via Internet, it would be an important risk not to regulate this sales channel. The Commission proposes a ban on the selling of arms and components by means of distance communication (notably via the Internet), except in the case of authorised dealers and brokers.

### **What is the Commission doing to curb illegal trafficking of weapons and explosives?**

In addition to the adoption of these stricter rules and standards today, the Commission also announced new plans to develop an action plan against the illegal trafficking of weapons and explosives. Issues to be tackled in this future action plan will include:

- The illegal purchase of weapons on the black market;
- The control of illegal weapons and explosives in the internal market and especially their entry/import into the single market (especially from the Balkan countries or ex-war zones);
- The fight against organised crime.

Whilst arms trafficking is mainly a national competence, given the clear cross-border dimension there is a need for stronger police and intelligence service coordination and stronger import checks. The Commission will propose actions to support Member States' activities, building on the Action Plan on illicit trafficking in firearms between the EU and the Western Balkans. The EU-Western Balkans summit on 7 December will be a further opportunity to take stock of progress on the Action Plan.

### **How does the EU control imports of illegal weapons from third countries?**

[Regulation 258/2012](#) is based on the principle that firearms and related items should not be transferred between states without the knowledge and consent of all states involved. It lays down procedural rules for export, and import - as well as for transit of firearms, their parts and components and ammunition.

Exports of firearms are subject to export authorisations, containing the necessary information to trace them, including the country of origin, the country of export, the final recipient and a description of the quantity of the firearms and related items.

Member States have the obligation to verify that the importing third country has issued an import authorisation. In the case of transit of weapons and related items through third countries, each transit country must give notice in writing that it has no objection. Member States must refuse to grant an export authorisation if the person applying has any previous record concerning illicit trafficking or other serious crime.

### **How does this fit into the wider security agenda?**

The responsibility for ensuring internal security is first and foremost with the Member States, but cross-border challenges defy the capacity of individual countries to act alone and require EU support to build trust and facilitate cooperation, exchange of information and joint action.

President Juncker's Political Guidelines identified the security agenda as a priority for this Commission, and the 2015 Commission Work Programme committed to the delivery of the European Agenda on Security.

On 28 April 2015, the European Commission set out a [European Agenda on Security](#) for the period 2015-2020 to support Member States' cooperation in tackling security threats and step up our common efforts in the fight against terrorism, organised crime and cybercrime. The Agenda sets out the concrete tools and measures which will be used in this joint work to ensure security and tackle these

three most pressing threats more effectively.

### **What happens next with these proposals and when will they take effect?**

The proposed revision of the Firearms Directive will now be transmitted to the European Parliament and Council for adoption. The Commission counts on the co-legislators' support for a rapid adoption of its proposal, and invites Member States to start taking the necessary steps for the future firearms legislation to come into effect by July 2016.

Following a positive vote on the Implementing Regulation on the deactivation of firearms by Member States in Comitology Committee earlier this morning, the College of Commissioners formally adopted the text. The Implementing Regulation will enter into force 3 months from publication in the Official Journal of the European Union, and will be directly applicable.

see also [IP/15/6110](#)

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