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PROPOSED CHANGES TO THE EU ARMS DIRECTIVE

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The EU Commission is proposing to make drastic changes to the Firearms Directive that was last modified in 2008. The stated aim is to control the illicit trafficking of arms that feeds criminal and terrorist activities. The proposals were issued on 18th November in the wake of the Paris attacks. However the “Firearms Task Force” set up by former Commissioner Cecilia Malmström and headed by Fabio Marini has been drafting them since last year.

Unfortunately with these proposals the Commission is missing the wood for the trees as the measures only target legally registered firearm collectors and sports shooters and would have absolutely no effect on the illicit trafficking of arms which is the declared objective.

The proposals include the following measures that we are not opposed to:

- 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 conditions for the circulation of deactivated firearms;

We are also not opposed to the new regulation on the harmonisation of deactivation standards that was introduced at the same time as the proposals and which is now in force.

However we strongly oppose the following measures that the Commission proposes to introduce into the Directive and thus make mandatory in the national legislation of all member states including Malta:

- A ban on semi-automatic firearms that resemble automatic or military firearms, which will have to be deactivated or destroyed.

The term ‘resemble’ is untechnical and subjective to the point that a stringent interpretation would include most semi-automatic pistols and rifles, effectively bringing to an end several sport shooting disciplines that are hugely popular. The development of the Maltese sport shooting scene would be immediately curtailed.



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- The inclusion in the Directive of collectors and museums that under the current provisions are exempt and subject only to national regulation PLUS a ban on automatic firearms, which will not, under any circumstance, be allowed to be held by private persons, even if they have been permanently deactivated.

This is the most bizarre measure proposed by the Commission which expects Museums to deactivate important and historic automatics in their collections, thereby denying them their mission to study and conserve heritage artefacts for posterity. It also forces private collectors to destroy their historic automatic firearms which account for a substantial part of national heritage.

- A ban on the online acquisition of firearms, key parts or ammunition through the Internet.

This would bring to an abrupt end the purchase and sale of firearms, key parts and ammunition between licensed individuals as well as between licensed dealers and licensed individuals through sites such as eGun.

Additionally, we strongly object to the following quote which is distasteful and unfounded:

“In Article 2 the proposal newly includes collectors within the scope of the directive. Collectors have been identified as a possible source of traffic of firearms by the evaluation carried out.”

If one takes the most significant proposals in turn, it is clear that their individual and collective impact shall be to irreversibly change the face of sports shooting as well as of firearm collection and preservation without causing the slightest dent in the illicit trafficking of arms.

Legal pastimes and sports are severely endangered while an important part of our history and heritage are under imminent threat of permanent destruction. This is not surprising considering that the consultation process which led to this proposal is seriously flawed, and a number of stakeholders have publicly declared that they were not consulted on these proposals. The results of very costly surveys commissioned by the Task Force have been ignored when they did not suit its apparent agenda. Moreover the Commission has admitted that it did not have sufficient time to commission an impact assessment.

The financial and academic impact of these proposals shall be enormous. When one considers that there are an estimated 18 million civilian firearms authorised for hunting, sports shooting and collection purposes in the European Union, the financial impact of the proposals on Member States would be astronomical.



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As expected, stake holders' reactions to these fundamentalist proposals have been very sharp with many calling for the resignation of the members of the Task Force. Several European and national organisations have taken a strong stand against the proposals. These include bodies which our associations and other local clubs are affiliated with, such as:

- IPSC International Practical Shooting Confederation
- FESAC Foundation for European Societies of Arms Collectors
- HBSA Historical Breech-loading Small-arms Association

Another very important international body that is taking a strong stand against these proposals is ICOMAM, the International Committee of Museums and Collections of Arms and Military History which is a recognized standing committee of the International Council of Museums, and is both the advocate for all arms museums around the world, as well as the proponent for the preservation of historically significant arms held in museums and private collections.

A number of national governments have registered or are in the process of registering their objections registered with the Commission, expressing strong concerns that the proposals negatively impact heritage, sports, citizens' private property and last but not least security, since army reservists in EU border regions such as Finland and the Balkans may find that it is illegal to keep their issued rifle at home. Malta is expected to voice its objections.

With respect to the specific Maltese situation, it is useful to view these proposals from the local perspective, informed by available data on the local situation. The University of Sydney surveys global firearm ownership and national regulations in order to prevent firearm violence. According to the most up-to-date information it has published, Maltese civilian firearms ownership is well below the European average. There are twelve firearms per 100 people (EU average is 15.8), so that globally our country ranks 156 out of 178 countries.

Malta has restrictive yet sensible firearms legislation. Citizens have to acquire a Target Shooter Licence or a Collector Licence in order to acquire and keep firearms. Applicants must be enrolled in licensed clubs, pass a rigorous due diligence test, be interviewed by the Weapons Board and finally be approved by the Commissioner of Police before being able to purchase a firearm. Police control over the import, registration, transfer and export of firearms is absolute. There exists an excellent rapport between the authorities and stake holders thanks to the existence of the Weapons Board. Moreover Malta is possibly the only Member State in which the firearms database is up and running. One may say that the Commission would do well to study our Arms Act and Arms Licensing Regulations as a model for the rest of Europe and an example how common sense achieves better results.



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Unless the proposals are withdrawn, Malta will be impacted in a number of ways. Sports shooting would be drastically impaired, a rich heritage in historical arms would be destroyed forever, historical re-enactments such as Military Mtarfa would be impossible to stage and the production of action movies involving firearm use, such as recent high-budget films and various Italian TV police series, would be blocked.

The current Directive already contains effective measures as it stands today. Some have apparently not been implemented by all Member States. Had this been done, the Paris terrorists may have been prevented from acquiring their converted blank-firing rifles. Their other weapons (such as rocket launchers and explosive vests) are equally illegal in the current Directive, and have not been further addressed by the new proposals. The EU should ensure that all Member States adhere to the Directive, and should this have been the case we would not be where we stand today. Additionally, the financial resources to be squandered by unnecessary de-activation, certification and destruction of legally possessed firearms shall simply divert resources away from more cost-effective measures against terrorism.

After carefully analysing the proposed measures and the way they impact on law-abiding citizens who are legitimate sport shooters, collectors, reenactors, dealers and range operators as well as considering Malta's rich military heritage and its vibrant economy, AACTS and AMACS have established their position as follows:

- 1. The Commission officials responsible for drafting these measures with total abandon and without an impact assessment should be called to resign;**
- 2. The proposed changes should be withdrawn and redrafted by a newly appointed team of experts that includes representatives of all stake-holding sectors;**
- 3. All semi-auto firearms should remain classified under Category B and accessible to sport shooters and collectors;**
- 4. Recognised collectors and museums and the arms that are of interest to them should remain exempt from the provisions of the Directive.**
- 5. The following definition of a Collector should be included in the Directive: "A collector of arms is any legal or natural person dedicated to the gathering, study and conservation of arms and associated artefacts for historical, cultural, scientific, technical, educational, or aesthetic or heritage purposes."**

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