

Parliamentary questions to and answers by the Commission in regards to Proposal for amendment of the Firearms Directive (91/477/EEC)

[25 November 2015](#) [E-015051-15](#) [Kosma Złotowski \(ECR\)](#) , [Edward Czesak \(ECR\)](#)

Missing data, impact assessment and consultation of stakeholders

The Commission's draft proposal to amend Directive 91/477/EEC to strengthen the rules on the sale of self-loading weapons and the issuing of licences for their possession is highly contentious for many EU citizens. Most affected by the new rules would be those people who until now have lawfully sold, acquired and possessed self-loading weapons. The proposed rules have been criticised by shooting clubs, collectors and people who use such weapons for recreational and sporting purposes. The Commission refers to the growing terrorist threat as a motivation for new rules in this area, but its arguments appear unsubstantiated.

1. Does the Commission have detailed information about the **number of terrorist attacks carried out in the EU by people holding a licence to possess a self-loading weapon** issued on the basis of the rules currently in force and using weapons obtained through official distribution channels, and if so can the Commission make that information available?
2. When it drew up the draft amendments to this directive, did the Commission have access to a comprehensive **analysis of the financial and administrative impact of the proposed rules** on people in possession of self-loading weapons, business owners conducting lawful trade in such weapons, collectors and people using self-loading weapons for recreation and sport?
3. Were these **groups consulted** by the Commission on the proposed amendments to Directive 91/477/EEC?

30 March 2016 **E-015051/2015** Answer given by Ms Bienkowska on behalf of the Commission

The objective of the Commission's proposal is to improve internal security in Europe.

1. Over the last decade, it is estimated that **10 000 homicides have been committed in Europe with firearms. Massacres have been committed with semi-automatic firearms** notably in schools, holiday camps and factories. Moreover, there are nearly **half a million firearms** in the EU which have been registered as lost or stolen from the mid-1990s up to 2014. In drafting the proposal, the Commission sought balance between security and the legitimate interests of hunters or sport shooters.
2. The proposal is currently discussed with Member States and the European Parliament, and the Commission will consider carefully amendments which might improve the directive whilst preserving the security of citizens. **One of the studies commissioned by the Commission supporting the drafting of the proposal(1) highlighted the qualitative administrative burdens and costs on affected target groups.** The study found that differences in national implementation of the previous Directive have a negative effect in that it creates administrative burdens to fulfil different requirements across Member States. In this context, the Commission's proposal may reduce these administrative costs.
3. **A number of stakeholders were involved in the study**, including the European Federation of Associations for Hunting and Conservation (FACE), **Firearms United**, Foundation for European Societies of Arms Collectors (FESAV), International Shooting Sport Federation (ISSF) and World Forum on Shooting Activities (WFSA).

4.
(1) <http://ec.europa.eu/DocsRoom/documents/8385?locale=en>

How does Commission handle the critics of citizens?

I have heard many objections from voters to the Commission's plans to amend the directive on the acquisition and possession of firearms in the European Union.

The Commission draft contains far-reaching restrictions affecting the possession of weapons for use in hunting and sport, as well as collectible weapons.

There does of course need to be a decisive response to the tragic events that took place in Paris. I agree with the view that this should be a decision that is well thought out and specifically aimed at the source of the threat, i.e. it should affect criminals. The proposals concerned, however, acutely affect people who use firearms lawfully and in a safe way (in particular gun clubs, collectors and enthusiasts).

When it comes to controlling the firearms market and access to firearms, the primary responsibility currently lies with the Member States, and it therefore seems that the most appropriate thing to do would be to make the enforcement of the relevant rules more effective.

1. Given the many objections that have been raised by people in legal possession of firearms, is the **Commission considering changing the proposal** for a directive on the acquisition and possession of firearms in the European Union?

9 March 2016 P-015588/2015 Answer given by Ms Bieńkowska on behalf of the Commission

On 18 November 2015, the Commission proposed a revision of the Firearms Directive(1).

This proposal is based on the conclusions of 3 studies(2) the Commission has recently conducted **evaluating all provisions of the Firearms Directive**. The Commission presented a **report on the implementation of the directive on the basis of these studies** to the European Parliament and Council on 18 November 2015.

The **proposal focuses on addressing the main problems identified and does not target law-abiding owners of legally possessed firearms**.

The proposal is currently under the discussion of the co-legislators and the Commission will of course consider any amendment which may improve the security for EU citizens.

(1) Directive 91/477/EEC as amended by Directive 2008/51/EC.

(2)

<http://docplayer.net/1238312-Study-to-support-an-impact-assessment-on-a-possible-initiative-related-to-improving-rules-on-deactivation-destruction-and-marking-procedures-of.html> —
<http://ec.europa.eu/DocsRoom/documents/8385?locale=en> —
[http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organised-crime-and-human-traffic-king/general/docs/dg_home - illicit firearms trafficking final en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organised-crime-and-human-traffic-king/general/docs/dg_home_-_illicit_firearms_trafficking_final_en.pdf)

Medical tests, impact for owners of semi-automatic firearms and minors

The new Commission proposal amending Directive 91/477/EEC, which seeks to combat illegal firearms, contains a number of suggestions that affect the use of legal weapons. Since these proposals will affect people such as hunters and hobby marksmen who use firearms legally, it is important to clarify what practical consequences the new rules will have, and to what extent they will have an impact upon the illegal weapons the legislative proposal seeks to combat.

I therefore have the following questions:

1. To what extent will the proposals for **regular reviews and medical tests** in connection with weapons licences **impact upon the presence of illegal weapons**, and how great will be the **extra administrative burdens** involved for the authorities responsible?
2. What effects will the proposals have on **semi-automatic weapons** for the many hobby marksmen and shooting clubs active in nearly all EU Member States?
3. What exceptions will be possible to the basic rule that firearms licences may not be granted to **under-18s**?

30 March 2016 E-015165/2015 Answer given by Ms Bieńkowska on behalf of the Commission

1. These measures proposed by the Commission are **based on the conclusions of three studies**(1) the Commission has recently conducted evaluating all provisions of the Firearms Directive. The report indicates that over the last decade, **10 000 homicides** have been committed in Europe with firearms. In certain Member States, a **majority of homicides were committed with legal firearms**. Moreover, there are nearly **half a million firearms** in the EU which have been registered as **lost or stolen** from the mid-1990s up to 2014.
The regular **reviews and medical tests** in the proposed amendment to the directive aim at **improving the security of citizens in relation to legal firearms** currently held. 23 Member States already require a valid medical certificate in order to allow issuing a firearm. The aim of such periodical medical tests is to ensure that licence holders are still **apt** to possess firearms.
 2. The proposed Directive places former **B7 weapons(2) and B6(3) into Category A, i.e. prohibited firearms**. The Commission together with co-legislators is working to better define these categories in order to ensure the necessary legal certainty. In the context of the discussions with the Member States and the European Parliament, the Commission will carefully consider any amendment which could improve the directive whilst preserving the security of EU citizens.
 3. Concerning the age limit, the proposed revision of the directive does not aim at banning the use of weapons for under 18 year-olds. It requires under 18 year-olds to practise shooting under parental guidance, whether for sport or hunting purposes.
- (1) <http://ec.europa.eu/DocsRoom/documents/8385?locale=en>
- (2) i.e. semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms.
- (3) Automatic firearms which have been converted into semi-automatic firearms.

Impact on museums, Her Majesty an antiques

The proposals of the European Firearms Directive appear to include a provision to the effect that virtually all deactivated firearms would be prohibited unless held by an authorised museum.

1. Who will decide what is an **authorised museum**? Will this include small regimental collections held by military units?
2. Does the Commission anticipate this directive being extended to **Her Majesty's royal palaces**, including Windsor Castle and the Tower of London?
3. Is the Commission seriously arguing that terrorists are going to equip themselves with **antique deactivated firearms** from the Royal Armouries or regimental museums in order to carry out atrocities?

30 March 2016 **E-015114/2015** Answer given by Ms Bieńkowska on behalf of the Commission

1. The Commission proposal for a revision of the Firearms Directive(1) does not intend to prohibit all deactivated firearms. The prohibition would concern **Category A firearms (such as automatic firearms, automatic firearms which have been converted into semi-automatic firearms and semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms)** and a derogation is foreseen as regards bodies concerned with the cultural and historical aspects of weapons.
2. The Commission proposal specifies that these bodies should be recognised as such by the Member States.
3. The prohibition would not apply to the armed forces, the police and the public authorities.

(1) http://europa.eu/rapid/press-release_IP-15-6110_en.htm

What measures will take Commission against terrorist attacks?

The multiple attacks in Paris and the suburb of Saint-Denis on 13 November 2015, in which over 100 people were killed, were the second in France this year, following the January attacks in Paris that killed 17 people, including the editor and several cartoonists of the satirical magazine Charlie Hebdo.

1. Following the terrorist attacks in France, can the Commission clarify what immediate and longer-term measures the EU is taking to address the issue and combat terrorism?

18 February 2016 E-014888/2015 Answer given by Mr Avramopoulos on behalf of the Commission

The European Agenda on Security(1) sets out how the Union can bring added value to support the Member States in ensuring security and addressing threats from terrorism.

Following the November 2015 attacks in Paris, on 18 November 2015, the Commission adopted a **report on the implementation of the Firearms Directive(2), a proposal to amend that directive(3) and a Commission Implementing Regulation on common deactivation standards(4)**. It also adopted an Action Plan(5) to step up the fight against criminals and terrorists accessing and using weapons and explosives. In parallel, the Commission also continues to operate its programme of explosives detection technology trials in different operational environments.

On 2 December 2015, the Commission adopted a proposal for a directive on Terrorism(6) which provides for criminalisation of preparatory acts such as training and travelling abroad for terrorist purposes.

In the same month, the EU Internet Forum was launched to help address the challenges posed by terrorists' increasing use of the Internet. The Forum focuses on **reducing access to terrorist material online** and empowering civil society partners to challenge terrorist propaganda.

In line with the European Agenda on Security, the Commission is also encouraging Member States to make full use of existing instruments to improve information sharing between Member States and with Europol. The recent establishment of the European Counter Terrorism Centre contributes to this objective

The Commission will continue to implement the European Agenda on Security as a matter of priority. The current focus is on measures to be taken to tackle the problem of terrorism financing(7).

- (1) COM(2015)0185 final.
- (2) **Directive 91/477/EEC as amended by Directive 2008/51/EC.**
- (3) **COM(2015)0750 final.**
- (4) **OJ L 333, 19.12.2015, p. 62-72.**
- (5) COM(2015)0624 final.
- (6) COM(2015)0625 final.
- (7) COM(2016)0050 final.