



17 May, 2016

The Presidency
National delegates, GENVAL (firearms)
Permanent Representations, COREPER (firearms)

**Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Council Directive 91/477/EEC on the control of the acquisition and
possession of firearms.**

INTRODUCTION

The Foundation for European Societies of Arms Collectors was set up in 1993 by national collector organisations that together represent thousands of serious collectors, researchers and conservators of firearms in Europe. FESAC and its members enjoy close collaboration with firearm museums.

Whilst museums that are open to the public serve to educate visitors that typically have a generic interest in the topic, it is private collectors who are mainly responsible for the wider dissemination of scientific study through online and printed publications. Indeed, browsing the internet or visiting bookstores would confirm that over 90% of scientific firearm studies are written by collectors. Reference works authored by collectors are to be found on the shelves of every firearm museum library and are essential for these institutions in identifying and cataloguing their collections.

Private collections are comparable to museum reserve collections or specialised accumulations such the National Firearm Collection in Leeds. Although these collections are not accessible to the general public, students of history, researchers, authors and members of the police and armed forces are welcome to visit and examine their inventory and carry out study.

The quantity and quality of important and historical firearms in private collections by far exceeds that of Museum inventories. Indeed some private collections are even larger and more important than national museums. Over the centuries quite a few private collections have developed into museums, such as the Leeds armoury.



DIRECTIVE 91/477/EEC INCLUDING AMENDMENTS 2008/51/EC

Article 2(2) states that "This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by collectors and bodies concerned with the cultural and historical aspects of weapons and recognized as such by the Member State in whose territory they are established."

Thus in its current form, the Directive clearly obliges MS to recognise as Collectors only those persons or bodies which are "concerned with the cultural and historical aspects of weapons", permitting them to acquire and possess firearms and ammunition from all the Categories provided that this is "in accordance with national law".

It therefore follows that since recognised collectors may only acquire and keep firearms in accordance with national law, then all category A, B and C firearms in their possession must be authorised, licensed or registered by the MS. This is in fact the basis of 'Collector Licences' issued in those MS which have faithfully transposed the Firearms Directive into national law.

THE COMMISSION'S PROPOSAL

The Commission has stated that "Collectors have been identified as a possible source of traffic of firearms by the evaluation carried out" (Explanatory Memorandum, 18 November 2015) and on the basis of this statement the Commission proposed to end the exemption that was granted to Collectors in 1991 and reconfirmed in 2008.

However, the Commission has failed to provide any evidence that recognised collectors could indeed be a source of traffic of firearms. FESAC had written to the Commission requesting it to either provide evidence or else withdraw its serious allegation against this community of law-abiding EU citizens. The Commission failed to respond and consequently FESAC filed a complaint with the EU Ombudsman accusing the Commission of maladministration.

FESAC is not alone in considering the Commission's statement to be totally unfounded and uncalled for. On 9th May, Parliament's LIBE committee voted in favour of deleting the Commission's statement (Recital 5) and in favour of reinstating the Collectors' exemption. Judging by the strong support for Amendments to delete Recital 5, it is expected that the IMCO will follow suit and shoot down the Commission's proposal.



GENVAL AND COREPER MEETINGS AND REPORTS

Recital 5

“Since collectors have been identified as a possible source of traffic of firearms, they should be covered by this Directive.”

In view of the aforementioned circumstances we call for the deletion of Recital 5.

ANNEX II: exemptions from the prohibition - Article 6(2)

“For the protection of critical infrastructure and commercial shipping, national defence, educational, cultural, research and historical purposes and without prejudice to Article 6(1), the competent authorities may grant in special cases authorisations for the acquisition and possession of such firearms, essential components and ammunition where this is not contrary to public security or public order.”

We support this Article but recommend the addition of the underscored words for the purpose of clarity.

ANNEX II: exemptions from the prohibition – Articles 6(3.a) and 6(3.b)

“Member States may permit museums to acquire and possess firearms, essential components thereof and ammunition from category A B, C [and D] subject to strict conditions.”

“Member States may permit collectors to acquire and possess firearms under B, C and D.”

The above two statements are contradictory if the scope of the Presidency is to ensure that cultural and historical heritage and the study and research thereof is protected. The Presidency should not create an artificial barrier between museums and collectors. Let us not forget that the Commission originally also proposed the irreversible damage of historical firearms in museum collections and the freezing of such collections. Realising that it had gone too far, the Commission proposed to accommodate museums while focusing on bringing collectors within the scope of the Directive and banning them from acquiring and possessing Category A firearms, essential components and ammunition.



FESAC proposes the following amendments:

1. *The addition of "and recognised collectors" in 6(3.a):*

"Member States may permit museums and recognised collectors to acquire and possess firearms, essential components thereof and ammunition from category A B, C [and D] subject to strict conditions."

2. *The deletion of 6(3.b).*

FESAC further proposes the introduction of a clear definition of a collector in Article 1:

"For the purpose of this Directive "collectors" shall mean legal or natural persons dedicated to the gathering and conservation of arms and associated artefacts for their heritage, historical, cultural, technical, scientific, aesthetic or educational value and/or for display and/or for their use in academic or practical research or study."

Our proposal is based on legislative models that are working well in a number of Member States. We need not reinvent the wheel.

Stephen A. Petroni
Chairman