



# STRONGER CONTROL OF FIREARMS ACROSS THE EU

## WHY WAS THERE A NEED FOR EU ACTION?

**Deactivated firearms** are weapons that have been mechanically changed so that they do not fire anymore. According to the existing EU rules, these can enter the market because they are not considered as firearms anymore.

**Deactivated firearms can however be re-activated, fuelling the illegal market and criminal activity.** This includes firearms made from different parts of deactivated firearms.

On 18 November, the Commission took action on two fronts to address this security problem:

- It adopted a Regulation to set up strict criteria for deactivation, in order to limit the risk of reactivation. These rules will apply from March 2016.
- It also proposed to review the existing EU rules on firearms:
  - to ensure that deactivated firearms are the subject of a declaration to national authorities;
  - prohibit the acquisition of the most dangerous types of deactivated firearms by private persons (typically Kalashnikov).

## BAN OF THE MOST DANGEROUS SEMI-AUTOMATIC WEAPONS

**The Commission proposed to ban some semi-automatic weapons which are dangerous and which could fall into the hands of a private person with a simple authorisation.**

Current EU laws already prohibit the acquisition of a long list of firearms, mainly automatic ones, as they are considered as war weapons. However, certain semi-automatic weapons can be as dangerous as automatic weapons and they are currently authorised. The Commission proposed to ban these very specific firearms from civilian use. Concretely, this ban concerns:

- automatic firearms which have been converted into semi-automatic (and can be easily converted into full automatic),
- semi-automatic firearms which resemble weapons with automatic mechanisms (such as the typical Kalashnikov) as defined today by the current directive.

**Certain of these firearms are already prohibited in certain Member States.**

**All other semi-automatics, especially those used by hunters and sport shooters** (including semi-automatic long firearms whose magazine and chamber can together hold more than three rounds) **are not included in this ban.** They would be subject to authorisation or declaration, as is the case today.

## OTHER ELEMENTS IN COMMISSION PROPOSAL

- **Stronger EU rules on marking the legal firearms in order to improve their traceability.**
- **Collectors will continue to be able to acquire firearms.** Under the existing EU rules, they can acquire such firearms without authorisation. The Commission proposes that collectors are subject to the same rules as the private persons which can acquire firearms **subject to authorisation or declaration**, closing gaps in our legislation to avoid that the channel of collectors is unduly used by terrorists or criminals to acquire firearms.
- **Mandatory exchanges of information** between Member States on firearms authorisations and a firearms register. These information systems will be built together with Member States.
- **Alarm weapons** (distress flares or starter pistols), **signaling** weapons (life-saving weapons), **acoustic** weapons (blank-firing weapons) and **replicas** (imitations of weapons) are not considered as firearms under existing EU rules. But such arms can be converted into normal firearms and used to commit crimes or terrorist attacks. The Commission proposes to define technical standards to ensure that these weapons may no longer be converted into real weapons. Private persons should have the possibility to acquire such firearms, subject to a simple declaration to the national public authorities.
- **Rules on online trading: the online market is a channel to acquire and sell firearms, components of firearms and ammunition.** It can be easily used by terrorists or other criminals to acquire firearms that they are not authorised to buy, or to acquire illegal firearms, notably military arms. The Commission proposes to prohibit the sale and acquisition of firearms via the Internet for private persons. This does not mean that the private persons will not be able to acquire firearms abroad. This possibility will remain open via an authorised dealer or broker.
- **Acquisition of category B firearms (notably semi-automatic firearms) is subject to authorisation.** In a majority of Member States, public authorities already request a **medical test** before delivering this authorisation. The Commission considers that a medical test should be mandatory in all Member States. The validity of the authorization is limited to 5 years but renewable if the conditions are still met.

## NEW EU RULES ON FIREARMS : FACTS AND FICTION

### 1. Does the proposal ban all semi-automatic firearms?

**NO.** The Commission only proposes to prohibit former fully automatic firearms transformed into semi-automatic, and semi-automatic which resemble weapons with automatic mechanisms. All other types of semi-automatic are not covered.

### 2. Does the proposal allow hunters and sport shooters to own semi-automatic firearms?

**YES.** Six types of semi-automatic firearms, included in the category B firearms, could be acquired by hunters and sport shooters (including semi-automatic long firearms whose magazine and chamber together can hold more than three rounds). Most of these firearms are already today subject to authorisation. The Commission proposal does not change this.

### 3. Will private persons be allowed to acquire alarm weapons?

**YES.** However, such alarm weapons will have to be declared to national public authorities

### 4. Will the collectors have the possibility to acquire firearms?

**YES.** The collectors will always have the possibility to acquire firearms. They will have only to require an authorisation, as all other private persons.

### 5. Will museums have to destroy historical firearms?

**NO.** Museums may be authorised to keep prohibited (category A) firearms acquired before the entry into force of the new Directive provided they are deactivated according to the new deactivation Regulation. The question of antique firearms will be taken into consideration in the context of discussions with the Member States and the European Parliament.

### 6. Does the Commission prohibit the acquisition of firearms in other Member States?

**NO.** Private persons will not have the possibility of acquiring firearms directly via internet, but the possibility will remain via authorised dealers and brokers in any Member State of their choice.

### 7. Do these new rules apply now?

**NO.** The Commission made a proposal. EU Member States and the European Parliament will now discuss the proposal in order for it to become law. Both have committed to do so as a matter of priority. The Commission will analyse carefully any amendment which might improve the directive whilst preserving the security of EU citizens.

**New rules on deactivation will however directly apply in 3 months** (March 2016)

#### **Background materials (November 2016)**

- **Press release** [http://europa.eu/rapid/press-release\\_IP-15-6110\\_en.htm](http://europa.eu/rapid/press-release_IP-15-6110_en.htm)
- **Fact sheet** [http://europa.eu/rapid/press-release\\_MEMO-15-6111\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-6111_en.htm)
- **Study on the evaluation of the Firearms Directive** <http://ec.europa.eu/DocsRoom/documents/8385?locale=en>