



## Firearms Directive

Brussels, 20 December 2016

### Frequently Asked Questions

#### 1. What is the context of the Commission's proposal to revise the Firearms Directive?

Security has been a top priority since the beginning of this Commission's mandate, from President Juncker's [Political Guidelines](#) of July 2014 to the latest [State of the Union](#) address of September 2016.

Mass shootings and terrorist attacks in Europe have highlighted the dangers posed by certain firearms circulating across the EU. Building on the [European Agenda on Security](#) adopted in April 2015, in the autumn 2015 the Commission put forward a comprehensive set of proposals to protect our citizens against assaults by firearms, be they terrorist, criminal or any other type of attack.

The package consists of three measures:

- Technical rules which introduce strict standards for the deactivation of firearms. The objective of this Regulation is to ensure that firearms which have been deactivated cannot be reactivated and used to commit homicides. Following the unanimous support of Member States, the [Implementing Regulation](#) has already entered into force and is directly applicable across the EU since 8 April 2016.
- An [Action Plan to target the illicit trafficking of firearms and explosives](#) in the EU and increase cooperation with countries of the Western Balkans, the Middle East and North Africa as well as with Turkey and Ukraine.
- A [proposal to revise the Firearms Directive](#) to tighten controls on the legal acquisition and possession of firearms. The proposal aims to better control the acquisition of high capacity firearms in the EU, allow better tracking of legally held firearms thus reducing the risk of diversion into illegal markets, and strengthen cooperation between Member States.

#### 2. What are the main changes that the Firearms Directive will introduce?

The objective of the review of the Firearms Directive is to increase security for citizens, whilst allowing hunters, sport shooters and collectors to acquire firearms under certain conditions.

The most important elements of the proposal on which agreement has been reached are:

- A **ban of dangerous semi-automatic firearms**. These include automatic firearms transformed into semi-automatic firearms, long semi-automatic firearms of length less than 60cm, long semi-automatic firearms with loading devices of more than 10 rounds, and short semi-automatic firearms with a loading device of more than 20 rounds.
- Regulation of **alarm and acoustic weapons**: An acoustic or salute weapon is an active weapon transformed to only shoot blank, for example for use in theatre or cinema. Such weapons can be easily re-transformed into fully active firearms. In the future, acoustic and salute weapon can still be used in a theatre or in movies, subject to declaration, authorisation or licence depending on the category they belonged to before transformation.
- Regulation of **deactivated weapons**, which for the first time are considered firearms despite having been deactivated, and are now subject to declaration to national authorities.
- Inclusion of **museums and collectors** in the scope of the Directive: The existing Directive does not cover collectors. In the future, collectors and museums will be treated like any civilian firearms owner. They will have the possibility to acquire category A firearms but only under strict conditions.
- Stricter conditions for the **online acquisition** of firearms, to better control the acquisition of firearms, pieces thereof or ammunition through the Internet.
- Clearer rules on **marking of firearms** to improve 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 the traceability of firearms.

- Establishing a **system of exchange of information** between Member States. In particular, it is extremely important that a person not authorised to buy firearms in a Member State cannot get authorised to do so by another Member State.
- Conditions **for medical tests**: In the future, all Member States will have to put in place a system of medical check for the authorisation to acquire firearms. The details regarding medical checks are to be defined by the Member States.
- Framed **derogations for sport** shooters which will have the possibility to acquire category A firearms.

### **3. What are the aspects on which the Commission would have liked a more ambitious approach?**

The Commission regrets that some parts of the original proposal were not supported by the European Parliament and the Council, in particular concerning semi-automatic firearms where the Commission had proposed a greater level of ambition with a complete ban of the most dangerous semi-automatic firearms, including all semi-automatic firearms of the AK47 or AR15 families. The Commission also favoured an approach whereby the magazine size would have been limited to 10 rounds for all semi-automatic firearms, be they long or short. The Commission further regrets that private collectors will be authorised, under certain conditions, to acquire fully active assault weapons.

### **4. Why is the Commission accepting a compromise?**

The majority of what the Commission originally proposed is part of the final package, such as the ban of automatic firearms transformed into semi-automatic firearms, the inclusion of museums and collectors in the scope, the regulation of alarm and acoustic weapons, regulation of Internet sales, more exchange of information between Member States, and medical tests for the renewal of licenses.

The Commission would have liked to go further in restricting magazine sizes and in banning the most-dangerous semi-automatics, but this was not supported by the co-legislators.

The Commission nevertheless considers that the overall package delivers significant improvements compared to the current Directive, and thus accepts the compromise found.

### **5. What are the next steps?**

The preliminary political agreement reached by the European Parliament, Council and Commission early December was confirmed by the EU Member States' permanent representatives (COREPER) on 20 December. It is now subject to confirmation by the European Parliament's Internal Market Committee at its meeting in January, and subsequently to a plenary vote of the European Parliament and formal approval by the EU Council of Ministers.

The European Parliament and the Council have decided that the directive will only be applicable 15 months after the date of entry into force (20 days after publication in the Official Journal). Certain provisions, notably concerning the data filing system that Member States shall put in place, will only be applicable 30 months after publication in the Official Journal.

### **6. What is the classification of firearms in the current legal framework, and how will it change?**

The [EU Firearms Directive](#) (Directive [2008/51/EC](#), which amends Directive 91/477/EEC), classifies firearms into four categories with corresponding rules for acquisition and possession:

- Category A - fully automatic weapons and military weapons: cannot be owned by private persons unless they have been 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: 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

Based on the agreement reached, in the future Category A will include, in addition to fully automatic weapons and military weapons:

- automatic firearms which have been converted into semi-automatic firearms;
- short firearms which allow the firing of more than 21 rounds without reloading, if a loading device with a capacity exceeding 20 rounds is part of the firearm or a detachable loading device with a capacity exceeding 20 rounds is inserted into it;
- long firearms which allow the firing of more than 11 rounds without reloading, if a loading device

with a capacity exceeding 10 rounds is part of the firearm or a detachable loading device with a capacity exceeding 10 rounds is inserted into it;

- semi-automatic long firearms (i.e. firearms that are originally intended to be fired from the shoulder) that can be reduced to a length of less than 60cm without losing functionality by means of a folding or telescoping stock or by a stock that can be removed without using tools;
- Any firearm classified in this category after it has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.

### **7. Are the lawful activities of hunters and sport shooters under attack?**

No, and that was never the intention. The measures proposed aim at enhancing the security of EU citizens and do by no means target law-abiding owners of legally owned firearms. The Commission proposed to prohibit not all but only the most dangerous semi-automatic firearms (automatic firearms are already banned): those which are most lethal and customarily used by the military. This would not create undue difficulties for hunters who will have always the possibility of acquiring firearms designed for hunting. For sport shooters, the new directive will authorise target shooters to acquire firearms and magazines that would be otherwise prohibited for civilian use, subject to strict conditions.

### **8. Does the Directive apply to reservists?**

All private owners of firearms, including reservists, should be subject to the Directive when they possess civilian weapons in the sense of the Firearms Directive. However, Member States can grant derogations for reservists to acquire Category A firearms for national defence purposes.

### **9. Does the Directive apply to the armed forces?**

No. The original Firearms Directive does not apply to the acquisition or possession of weapons and ammunition by the armed forces nor by public authorities, and the Commission did not propose any modification on this point.

### **10. Will the Firearms Directive be applicable in Switzerland, Norway, Iceland and Liechtenstein?**

Yes. In Switzerland, in accordance with the Schengen Agreement between the EU, the Commission and the Swiss Confederation. In Norway, Iceland and Liechtenstein on the basis of their Association Agreement with the Schengen acquis. Once the Directive is transposed into national law, the associated countries will have to notify the Commission, EU Member States and other associated countries.

### **11. Why are deactivated firearms a problem and what has the Commission done about it?**

Deactivation means that a firearm has been made completely inoperable meaning it can no longer shoot. Until recently, deactivated firearms were not considered firearms anymore, but pieces of metal. They could therefore freely move within the internal market. They were also erased from the official register making it impossible to trace them to their current or original owner. But there is evidence of cases of reactivation of deactivated firearms, or pieces of deactivated arms being used to create a new weapon.

That is why in the autumn 2015 the Commission introduced common, strict criteria on the way Member States must deactivate weapons so that they are rendered inoperable. They are based on the criteria for deactivation developed by the Permanent International Commission for the Proof of Small Arms (the [CIP](#)). Following the unanimous approval of Member States, the [Implementing Regulation](#) applies directly across the EU since 8 April 2016.

The Commission has set up a working group with national experts to monitor the practical implementation of the deactivation criteria and will modify the existing Implementing regulation where appropriate.

The work to keep these standards up to date with developments on the ground is continuous: the Commission will continue working with national experts with a view to updating the technical standards on deactivation to ensure that deactivated firearms are rendered irreversibly inoperable.

### **12. Terrorists don't own guns legally, so won't this burdensome regulation be useless in the fight against terrorism or organised crime?**

The Commission proposal to revise the Firearms Directive is based on the [report on the implementation of the Firearms Directive](#) and three preparatory studies<sup>[1]</sup>. They show that the risks linked to legal firearms are not limited to terrorism. Over the last decade, 10 000 homicides have been committed in Europe with firearms, and in many cases with legal firearms. The report also highlights the risk of conversion of alarm weapons and the fact that certain semi-automatic firearms are particularly dangerous and can be transformed into automatic firearms.

Alongside measures to tighten rules on the possession of legal weapons by civilians the comprehensive approach put forward by the European Commission includes also a series of measures on the trafficking of illegal weapons. For this reason, and building on the [European Agenda on Security](#), on 2 December 2015 the Commission adopted an [Action Plan to target the illicit trafficking of firearms and explosives](#), the main elements of which are:

- Restricting access to illegal firearms and explosives, with inter-connected national focal points on and a stronger role for Europol
- Enhancing operational cooperation between Member States
- Improving the gathering and sharing of operational information
- Stronger cooperation with third countries, in particular in the Western Balkans, the Middle East and North Africa, as well as with Turkey and Ukraine.

Whilst fighting 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.

Dialogues are ongoing with countries in the Western Balkans, the Middle East and North Africa (Tunisia, Lebanon and Jordan) to define common actions to improve exchange of information and joint law enforcement operational action against firearms trafficking. On 30 November 2016, the Commission called the first joint meeting between EU Firearms Expert and Western Balkans firearms experts to discuss both the implementing actions taken in 2016 and those actions that could be further developed or considered in 2017.

At the EU-Western Balkans summit in Brdo on 15-16 December 2016, a [joint statement](#) was issued to acknowledge the pressing need to counter the illicit trafficking and accumulation of firearms, in the Western Balkans and the EU and it was the occasion to reaffirm Ministers' strong commitment to work together towards joint solutions, in order to address common security challenges affecting both the EU and the whole of the Western Balkans region.

### **13. 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.

#### **For more information**

[Press release Firearms](#)

[\[1\] Study on the Evaluation of the Firearms Directive](#)

[" Study on the Evaluation of the Firearms Directive" – Final version](#)

[Study to Support an Impact Assessment on Options for Combatting Illicit Firearms Trafficking in the European Union - Final Report](#)

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