

Control of the acquisition and possession of weapons

2006/0031(COD) - 29/11/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a report drawn up by Gisela **KALLENBACH** (Greens/EFA, DE) and made several amendments to the proposal designed to tighten up gun controls, and introduce mechanisms relating to administrative cooperation. The report was adopted by 588 votes in favour to 14 against with 11 abstentions.

Following a series of discussions between the Commission, Parliament and Council, the main compromise amendments are as follows:

Definitions: Parliament amended the definition of “firearm” and inserted definitions for “parts”, “ammunition”, “tracing”, “broker”, and “dealer”.

European firearms pass: this is stated to be a document which is issued on request by the authorities of a Member State to a person lawfully entering into possession of and using a firearm. It shall be valid for a maximum period of five years. The period of validity may be extended. It shall contain the information set out in Annex II. The European firearms pass is a non-transferable document, on which shall be entered the firearm or firearms possessed and used by the holder of the pass. The pass must always be in the possession of the person using the firearm. Changes in the possession or characteristics of the firearms shall be indicated on the pass, as well as the loss or theft of the firearm.

Tracing: for the purpose of identifying and tracing each assembled firearm, the Member States shall, at the time of manufacture of each firearm, either require 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 is without prejudice to the possible affixation of the 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 (CIP), or maintain any alternative unique user-friendly marking with a number or alphanumeric code, permitting ready identification by all States of the country of manufacture. The marking shall be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable. Member States shall require the marking of every single elementary package of complete ammunition, providing 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 CIP.

Data filing system: each Member State shall ensure, at the latest by 31 December 2014, the maintenance of a computerised data filing system, either a centralised system or a decentralised system which guarantees access of the authorised authorities to the data filing systems in which each firearm subject to this Directive shall be recorded. This filing system shall record and maintain for not less than 20 years each firearm's type, make, model, calibre, serial number and the names and addresses of the supplier and the person acquiring or possessing the weapon. Dealers, throughout their period of activity, shall be required to maintain a register in which all firearms subject to the Directive and which are received or disposed of by them shall be recorded, together with such particulars as enable the weapon to be identified and traced, in particular the type, make, model, calibre, serial number and the names and addresses of the persons supplying and acquiring the weapon. Upon the cessation of his activities, the dealer shall deliver the register to the national authority responsible for the registration system provided for in the text. Member States shall ensure that any firearm or part placed on the market is marked and registered in compliance with this Directive, or otherwise deactivated.

Member States shall ensure that all firearms may be linked to their current owners. However, as regards firearms classified in category D, Member States shall as from the date of transposition put into place appropriate tracing measures, including, as from 31 December 2014, measures enabling linking to the current owner of firearms placed on the market after the date of transposition.

Data protection: a new recital states that the processing of information is subject to compliance with Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data and cannot prejudice the level of protection of individuals with regard to the processing of personal data under the provisions of the Community and national law, and in particular does not alter the obligations and rights set forth in Directive 95/46/EC.

Persons permitted to acquire a firearm: Member States will permit the acquisition and possession of firearms only by persons who have good cause and who: i) are at least 18 years of age, except in relation to the acquisition (except for purchase) and possession of firearms for hunting and target shooting, provided that in that case persons less than 18 years of age have parental permission or are under parental guidance or guidance of an adult with a valid firearms or hunting license or are within a licensed training or otherwise approved centre; ii) 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 one indication of such danger. Member States may withdraw the authorisation of possession of the 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.

Member States shall allow the acquisition and possession of firearms only by persons who were granted a licence or, with respect to categories C or D, who are specifically permitted to do so in accordance with national law.

Brokers: Member States shall consider establishing a system of regulating the activities of brokers. Such a system could include one or more measures such as: a) requiring registration of brokers operating within their territory; b) requiring licensing or authorisation of brokering

Reports: within five years from the date of transposition of the Directive into national law, the Commission shall submit a **report on the situation resulting from the application of the Directive**, accompanied, if appropriate, by proposals.

Within four years from the date of entry into force of the Directive, the Commission shall carry out research and submit a **report on the possible advantages and disadvantages of a reduction to two categories of firearms** (prohibited or authorised) with a view to better functioning of the internal market for the products in question, through possible simplification. A new recital points out that several Member States have recently simplified the way they classify firearms by switching from four categories to the following two: prohibited firearms and firearms subject to authorisation. Member States should fall into line with this simplified classification, although Member States which currently divide firearms into a further set of categories may, in accordance with the principle of subsidiarity, maintain their existing classification systems.

Within two years from the date of entry into force of the Directive into national law, a report shall present the conclusions of a **study of the issue of the placing on the market of replica firearms** in order to determine whether the inclusion of such products in the present Directive is possible and desirable.

Sanctions: a recital states that in some serious cases, compliance with Articles 5 and 6 of the Protocol requires the application of criminal sanctions and confiscation of the weapons

Contact group: for the purpose of an efficient application of the Directive, Member States shall exchange information on a regular basis. To this end, the Commission shall set up a contact group for the exchange of information. Each Member State shall inform the other Member States and the Commission of the national authorities responsible for transmitting and receiving information and for complying with the obligations set out in Article 11(4).

Deactivation: the Commission shall issue common guidelines on deactivation standards and techniques to ensure that deactivated firearms are permanently inoperable.