



European Economic and Social Committee

INT/777
**Control of the acquisition
and possession of weapons**

Brussels, 26 January 2016

WORKING DOCUMENT

of the

Section for the Single Market, Production and Consumption

on the

**Proposal for a Directive of the European Parliament and of the Council amending Council
Directive 91/477/EEC on control of the acquisition and possession of weapons**

COM(2015) 750 final – 2015/0269 (COD)

Rapporteur: **Paulo Barros Vale**

To the members of the Study Group on **Control of the acquisition and possession of weapons**
(Section for the Single Market, Production and Consumption)

N.B.: This document will be discussed at the meeting on **2 February 2016 beginning at 2.30 p.m.**

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Study Group on
Control of the acquisition and
possession of weapons

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Expert:

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- harmonise the rules for the marking of firearms;
- adopt common standards and procedures and introduce registration requirements for deactivated firearms;
- establish procedures for the convertibility of alarm/signal weapons and replicas;
- exchange knowledge between Member States and develop and maintain databases on the manufacture, possession and deactivation of weapons.

2.5 Stakeholders' views were taken into account. Member States and NGOs agreed that the proposed directive would help to prevent the diversion of firearms to the illegal market. However, private sector representatives were concerned by amendments to the categories of firearms and the impact thereof on small and medium-sized firms.

2.6 All stakeholders believed that the reactivation of deactivated weapons was a relevant source of weapons for criminal use and considered the harmonisation of rules against this practice to be a priority.

2.7 All the stakeholders saw a need for information exchange between Member States, the harmonisation of definitions, and the establishment of minimum standards for deactivation guidelines.

3. **General comments**

3.1 Recent tragic events have precipitated the debate on the sale and use of weapons. Public security is increasingly under threat from terrorism and there is a pressing need to take decisive action to counter the ease with which people can get hold of firearms, which continue to fall into the hands of radical groups, criminal organisations and disturbed individuals whose motives are incomprehensible, who then use these firearms to perpetrate barbaric crimes.

3.2 Nor can we ignore the firearm-related fatalities and serious casualties resulting every year from the mishandling or storage of weapons.

3.3 The EESC welcomes the clarifications currently being proposed since they make a significant improvement to the directive being amended.

3.4 Nevertheless, the EESC believes that, in view of the ongoing security concerns, legislation on this issue needs to be more ambitious. The Commission should not simply draft legislation as an immediate response to recent acts of terrorism, but when doing so should also seek to resolve security issues relating to legal firearms.

3.5 In fact, legally obtained weapons have been used to commit over 63 000 homicides in the European Union over the last 10 years³. There are EU countries where over 40% of crimes

involve the use of a weapon, and in most EU Member States this figure stands at over 20%. These figures do not include suicides or accidents.

- 3.6 Australia provides an excellent example of weapons control. Following an incident where a man entered a cafe and killed 35 people and wounded 23 others with two weapons, Australia embarked upon one of the most substantial overhauls on record of its laws on the use and possession of weapons. This led to a visible reduction in firearm-related deaths. It banned certain types of weapons, introduced a requirement to provide a genuine reason for possessing a weapon (which could not be purely for self-defence) and financed a national buyback programme. This initiative led to the surrender of 700 000 weapons and a drastic fall in firearm-related homicides.
- 3.7 The reasoning behind the buyback programme was that the availability of weapons enabled people to act on homicidal impulses and commit mass murder.
- 3.8 Like Australia, following random shootings which resulted in 15 fatalities and a further 15 wounded, the United Kingdom also banned the use of certain types of weapons, introduced mandatory registration for owners and funded a buyback programme. Although the outcomes were not as visible as in Australia, these measures likewise led to a fall in firearm-related crimes.
- 3.9 The EESC believes that these examples should be followed in the rules for obtaining a licence to use and carry a weapon, in the ban on certain types of weapons and even in programmes set up by Member States to buy back weapons in order to destroy them.

4. **Specific comments**

- 4.1 This initiative shows due regard for the principles of subsidiarity and proportionality. A directive is the appropriate instrument to use here, since there is no other way to amend the rules in force.
 - 4.2 The EESC welcomes this directive's amendments to a number of articles in the previous directive; they lend clarity and introduce new requirements that significantly improve the previous rules.
5. To be discussed by the study group:

The EESC's position on:

- Mandatory health certificates and medical fitness assessments for obtaining a licence to use and carry a weapon;
- A cap on the number of firearm licences issued to the same person;
- A cap on the acquisition of spare parts;

- Online acquisition of weapons and spare parts;
 - Restrictions affecting hunters and practitioners of shooting sports.
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