Control of the acquisition and possession of weapons

2015/0269(COD) - 17/05/2017 - Final act

PURPOSE: to strengthen control over the acquisition and possession of weapons.

LEGISLATIVE ACT: Directive (EU) 2017/853 of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

CONTENT: this Directive revises and complements existing Directive 91/477/EEC in order to address the misuse of firearms for criminal purposes and taking into account recent terrorist acts.

Its main elements are:

Traceability of firearms: firearms manufactured or imported into the Union on or after 14 September 2018 and any essential parts of these firearms shall be visibly and permanently marked and registered without delay in accordance with the Directive.

This information shall be recorded in computerised data-filing systems in place in Member States containing all information relating to firearms required to trace and identify such firearms. Record of firearms and the essential components, including the related personal data, is retained in the data-filing systems by the competent authorities for a period of 30 years after the destruction of the firearms or essential components in question.

Member States shall establish a system to regulate the activities of dealers and brokers and ensure that they register, electronically and without delay, any transactions involving firearms.

Acquisition and possession of firearms: Member States shall take all appropriate measures to prohibit the acquisition and possession of the most dangerous firearms in category A.

The national competent authorities may, in exceptional and duly reasoned cases, grant authorisations for firearms of this category with a view: (i) to protecting the security of critical infrastructure, commercial shipping, high-value convoys and sensitive premises, as well as for (ii) national defence, educational, cultural, research and historical purposes. Such derogations may be granted only if this is not contrary to public security or public order.

Member States may grant Category A authorisations to shooting sports, recognised museums and, in exceptional and duly motivated cases, to collectors, in accordance with strict safety measures.

Authorisations granted under this Article shall be reviewed periodically at intervals not exceeding 5 years

Authorisations for possession of firearms shall be reviewed periodically, at intervals not exceeding 5 years. An authorisation may be renewed or prolonged if the conditions on the basis of which it was granted are still fulfilled. The Directive enables the confirmation of authorisations granted for semi-automatic firearms (falling within category 6, 7 or 8) which have been legally acquired and registered before the entry into force of the Directive.

Deactivation of firearms: the risk of acoustic weapons and other types of blank-firing weapons being converted into real firearms is high. Therefore, they shall be included within the scope of Directive 91/477/EEC.

Taking into consideration the high risk of reactivating improperly deactivated firearms, the Directive requires the classification of deactivated firearms under category C (firearms subject to declaration).

The deactivation of firearms shall be verified by a competent authority to ensure that modifications made to a firearm render all its essential components permanently inoperable and incapable of being reactived.

Semi-automatic firearms: some dangerous semi-automatic firearms have now been added to category A and are therefore prohibited for civilian use. This is the case for:

- short semi-automatic firearms with loading devices over 20 rounds;
- long semi-automatic firearms with loading devices over 10 rounds;
- semi-automatic long firearms that can be reduced to a length of less than 60 cm without losing functionality by means of a folding or telescoping stock or by a stock that can be removed without using tools.

Exchange of information: the Commission shall set up a system for the exchange of information between Member States. This system shall enable the competent authorities to exchange information by electronic means on authorisations granted for the transfer of firearms to another Member State and on refusals to grant authorisations for security reasons.

ENTRY INTO FORCE: 25.5.2017.

TRANSPOSITION: no later than 14.9.2018.

DELEGATED ACTS: the Commission may adopt delegated acts in order to enable Member States to set up a system for the exchange of information. The power to adopt such acts shall be conferred on the Commission for an indeterminate period from 13 June 2017. The European Parliament or the Council shall have the right to object to a delegated act within a period of two months (extendable for two months) from the date of notification of the act.