



**2015/0269(COD)**

18.5.2016

## **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on the Internal Market and Consumer Protection

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 91/477/EC on control of the acquisition and possession of weapons  
(COM(2015)0750 – C8-0358/2015 – 2015/0269(COD))

Rapporteur (\*): Bodil Valero

(\* ) Associated committees - Rule 54 of the Rules of Procedure

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## SHORT JUSTIFICATION

### Background

The acquisition, possession and import/export of firearms for civilian use is subject to a comprehensive EU regulatory framework set out in Directive 91/477/EC as amended by Directive 2008/51/EC. The Directive aimed to establish minimum standards for the marking, storing, manufacture, trade, registering and deactivation of firearms, as well as establishing definitions and introduction of punishable offences.

In spite of stricter legislation, gun related violence remains a significant threat within the EU. The Declaration of the Home Affairs Ministers Council of 29 August 2015 called for an urgent action on the deactivation of firearms to prevent their reactivation and use by criminals. It repeated its call for the revision of the Firearms Directive and for a common approach on the deactivation, enhancing the traceability in the existing legislation in order to close gaps and shortcomings in its implementation at national level.

The report on the implementation of the Firearms Directive also identified obstacles to tracing firearms due to differences across Member States. In its proposal the Commission suggested amending the existing legislation on a number of areas, for example:

- EU common standards on deactivation;
- EU common rules on marking of firearms to improve the traceability of weapons;
- Better exchange of information between Member States, for example on any refusal of authorisation to own a firearm decided by another national authority, and obligation to interconnect national registers of weapons;
- Common criteria concerning alarm weapons (e.g. distress flares and starter pistols) in order to prevent their transformation into fully functioning firearms;
- Stricter rules on the online acquisition of firearms, to avoid the acquisition of firearms, key parts or ammunition through the Internet;
- Stricter rules to ban certain semi-automatic firearms, which will not be allowed to be held by private persons, even if they have been permanently deactivated;
- Stricter conditions for the circulation of deactivated firearms;
- Stricter conditions for collectors to limit the risk of sale to criminals.

The Committee on Civil Liberties, Justice and Home Affairs organised a mini-hearing on February 15th 2016 in order to examine points that could be improved within the current directive and to clarify the appropriate level of harmonisation on EU level.

The invited expert on firearms especially highlighted the threat caused by converted and reactivated firearms and the need for high common standards for deactivation within the EU

and furthermore pointed out that each essential part of a firearm needs to be marked so that it can be traced if stolen or lost. The expert demonstrated that a general ban on semi-automatic firearms based on the criteria of "resemblance" is problematic and not feasible for Member States to implement.

Another invited expert on licensing and medical tests testified that some basic level of medical check (of both physical ability and mental health) is needed to give a license on firearms, as well as follow-up tests on a regular basis.

### **The rapporteur's position**

The rapporteur welcomes the revision of the directive so that loopholes in existing legislation can be closed and the security of European citizens can be enhanced. The rapporteur consequently supports the majority of suggestions in the Commission's proposal. However there are parts that need to be amended in order to make the new legislation understandable, effective, balanced and proportional.

Furthermore the rapporteur would strongly like to emphasize that this Directive, although the aim is better security for the citizens, is not addressing illegal arms and with them related organized crime and terrorist activity, which are only two types of gun related problems. It's more about preventing legal firearms from ending up on the black market, preventing shooting rampages, suicides, homicides and accidents with firearms.

The rapporteur regrets that the commission did not present an impact assessment in advance. In an impact assessment the commission for example could have specified the types and amounts of firearms affected by the proposal, making it easier for the parliament to take an informed position on the matter.

In view of these considerations, the rapporteur proposes amendments particularly concerning:

1. The scope of the directive (to include not only firearms, but also their essential components and ammunition);
2. The marking of essential components;
3. The deactivation of firearms;
4. The exchange of information between Member States;
5. Distance sales;
6. Suitability tests for license applicants;
7. Additional security measures.

In its proposal the commission wishes to amend Annex I of the Directive so as to add in category A "automatic firearms which have been converted to semi-automatic firearms" and "firearms under points 1 to 7 after having been deactivated", consequently prohibiting such firearms. The rapporteur supports this provision.

The commission also wishes to move the so called B7 category of "semi-automatic firearms for civilian use resembling automatic firearms" to category A. The Rapporteur recognizes that this provision is neither comprehensible nor practically implementable in its current shape, since it does not distinguish between physical appearance and technical characteristics. Instead of the mere looks of a weapon, technical criteria should be decisive, such as excitation energy of the firearm, the calibre, possibility of attaching a large magazine; or other properties that are not justified for good cause such as pistol grip, foldable stock, cooling systems et cetera. The Rapporteur urges the Commission to reconsider its proposal on this point.

## AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

### Proposal for a directive

#### Recital 2

*Text proposed by the Commission*

(2) *As a response to recent terrorist acts which demonstrated gaps in the implementation of Directive 91/477/EEC especially with regard to deactivation of weapons, convertibility and marking rules, the “European Agenda on Security” adopted in April 2015 and the Declaration of the Home Affairs Ministers Council of 29 August 2015 called for the revision of that Directive and for a common approach on the deactivation of firearms to prevent reactivation and use by criminals.*

*Amendment*

(2) *The amendments to Council Directive 91/477/EEC should not result from the fact of implying any form of connection between the recent terrorist attacks and the legal use and possession of weapons within the Union, not least by hunters, persons who engage in shooting sports, and collectors. The manufacture of, trade in, and the possession and use of weapons and ammunition are legitimate activities of major recreational, sporting, and economic interest and important for job and wealth creation within the Union.*

### Amendment 2

### Proposal for a directive

#### Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

(2a) *The maintenance and exchange of information are subject to compliance with Regulation (EU) 2016/... of the European Parliament and of the*

Council<sup>1a</sup>.

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<sup>1a</sup> *Regulation (EU) 2016/... of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), and repealing Directive 95/46/EC(OJ L ...).*

### Amendment 3

#### Proposal for a directive Recital 3

*Text proposed by the Commission*

(3) Certain issues in Directive 91/477/EEC need further improvement.

*Amendment*

(3) Certain issues in Directive 91/477/EEC need further improvement, *in a proportionate way, to tackle arms trafficking for criminal or terrorist purposes and to promote a harmonised application by the Member States* .

### Amendment 4

#### Proposal for a directive Recital 4

*Text proposed by the Commission*

(4) Bodies concerned with the cultural *and* historical aspects of weapons and recognised as such by the Member State in whose territory they are established *and holding in their possession firearms classified in category A acquired before the date of entry into force of this Directive* should be able to keep *those* firearms *in their possession* subject to authorisation by the Member State concerned *and provided that those firearms have been deactivated*.

*Amendment*

(4) Bodies *and persons, such as museums and collectors* concerned with the cultural, historical, *scientific, technical or educational* aspects of weapons and recognised as such by the Member State in whose territory they are established should be able to keep *and acquire* firearms *classified in category A* subject to authorisation by the Member State concerned *and provided that those bodies or persons have taken necessary measures to address any risks to public security, including by way of safe storage. Any such authorisation should take into*

*account the specific situation including the nature of collection and its purposes.*

## **Amendment 5**

### **Proposal for a directive**

#### **Recital 5**

*Text proposed by the Commission*

**(5) Since collectors have been identified as a possible source of traffic of firearms, they should be covered by this Directive.**

*Amendment*

**deleted**

## **Amendment 6**

### **Proposal for a directive**

#### **Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6a) To prevent the misuse of firearms, it is necessary to include minimum requirements for safe storage of firearms in this Directive. Member States should ensure that any person that lawfully acquires or possesses a firearm or ammunition is required to take reasonable precautions to ensure that the firearm or ammunition is secured from loss or theft and is not accessible to third parties.**

## **Amendment 7**

### **Proposal for a directive**

#### **Recital 7**

*Text proposed by the Commission*

**(7) Taking into consideration the high risk of reactivating badly deactivated weapons and in order to enhance security across the Union, deactivated firearms should be covered by this Directive. Additionally, for the most dangerous**

*Amendment*

**(7) Taking into consideration the high risk of reactivating badly deactivated weapons and in order to enhance security across the Union, deactivated firearms should be covered by this Directive. Where those rules are not respected, Member**

*firearms stricter rules should be introduced in order to ensure that those firearms are not allowed to be owned or traded. Those rules should also apply to firearms of that category even after they have been deactivated.* Where those rules are not respected, Member States should take appropriate measures including the destruction of those firearms.

States should take appropriate measures including the destruction of those firearms. *In this regard account should be taken of Commission Implementing Regulation (EU) 2015/2403<sup>1a</sup> of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable.*

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<sup>1a</sup> OJ L 333, 19.12.2015, p. 62

## Amendment 8

### Proposal for a directive

#### Recital 8

*Text proposed by the Commission*

(8) In order to ensure *the* traceability of *deactivated* firearms, *they* should be registered in national registries.

*Amendment*

(8) In order to ensure traceability, *the deactivation of* firearms should be registered in *regularly updated* national registries *accessible by each Member State's law enforcement authorities.*

## Amendment 9

### Proposal for a directive

#### Recital 9

*Text proposed by the Commission*

(9) *Some semi-automatic firearms can be easily converted to automatic firearms, thus posing a threat to security. Even in the absence of conversion to category "A", certain semi-automatic firearms may be very dangerous when their capacity regarding the number of rounds is high. Such semi-automatic weapons should therefore be banned for civilian use.*

*Amendment*

*deleted*

## Amendment 10

### Proposal for a directive



## Recital 10

*Text proposed by the Commission*

(10) To avoid *that* markings *are easily* erased and to clarify on which components the marking should be affixed, common Union rules on marking should be introduced.

*Amendment*

(10) To avoid markings *being* erased and to clarify on which components the marking should be affixed, common Union rules on marking should be introduced. *These rules should take account of the new materials used in weapon manufacture and the emergence of three-dimensional weapons. They should also take into account imported weapons.*

## Amendment 11

**Proposal for a directive**  
**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

*(10a) The Member States should lay down safety criteria for the storage and transport of firearms; those criteria should be adapted to the number of weapons held and their level of danger.*

## Amendment 12

**Proposal for a directive**  
**Recital 11**

*Text proposed by the Commission*

*Amendment*

(11) Firearms may be used for far more than 20 years. In order to ensure their traceability, records of them should be kept for an indeterminate period of time until destruction is certified.

(11) Firearms may be used for far more than 20 years. In order to ensure their traceability, records of them should be kept for an indeterminate period of time until destruction is certified *by the relevant authorities.*

## Amendment 13

**Proposal for a directive**  
**Recital 12**

*Text proposed by the Commission*

(12) Selling arrangements of firearms and their components by means of distance communication may pose ***a serious threat*** to security as they are more difficult to control than the conventional selling methods, ***especially as regards the on line verification of the legality of authorisations***. It is therefore appropriate to limit the selling of arms and components by means of distance communication, notably internet, to dealers and brokers.

*Amendment*

(12) Selling arrangements of firearms and their ***essential*** components by means of distance communication may pose ***particular threats*** to security as they are more difficult to control than the conventional selling methods. ***To ensure adequate controls it*** is therefore appropriate to limit the selling of arms and components by means of distance communication notably internet, to dealers and brokers, ***except if the handing over or collecting of the firearm takes place at the premises of an authorised dealer, a local police station or another body authorised under national law by the Member State concerned, or if Member States in another way can ensure that identities, authorisations and respective documentation of the parties involved are verified and controlled***. ***This provision is without prejudice for Member States to adopt stricter rules with regards to the private sales of firearms without intermediaries***.

#### **Amendment 14**

##### **Proposal for a directive Recital 13**

*Text proposed by the Commission*

(13) ***Furthermore, the risk of alarm weapons and other types of blank firing weapons being converted to real firearms is high, and in some of the terrorist acts converted arms were used. It is therefore essential to address the problem of converted firearms being used in criminal offences, notably by including them in the scope of the Directive***. Technical specifications for alarm and signal weapons as well as for salute and acoustic weapons should be adopted in order to ensure that ***they cannot be converted*** into

*Amendment*

(13) Technical specifications for alarm and signal weapons as well as for salute and acoustic weapons should be adopted in order to ensure that ***it is impossible to convert them*** into firearms.

firearms.

## Amendment 15

### Proposal for a directive

#### Recital 14

##### *Text proposed by the Commission*

(14) In order to improve the functioning of the information exchange between Member States, the Commission should assess the necessary elements of a system to **support such exchange of** information contained in the computerised data-filing systems in place in Member States. The Commission's assessment **may** be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

##### *Amendment*

(14) In order to improve the functioning of the information exchange between Member States **and the traceability of firearms**, the Commission should assess the necessary elements of a system to **provide for compulsory access by all Member States to** information contained in the computerised data-filing systems in place in Member States. The Commission's assessment **should** be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information. ***In addition to meeting the need to keep track of weapons held by private individuals or other bodies, in accordance with the law, such a system should enable weapons to be traced when they have been seized by, or handed over to, the authorities or forfeited to Member States, thus making it possible to ascertain what happens to weapons until such time as they are destroyed, further used, or again placed on the market.***

## Amendment 16

### Proposal for a directive

#### Recital 15

##### *Text proposed by the Commission*

(15) In order to ensure appropriate exchange **of information** between the Member States on authorisations granted **and** on refusals, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union

##### *Amendment*

(15) In order to ensure appropriate exchange between the Member States **on authorisations granted, on refusals, on interruptions and on any other information referred to in this Directive**, the power to adopt acts in accordance with

should be delegated to the Commission in respect of adopting an act to enable the Member States to create such a system of exchange of information *on authorisations granted and on refusals*. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adopting an act to enable the Member States to create such a *systematic and compulsory* system of exchange of information *between the Member States*. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

## Amendment 17

### Proposal for a directive

#### Article 1 – paragraph 1 – point 1 – point a

Directive 91/477/EEC

Article 1 – paragraph 1b

#### *Text proposed by the Commission*

1b. For the purposes of this Directive, "essential component" shall mean the barrel, frame, receiver, slide or cylinder, bolt or breach block *and any device designed or adapted to diminish the sound caused by firing a firearm* which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.

#### *Amendment*

1b. For the purposes of this Directive, "essential component" shall mean the barrel, frame, receiver, slide or cylinder, bolt or breach block which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.

#### *Justification*

*Silencers are not "essential" components and adding them as such would not increase security*

## Amendment 18

### Proposal for a directive

#### Article 1 – paragraph 1 – point 1 – point b

Directive 91/477/EEC

Article 1 – paragraph 1e

*Text proposed by the Commission*

*Amendment*

1e. For the purposes of this Directive, "broker" shall mean any natural or legal person, other than a dealer whose trade or business consists wholly or partly in buying, selling or arranging the transfer within a Member State, from one Member State to another Member State or exporting to a third country fully assembled firearms, their parts and ammunition.

1e. For the purposes of this Directive, "broker" shall mean any natural or legal person, other than a dealer whose trade or business consists wholly or partly in buying, selling or arranging the transfer within a Member State, from one Member State to another Member State or exporting to a third country ***or importing to a Member State from a third country*** fully assembled firearms, their parts and ammunition.

*Justification*

*There is no reason not to include the importation of firearms from third countries to a Member State in the scope of activity of a broker.*

**Amendment 19**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1 – point c**

Directive 91/477/EEC

Article 1 – paragraph 1h

*Text proposed by the Commission*

*Amendment*

***1h. For the purposes of this Directive, "replica firearms" shall mean objects that have the physical appearance of a firearm, but are manufactured in such a way that they cannot be converted to firing a shot or expelling a bullet or projectile by the action of a combustible propellant.***

***deleted***

*Justification*

*A definition of a replica that refers to objects having the external appearance of a firearm and cannot be converted to expel a bullet refers to an object which is not even hypothetically a firearm and thus has no place in the Firearms Directive and should not be covered by it. There is no need in the Directive for provisions covering toys, decorative items etc.. Furthermore, the imprecise criterion of external appearance makes it difficult to distinguish between replicas and other objects.*

## Amendment 20

### Proposal for a directive

#### Article 1 – paragraph 1 – point 1 – point c

Directive 91/477/EEC

Article 1 – paragraph 1i

*Text proposed by the Commission*

1i. For the purposes of this Directive, "deactivated firearms" shall mean firearms that have been modified with the purpose of rendering them permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way."

*Amendment*

1i. For the purposes of this Directive, "deactivated firearms" shall mean firearms that have been modified with the purpose of rendering them permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way, *in accordance with Commission Implementing Regulation (EU) 2015/2403<sup>1a</sup> of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable.*

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<sup>1a</sup> OJ L 333, 19.12.2015, p. 62

## Amendment 21

### Proposal for a directive

#### Article 1 – paragraph 1 – point 1 a (new)

Directive 91/477/EEC

Article 2 – paragraph 1

*Present text*

"1. This Directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting.

*Amendment*

*(1a) Paragraph 1 is replaced by the following:*

"1. This Directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting, *or to more stringent legislation on illegal arms sales.*"

## Justification

*This directive must enhance cross-border traceability and transparency in respect of possession and sale of weapons and allow active measures to be taken to combat arms trafficking.*

Amendment 22

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 91/477/EEC  
Article 2 – paragraph 2

*Text proposed by the Commission*

2. This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the armed forces, the police, the public authorities. *Nor* shall it apply to commercial transfers of ***weapons and ammunition of war***.

*Amendment*

2. This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the armed forces, the police, the public authorities ***or 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***. *Nor* shall it apply to commercial transfers of ***products of the defence industry, nor to the acquisition or possession of those firearms and ammunition which are subject to authorisation, registration or declaration in accordance with national law, by museums and collectors that are recognised as such by the Member State in whose territory they are established***.

**Amendment 23**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) The Member States which create or have created a special status for collectors shall define the provisions of this Directive applicable to them.***

## Amendment 24

### Proposal for a directive

#### Article 1 – paragraph 1 – point 3

Directive 91/477/EEC

Article 4 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that any firearm or ***part placed on the market*** has been marked and registered in compliance with this Directive.

*Amendment*

1. Member States shall ensure that any firearm ***or essential component thereof, manufactured after the date of entry into force of this Directive*** has been ***irremovably*** marked and registered ***without delay after manufacture or import before being placed on the market*** in compliance with this Directive.

## Amendment 25

### Proposal for a directive

#### Article 1 – point 3

Directive 91/477/EEC

Article 4 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

2. For the purposes of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm or at the time of import to the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.

*Amendment*

2. For the purposes of identifying and tracing each assembled firearm ***and its essential components***, Member States shall, at the time of manufacture of each firearm ***or of each essential component of that firearm*** or at the time of import to the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number ***and the type or model of the firearm as well as its calibre***. This shall be without prejudice to the affixing of the manufacturer's trademark.

## Amendment 26

### Proposal for a directive

#### Article 1 – point 3

Directive 91/477/EEC



Article 4 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

***The marking shall be affixed to the receiver of the firearm.***

*Amendment*

***deleted***

**Amendment 27**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 91/477/EEC

Article 4 – paragraph 2 – subparagraph 4

*Text proposed by the Commission*

Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the unique marking permitting identification of the transferring government.

*Amendment*

Furthermore, Member States shall ensure, at the time of transfer of a firearm ***or any of its essential components*** from government stocks to permanent civilian use, the unique marking permitting identification of the transferring government.

**Amendment 28**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 91/477/EEC

Article 4 – paragraph 3

*Text proposed by the Commission*

3. Member States shall make the pursuit of the activity of dealer or broker within their territory conditional upon authorisation on the basis of at least a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.

*Amendment*

3. Member States shall make the pursuit of the activity of dealer or broker within their territory conditional upon authorisation on the basis of at least a check of the private and professional integrity and of the abilities of the dealer or broker, ***and also on the basis of the transparency of the commercial activity.*** In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.

## Amendment 29

### Proposal for a directive

#### Article 1 – paragraph 1 – point 4 – point a

Directive 91/477/EEC

Article 4 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

"This filing system shall record each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm. The record of firearms, ***including deactivated firearms***, shall be maintained until destruction of the firearm has been certified by the competent authorities.

*Amendment*

"This filing system shall record, ***in particular***, each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm. The record of firearms shall be maintained ***for an indefinite period*** until destruction of the firearm has been certified by the competent authorities.

***Member States shall, by [date] at the latest, provide the competent authorities of all other Member States with direct access to the information held in their national registers. To this end, they shall designate the authority charged with allowing this access and shall communicate its name to the Commission''.***

## Amendment 30

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5

Directive 91/477/EEC

Article 4b – paragraph 2

*Text proposed by the Commission*

2. The system referred to in paragraph 1 shall include at least a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.

*Amendment*

2. The system referred to in paragraph 1 shall include at least a check of the private and professional integrity and of the abilities of the dealer or broker ***and also a check of the transparency of the commercial activity***. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.

## Amendment 31

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 91/477/EEC

Article 5 – paragraph 1 – point a

#### *Text proposed by the Commission*

(a) are at least 18 years of age, except in relation to the possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licenced or otherwise approved training centre;

#### *Amendment*

(a) are at least 18 years of age, except in relation to the ***acquisition other than through purchase, and*** possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licenced or otherwise approved training centre;

#### *Justification*

*The commission has deleted the text, re-introduced by this amendment, without proper justification. The extremely limited and strictly controlled exception allowing Member States to allow certain minors to have fire arms is necessary in the organisation of certain types of educations, notably with regards to forestry. Further it makes no sense to allow these minors to possess fire arms but not permitting the acquisition of the same fire arms. These fire arms are held under strict control.*

## Amendment 32

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 91/477/EEC

Article 5 – paragraph 1 – point b

#### *Text proposed by the Commission*

(b) 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 indicative of such danger.

#### *Amendment*

(b) are not likely to be a danger to themselves ***and to others***, to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.

### **Amendment 33**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) undertake to keep their weapons in accordance with the storage and transport criteria laid down by the laws of their Member State of residence and as referred to in Article 5(1a).***

### **Amendment 34**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. In order to minimise the risk of theft of privately owned firearms classified in category B, Member States shall provide for safety criteria relating to the storage, possession and transport of firearms and ammunition. These criteria should be adapted to the level of danger of the firearm and the number of weapons held.***

### **Amendment 35**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

***Member States shall provide for standard medical tests for issuing or renewing authorisations as referred to in paragraph 1 and shall withdraw authorisations if any***

***deleted***

*of the conditions on the basis of which it was granted is no longer met.*

### **Amendment 36**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) This Directive is without prejudice to the ownership of firearms and ammunition acquired through inheritance; Member States shall restrain the possession of such firearms by owners who are not duly authorised.***

#### *Justification*

*It is necessary to solve the situation of persons without due authorisation who acquire firearms by inheritance, which is a fact independent of their will. While their possession and use of such a firearm should be restrained, there should be no doubt on the mere fact of their ownership and certain rights derived therefrom, such as their legal capacity to sell the firearm.*

### **Amendment 37**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 2b (new)

*Text proposed by the Commission*

*Amendment*

***(2b) Provided that the correct procedure is followed for the test, there shall be no liability to the authority or the person conducting the suitability test in relation to the actions of a person subject to that test.***

### **Amendment 38**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 5 – paragraph 2c (new)

*Text proposed by the Commission*

*Amendment*

**(2c) Member States shall withdraw the authorisations referred to in paragraph 1 if any of the conditions contained in this Article are no longer met.**

**Amendment 39**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 6 – paragraph 1

*Text proposed by the Commission*

*Amendment*

Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to destroy those firearms and ammunition held in violation of this provision and seized.

Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to seize those firearms and ammunition held in violation of this provision and seized. ***In special cases for the purposes of national defence, the competent authorities may grant authorisations for of such firearms and ammunition where this is not contrary to public security or public order.***

**Amendment 40**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6**

Directive 91/477/EEC

Article 6 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

Member States may authorise bodies concerned with the cultural ***and*** historical aspects of weapons and recognised as such by the Member State in whose territory they are established to keep in their possession firearms classified in category

***Without prejudice to paragraph 1,*** Member States may authorise bodies ***and persons*** concerned with the cultural, historical, ***scientific, technical or educational*** aspects of weapons and recognised as such by the Member State in

A acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with *the provisions that implement Article 10(b)*.

whose territory they are established to keep in their possession firearms *and ammunition* classified in category A acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with *Commission Implementing Regulation (EU)2015/2403 or have been exempted from deactivation on grounds of the conservation of cultural and historical heritage, or scientific, technical or educational aspects and if it can be demonstrated that their storage does not put public safety and security or public order at risk*.

## Amendment 41

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 91/477/EEC

Article 6 – paragraph 3

#### *Text proposed by the Commission*

The acquisition of firearms and their *parts and ammunition* concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(\*), shall be authorised only with respect to dealers and brokers and shall be subject to the strict control of the Member States.

#### *Amendment*

The acquisition of firearms and their *essential components* concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(\*), shall be authorised only with respect to dealers and brokers and shall be subject to the strict control of the Member States.

## Amendment 42

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 91/477/EEC

Article 6 – paragraph 3 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*Member States shall take the necessary measures to ensure that the shortening of a long firearm by means of the*

*modification of one or more of its essential components resulting in its re-  
definition as a short firearm shall be  
considered manufacturing, and therefore  
illicit unless done by an authorised dealer  
or gunsmith.*

#### **Amendment 43**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 6 a (new)**

Directive 91/477/EEC

Article 7 – paragraph 3 – subparagraph 2 (new)

*Text proposed by the Commission*

*Amendment*

**(6a) In Article 7, the following  
subparagraph is added to paragraph 3:**

*The data on firearms belonging to  
category B, as well as any decision to  
authorise or refuse the acquisition or  
possession of such firearms, should be  
recorded on the computerised data-filing  
systems maintained by the Member States  
and should be directly accessible to the  
competent authorities of all Member  
States.*

#### **Amendment 44**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 7**

Directive 91/477/EEC

Article 7 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**(7) In Article 7, the following  
subparagraph is added to paragraph 4:**

*‘The maximum limits shall not exceed  
five years. The authorisation may be  
renewed if the conditions on the basis of  
which it was granted are still fulfilled.’*

*deleted*



## Justification

*Adding a mandatory time limit to permits would imply massive amounts of additional bureaucracy for authorities and legal fire arms holders alike without improving security. These resources are better spent on fighting illegal fire arms.*

### Amendment 45

#### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 91/477/EEC

Article 10a – paragraph 1

#### *Text proposed by the Commission*

Member States shall take measures to ensure that alarm and signal weapons as well as salute and acoustic weapons cannot be converted into firearms.

#### *Amendment*

Member States shall take ***all necessary*** measures ***with regard to arms manufacturers and arms dealers*** to ensure that alarm and signal weapons as well as salute and acoustic weapons cannot be converted into firearms. ***The Member States shall also ensure that these arms have been marked in line with Article 4(1) of this Directive and that they are recorded on the computerised data-filing systems maintained by the Member States.***

### Amendment 46

#### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 91/477/EEC

Article 10a – paragraph 2

#### *Text proposed by the Commission*

***The Commission*** shall ***adopt technical specifications for*** alarm and signal weapons as well as ***for*** salute and acoustic weapons ***to ensure they*** cannot be converted into firearms.

#### *Amendment*

***Member States*** shall ***take measures to ensure that*** alarm and signal weapons as well as salute and acoustic weapons cannot be converted into firearms. ***The Commission shall, acting in accordance with the procedure referred to in Article 13a (2) of this Directive, issue common conversion standards by 31 December 2016 ensuring that any conversion of a firearm that changes its category is done in a manner which renders such***

*conversion irreversible.*

#### **Amendment 47**

##### **Proposal for a directive**

##### **Article 1 – point 8**

Directive 91/477/EEC Article 10b – paragraph 1

###### *Text proposed by the Commission*

Member States shall make arrangements for the deactivation of firearms to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of this verification, provide for the issuance of a certificate *or* record attesting to the deactivation of the firearm *or* the apposition of a clearly visible mark to that effect on the firearm.

###### *Amendment*

##### ***Having regard to Commission Regulation 2015/2403<sup>1a</sup> of 15 December 2015,***

Member States shall make arrangements for the deactivation of firearms to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of this verification, provide for the issuance of a certificate ***and*** record attesting to the deactivation of the firearm ***and*** the apposition of a clearly visible mark to that effect ***on each essential component of the deactivated*** firearm.

***Member States shall designate the competent authority to carry out the deactivation of firearms and transmit them to the Commission by [date] at the latest.***

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<sup>1a</sup> OJ L 333, 19.12.2015, p. 62

#### **Amendment 48**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8**

Directive 91/477/EEC

Article 10b – paragraph 2

###### *Text proposed by the Commission*

***The Commission shall adopt deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable. Those***

###### *Amendment*

***deleted***

*implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).*

#### **Amendment 49**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8**

Directive 91/477/EEC

Article 10 c (new)

*Text proposed by the Commission*

*Amendment*

*Member States shall establish rules on the safe storage of firearms and ammunition under category A, B and C that meet standards equivalent to those laid down in the Agreement on the European Economic Area, ensuring that firearms and ammunition is kept in such a way as to minimize any risk of their being accessed by unauthorised persons.*

#### **Amendment 50**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8**

Directive 91/477/EEC

Article 10 d (new)

*Text proposed by the Commission*

*Amendment*

*Duty surplus stock weapons in category A from police, customs and military are irreversibly deactivated in accordance with Commission Implementing regulation (EU) 2015/2403 of 15 December 2015, except for transfers in accordance with authorisations granted under Article 6(1) or (2)*

#### **Amendment 51**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8 a (new)**

**(8a) In addition to the necessary registration system for weapons held by private individuals or other entities, in accordance with the law, each Member State shall keep a register ensuring that weapons seized by the authorities or forfeited to the State will be traceable from the moment when they are handed over or seized until such time as they are destroyed or put to use by the authorities or again placed on the market.**

## Amendment 52

### Proposal for a directive

#### Article 1 – point 9

Directive 91/477/EEC

Article 13 – paragraph 4

*Text proposed by the Commission*

4. The competent authorities of the Member States shall exchange information on the authorisations granted for the transfers of firearms to another Member State as well as information with regard to refusals to grant authorisations as defined in Article 7.

*Amendment*

4. The competent authorities of the Member States shall **by electronic means** exchange information on the authorisations granted for the transfers of firearms to another Member State as well as information with regard to refusals to grant authorisations as defined in Article 7 **by [date] at the latest and in accordance with Regulation (EU) 2016/... of the European Parliament and of the Council<sup>1a</sup>.**

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<sup>1a</sup> **Regulation (EU) 2016/... of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), and repealing Directive 95/46/EC(OJ L ...).**

### *Justification*

*Information exchange must be effective and in accordance with existing legislation on data*

*protection.*

### **Amendment 53**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 12**

Directive 91/477/EEC

Article 17 – paragraph 1

#### *Text proposed by the Commission*

The Commission shall submit every five years a report to the European Parliament and the Council on the application of this Directive, accompanied, if appropriate, by proposals in particular as regards the categories of firearms of Annex I and the issues related to new technologies such as 3D printing. The first report shall be submitted two years after the entry into force of this Directive.

#### *Amendment*

The Commission shall submit every five years a report to the European Parliament and the Council on the application of this Directive, ***including a fitness check of the new provisions***, accompanied, if appropriate, by proposals in particular as regards the categories of firearms of Annex I and the issues related ***to the modular design of arms and*** to new technologies such as 3D printing. The first report shall be submitted two years after the entry into force of this Directive.

### **Amendment 54**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 12**

Directive 91/477/EEC

Article 17 – paragraph 2

#### *Text proposed by the Commission*

The Commission shall, by [date], assess the necessary elements of a system ***for the exchange of*** information contained in the computerised data-filing systems referred to in Article 4(4) ***between the Member States***. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

#### *Amendment*

The Commission shall, by [date], assess the necessary elements of a system ***allowing each Member State to access*** information contained in the computerised data-filing systems referred to in Article 4(4). The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

## Amendment 55

### Proposal for a directive

#### Article 1 – paragraph 1 – point 13

Directive 91/477/EEC

ANNEX I – part II

*Text proposed by the Commission*

*Amendment*

**(13)** *in Annex I to Directive 91/477/EC part II is amended as follows:* **deleted**

**(a)** *point A is amended as follows:*

**(i)** *in Category A, the following points are added:*

**‘6** *Automatic firearms which have been converted into semi-automatic firearms;*

**7** *Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms;*

**8** *Firearms under points 1 to 7 after having been deactivated.’*

**(ii)** *in category B, point 7 is deleted.*

**(iii)** *In Category C, the following points are added:*

**‘5** *Alarm and signal weapons, salute and acoustic weapons as well as replicas;*

**6** *Firearms under category B and points 1 to 5 of category C, after having been deactivated.’*

**(b)** *in point B, the following text is deleted.*

**‘The breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.’**

*Justification*

*The proposed modification would damage the comprehensive defence capabilities of certain Member States.*

## Amendment 56

### Proposal for a directive

#### Article 1 – paragraph 1 – point 13 a (new)

Directive 91/477/EEC

Annex I – part II – point A – Category C – point 5

#### *Present text*

5. *Alarm and signal weapons, salute and acoustic weapons as well as replicas;*

#### *Amendment*

*(13 a) in Annex I to Directive 91/477/EC part II is amended as follows:*

*In category C, the following point is added:*

5. *Firearms under categories A, B and points 1 to 4 of category C, after having been converted to alarm, signal, salute, acoustic, gas, paintball or airsoft, Flobert, or percussion lock weapons.*

#### *Justification*

*We see no reason for alarm and signal weapons, salute and acoustic weapons to be included in category C, if they were originally produced as such (i.e. not by conversion from live ammunition). Provided that they have been approved and homologated to enter the market (which typically also includes safety checks), they should stay outside of the scope of the Directive. Regarding firearms converted to alarm, signal weapons etc., this proposal aims to close the loophole that was probably previously used by terrorists and criminals, who converted them back to live ammunition. Including them in category C acts as a preventive measure from their conversion back to the original state, as making them subject to declaration would make them traceable, and therefore uninteresting for committing crimes.*

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Control of the acquisition and possession of weapons			
<b>References</b>	COM(2015)0750 – C8-0358/2015 – 2015/0269(COD)			
<b>Committee responsible</b> Date announced in plenary	IMCO 14.12.2015			
<b>Opinion by</b> Date announced in plenary	LIBE 14.12.2015			
<b>Associated committees - date announced in plenary</b>	28.4.2016			
<b>Rapporteur</b> Date appointed	Bodil Valero 10.12.2015			
<b>Discussed in committee</b>	14.1.2016	17.3.2016	21.4.2016	9.5.2016
<b>Date adopted</b>	9.5.2016			
<b>Result of final vote</b>	+: –: 0:	43 6 4		
<b>Members present for the final vote</b>	Malin Björk, Caterina Chinnici, Ignazio Corrao, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Laura Ferrara, Mariya Gabriel, Kinga Gál, Ana Gomes, Jussi Halla-aho, Monika Hohlmeier, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Cécile Kshetu Kyenge, Marju Lauristin, Juan Fernando López Aguilar, Monica Macovei, Roberta Metsola, Péter Niedermüller, Soraya Post, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Bodil Valero, Harald Vilimsky, Beatrix von Storch, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský			
<b>Substitutes present for the final vote</b>	Janice Atkinson, Anna Maria Corazza Bildt, Pál Csáky, Gérard Deprez, Petr Ježek, Teresa Jiménez-Becerril Barrio, Ska Keller, Miltiadis Kyrkos, Jean Lambert, Gilles Lebreton, Jeroen Lenaers, Nuno Melo, Maite Pagazaurtundúa Ruiz, Petri Sarvamaa, Barbara Spinelli, Josep-Maria Terricabras, Róza Gräfin von Thun und Hohenstein, Geoffrey Van Orden, Axel Voss			
<b>Substitutes under Rule 200(2) present for the final vote</b>	Eugen Freund, Georgi Pirinski			