



2015/0269(COD)

22.3.2016

*****I**

DRAFT REPORT

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)0750 – C8-0358/2015 – 2015/0269(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Vicky Ford

Rapporteur for the opinion (*): Bodil Valero, Committee on Civil Liberties, Justice and Home Affairs

(*) Associated committee – Rule 54 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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)0750 – C8-0358/2015 – 2015/0269(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0750),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0358/2015),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Polish Senate and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Foreign Affairs (A8-0000/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

Amendment 1

Draft legislative resolution Paragraph 1

Draft legislative resolution

1. Adopts its position at first reading hereinafter set out;

Amendment

1. Rejects the Commission proposal;

Or. en

Justification

This AM is filed merely to reflect the clear view on behalf of a number of Members that the proposal should be rejected. The Rapporteur does not believe that this is the best approach as there are a number of issues that need to be addressed by the Directive, such as clarifying the status of firearms converted to firing blanks.

Amendment 2

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The definition of the term "firearm" should be clarified and the control of essential components enhanced by including in the definition any device converted to firing blanks which shares an essential component with a firearm. An essential component contained in any such device should be considered capable of being used in a firearm when the essential component can be transferred from that device to the firearm without substantial modification.

Or. en

Justification

The Directive already defines any object with the appearance of a firearm and which is capable of being converted to a firearm as a firearm. It also controls individual essential components. This structure is further strengthened by providing a clear rule that objects

containing an essential component are also considered firearms. Recital linked to AM on article 1, paragraph 1, subparagraph 2a.

Amendment 3

Proposal for a directive

Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) The definition of the term "firearm" should continue to exclude objects which expel a shot, bullet or projectile by the action of a non-combustible propellant, for example through the operation of compressed air or other gas, including so-called airsoft guns, as well as objects which merely have the appearance of a firearm (replicas, imitations), provided in both cases that such objects cannot be converted to a firearm or do not contain an essential component which is capable of being used in a firearm. Member States should be able to regulate such objects under their national law.

Or. en

Justification

Linked to the deletion of the proposed definition of "replicas" and the clarification of Annex I, III, part b of Directive 91/477.

Amendment 4

Proposal for a directive

Recital 3 c (new)

Text proposed by the Commission

Amendment

(3c) Essential components should be defined as those components which are necessary for the operation of a firearm. Accessories, such as devices designed or adapted to diminish the sound caused by firing a firearm, should not fall within the definition of an essential component, as the firearm can still be operated without

them.

Or. en

Amendment 5

Proposal for a directive Recital 3 d (new)

Text proposed by the Commission

Amendment

(3d) It should be specified that the activities of a dealer include not only the manufacturing but also the modification or conversion a firearm, such as the shortening of a complete firearm, and in addition the modification or conversion of parts of firearms and of ammunition, and that, therefore, only authorised dealers should be permitted to engage in those activities.

Or. en

Amendment 6

Proposal for a directive Recital 3 e (new)

Text proposed by the Commission

Amendment

(3e) The armed defence forces of a Member State as defined under national law may, in addition to the military, include units such as a home guard as well as reservists and other persons obliged to take part in armed defence activities.

Or. en

Amendment 7

Proposal for a directive Recital 3 f (new)

Text proposed by the Commission

Amendment

(3f) Member States should ensure that an effective system is implemented for monitoring possession of firearm. That system, which could be periodic or continuous, should either be based on relevant medical review upon the issuance or renewal of an authorisation, or provide for an effective alternative system of continuous monitoring taking into account the risks concerned, including the nature and quantity of firearms possessed by an individual, applicable requirements for secure storage, the duration of any authorisation, and any relevant indications, for example from medical or other tests, indicating that the conditions for allowing possession may no longer be met. Where a system of continuous monitoring is used, it may inter alia include requirements for the owner to present the firearms held, as well as ammunition, for a check at the request of the supervisory authority, for the owner to submit at any time to a check of continued eligibility for possession, and on-site checks of compliance with safe storage requirements.

Or. en

Justification

Linked to AM 46.

Amendment 8

Proposal for a directive Recital 3 g (new)

Text proposed by the Commission

Amendment

(3g) Member States should lay down particularly high requirements for secure storage with respect to firearms or ammunition classified in category A. Such requirements could include measures ensuring real-time monitoring, as well as requirements to maintain essential components and ammunition in safe storage separate from the firearms in which they can be used.

Or. en

Justification

Linked to AM 49.

Amendment 9

Proposal for a directive Recital 3 h (new)

Text proposed by the Commission

Amendment

(3h) As is the case with respect to the system of reporting suspicious transactions under Regulation (EU) No 98/2013 of the European Parliament and of the Council^{1a}, a transaction for the acquisition of complete rounds of ammunition, or components of ammunition should be considered suspicious if, for example, it involves quantities uncommon for private use, if the buyer insists on unusual payment methods, including large amounts of cash, or if the buyer appears unfamiliar with the use of the ammunition or is unwilling to provide proof of identity.

^{1a} Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39;

Justification

In order to strengthen the control of ammunition, without requiring marking and registration of each individual unit, a system of control of suspicious transactions, already existing in the Regulation on explosives precursors, should be introduced. Linked to AM 55.

Amendment 10

**Proposal for a directive
Recital 3 i (new)**

Text proposed by the Commission

Amendment

(3i) The Commission should review Commission Implementing Regulation (EU) 2015/2403^{1a} immediately upon the entry into force of this Directive, in order to adapt that Regulation to this Directive, address identified deficiencies in that Regulation and take account of experience gained in the application of that Regulation.

^{1a} Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable (OJ L 333, 19.12.2015 p. 62).

Justification

Linked to AM 59.

Amendment 11

**Proposal for a directive
Recital 3 j (new)**

(3j) Until such time as it has been determined which prior national standards and procedures for deactivation have resulted in firearms being rendered permanently unfit for use and inoperable, firearms deactivated under those prior standards and procedures should not be transferred to another Member State or otherwise placed on the market unless they have been deactivated pursuant to Implementing Regulation (EU) 2015/2403, and as subsequently amended. Firearms deactivated under such prior national standards and procedures which can be converted into firearms by reason of their construction or material should fall within the definition of firearms under Directive 91/477/EEC, as should any device which contains an essential component which is capable of being used in a firearm. Firearms which have been subject to certified deactivation under prior standards and procedures resulting in them being rendered permanently unfit for use and inoperable should be considered as mere replicas, to which Directive 91/477/EEC does not apply unless they are capable of being converted into firearms.

Or. en

Justification

Unnecessary re-deactivation of firearms which have been subject to certified deactivation under national standards and procedures which were applied prior to Regulation 2015/2403 and which were equally effective as deactivation under that Regulation should be avoided. The approach of identifying and recognising such prior national standards and procedures only affects such deactivations already done, and does not establish a system for deactivation parallel to Regulation 2015/2403. Compare AM 16. Linked to AM 60.

Amendment 12

Proposal for a directive

Recital 3 k (new)

Text proposed by the Commission

Amendment

(3k) Certain persons have a legitimate interest in accessing firearms classified in category A, provided that exemptions are granted on a strictly limited basis. These could include, inter alia, armourers, proof houses, manufacturers, forensic scientists and, in certain cases, those involved in film production, as well as individuals needing firearms for self-defence purposes.

Or. en

Justification

The current possibility for Member States to grant category A authorisations in special cases and provided it is not contrary to public security or public order should remain, in order to accommodate certain situations where there is a legitimate interest. Member States are not obliged to grant such authorisations. Where they do grant them, it should be on a strictly limited basis. Linked to AM 48.

Amendment 13

Proposal for a directive

Recital 4

Text proposed by the Commission

Amendment

(4) Bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established and holding in their possession firearms classified in category A acquired before the date of entry into force of this Directive should be able to keep those firearms in their possession subject to authorisation by the Member State concerned and provided that those

(4) It should be possible for Member States to choose to authorise persons dedicated to the gathering, study and conservation of firearms and associated artefacts for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes and recognised as such by the Member State in whose territory they are established to keep in their possession firearms classified in category A, provided that those persons demonstrate, prior to being granted

firearms have been deactivated.

authorisation, that they have taken the necessary measures to address any risks to public security or safety, including by way of secure storage. Any such authorisation should take into account and reflect the specific situation, including the nature of the collection and its purposes.

Or. en

Justification

Authorisations for category A firearms for historical etc. purposes should be limited to reflect the nature of such work. Linked to the AM 49.

Amendment 14

Proposal for a directive Recital 5

Text proposed by the Commission

Amendment

(5) Since collectors have been identified as a possible source of traffic of firearms, they should be covered by this Directive.

deleted

Or. en

Amendment 15

Proposal for a directive Recital 6

Text proposed by the Commission

Amendment

(6) Since brokers provide services similar to those of dealers, they should also be covered by this Directive.

(6) Since brokers provide services similar to those of dealers, they should also be covered by this Directive **and should be subject to the same obligations as dealers in all relevant respects.**

Or. en

Justification

The addition of a definition of brokers, pursuant to the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, has led to a certain overlap with the original definition of dealers. In order to avoid creating loopholes and to facilitate transposition, brokers and dealers should be subject to the same obligations in all relevant respects. Linked to AM 33 and globally.

Amendment 16

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Taking into consideration the high risk of reactivating badly deactivated weapons and in order to enhance security across the Union, deactivated firearms should be covered by this Directive. Additionally, for the most dangerous firearms stricter rules should be introduced in order to ensure that those firearms are not allowed to be owned or traded. Those rules should also apply to firearms of that category even after they have been deactivated. Where those rules are not respected, Member States should take appropriate measures including the destruction of those firearms.

Amendment

(7) Deactivated firearms should **not** be covered by this Directive **if they have been deactivated in accordance with Implementing Regulation (EU) 2015/2403 or in accordance with prior national standards and procedures recognised as resulting in the firearms being rendered permanently unfit for use, inoperable and incapable of being converted into functioning** firearms.

Or. en

Amendment 17

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

(7a) The acquisition and possession of firearms should only be permitted if, *inter alia*, there is good cause. It should be possible for Member States, although without being under any obligation in that regard, to find that the acquisition and possession of firearms for the purpose of,

for example, hunting, target shooting, various scientific, technical or testing activities and re-enactment of historical events, filmmaking or historical study can be good cause.

Or. en

Amendment 18

Proposal for a directive Recital 8

Text proposed by the Commission

(8) In order to *ensure* the traceability of *deactivated firearms, they* should be *registered in national registries.*

Amendment

(8) In order to *increase* the traceability of *firearms and essential components and to facilitate their free movement, the provisions of Directive 91/477/EEC* should be *clarified to ensure that both an assembled firearm and all essential components, whether included in an assembled firearm or not, are marked irremovably at the time of their being manufactured, imported or otherwise placed on the market, unless the firearm has been deactivated in accordance with that Directive.*

Or. en

Justification

Until such time as Regulation 258/2012 is amended, this also means that in order for firearms imported into the Union to be considered deactivated, they need to meet the requirements of this Directive and Regulation 2015/2403. Linked to AM 35.

Amendment 19

Proposal for a directive Recital 9

Text proposed by the Commission

(9) *Some semi-automatic firearms can be easily converted to automatic firearms,*

Amendment

(9) *There is a risk that any firearms converted to firing blanks, irritants, other*

thus posing a threat to security. Even in the absence of conversion to category "A", certain semi-automatic firearms may be very dangerous when their capacity regarding the number of rounds is high. Such semi-automatic weapons should therefore be banned for civilian use.

active substances or pyrotechnic ammunition can be converted back in such a way as to make them capable of firing live ammunition. Such firearms should therefore remain in the categories in which they were classified prior to their conversion.

Or. en

Justification

The proposal to recategorise cat B.7 would cause many practical problems in implementation and has been tried and rejected in certain Member States. The Rapporteur instead makes a series of alternative proposals. Firearms converted to firing blanks should remain in their original categories due to the particular risks associated with them. Automatic firearms converted to semi-automatic (as well as, for the avoidance of any doubt, semi-automatic firearms converted to automatic) should be in category A.

Amendment 20

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Firearms may ***be used for*** far more than 20 years. In order to ensure their traceability, records of them should be kept for an indeterminate period of time ***until destruction is certified.***

Amendment

(11) Firearms ***potentially have a life-span of*** far more than 20 years. In order to ensure their traceability, records of them should be kept for an indeterminate period of time. ***The requirement to continue registering firearms and essential components after deactivation should only apply to those which are already registered and to the person possessing them at the time of deactivation; it should not apply to subsequent transfers of such deactivated firearms or essential components or to firearms and essential components which, pursuant to national rules applicable prior to the entry into force of this Directive, have been removed from the register after deactivation.***

Or. en

Justification

Regulation 258/201, directly applicable in the MS, requires the computerised data-filing systems to also include, where appropriate and feasible, part and ammunition, hence it is not necessary to add that in this Directive. Member States should maintain one consolidated register, not separate ones for the purposes of that Regulation and Directive 91/477. This Directive does not require deactivated firearms which have been struck off national registers to be re-registered. Linked to AM 40.

Amendment 21

Proposal for a directive

Recital 12

Text proposed by the Commission

*(12) **Selling arrangements** of firearms **and their components** by means of distance communication **may pose a serious threat to security as they are more difficult to control than the conventional selling methods, especially as regards the on line verification of the legality of authorisations. It is therefore appropriate to limit the selling of arms and components by means of distance communication, notably internet, to dealers and brokers.***

Amendment

*(12) **Marketing** of firearms, **parts and ammunition** by means of **the internet or other means of** distance communication, **for example by way of online auction catalogues or classified advertisements, and the arranging of a sale or other transaction by means of, for example, telephone or email should, where allowed under national law, be possible provided that the actual handing over takes place on a face-to-face basis, so as to allow verification of identity and of the right to engage in such a transaction. The handing over can be either between the parties directly, or by way of collecting the firearm, essential component or ammunition at the premises of a dealer, local police station or another body authorised under the national law of the Member State concerned.***

Or. en

Justification

Legitimate use of means of distance communications should be permitted, as long as the actual handing over takes place under conditions ensuring that it is to an entitled person. Linked to AM 50.

Amendment 22

Proposal for a directive Recital 13

Text proposed by the Commission

(13) Furthermore, the risk of alarm weapons and other types of blank firing weapons being **converted to real firearms is high, and in some of the terrorist acts converted arms were used. It is therefore essential to address the problem of converted firearms being used in criminal offences, notably by including them in the scope of the Directive.** Technical specifications **for alarm and signal weapons as well as for salute and acoustic weapons** should be adopted in order to ensure that they cannot be converted into firearms.

Amendment

(13) Furthermore, **to avoid** the risk of alarm weapons and other types of blank firing weapons being **manufactured in a way that enables them to be converted into real firearms**, technical specifications should be adopted in order to ensure that they cannot be converted into firearms.

Or. en

Amendment 23 Proposal for a directive

Article 1 – point 1 -a (new)

Directive 91/477/EEC
Article 1 – paragraph 1 – subparagraph 3 (new)

Present text

Amendment

(-a) In paragraph 1, the following subparagraph is added:

"In addition, any portable device containing an essential component which is capable of being used in a firearm shall be considered a firearm."

Or. en

Amendment 24

Proposal for a directive

Article 1 – point 1 – point -a a (new)

Directive 91/477/EEC

Article 1 – paragraph 1a

Present text

"1a. For the purposes of this Directive, 'part' shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including **a barrel, frame or receiver, slide or cylinder, bolt or breech block**, and any device designed or adapted to diminish the sound caused by firing a firearm."

Amendment

(-aa) Paragraph 1a is replaced by the following:

"1a. For the purposes of this Directive, 'part' shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including **any essential component**, and any device designed or adapted to diminish the sound caused by firing a firearm."

Or. en

Justification

To limit duplication with the definition of essential component. Linked to AM 25.

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0051&from=en>)

Amendment 25

Proposal for a directive

Article 1 – point 1 – point a

Directive 91/477/EEC

Article 1 – paragraph 1b

Text proposed by the Commission

1b. For the purposes of this Directive, "essential component" shall mean the barrel, frame, receiver, slide or cylinder, bolt or breach block **and any device designed or adapted to diminish the sound caused by firing** a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.

Amendment

1b. For the purposes of this Directive, "essential component" shall mean the barrel, **chamber**, frame, **body**, receiver, slide or cylinder, bolt or breach block **or other mechanism for containing the pressure of discharge at the rear of the chamber of** a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.

Justification

The definition of essential components must cover all those components critical to the working of the various types of firearms. Accessories, such as silencers, should not be included.

Amendment 26

Proposal for a directive

Article 1 – point 1 – point c

Directive 91/477/EEC

Article 1 – paragraph 1f

Text proposed by the Commission

1f. For the purposes of this Directive, "alarm and signal weapons" shall mean portable devices with a cartridge holder having a gas exit to the front, aside or on the top, which are specifically designed and constructed for the purpose of raising alarm or sending a signal and which are only designed to fire blanks, irritants, other active substances or pyrotechnic ammunition.

Amendment

1f. For the purposes of this Directive, "alarm and signal weapons" shall mean portable devices with a cartridge holder having a gas exit to the front, aside or on the top, which are specifically designed and constructed for the purpose of raising alarm or sending a signal and which are only designed to fire blanks, irritants, other active substances or pyrotechnic ammunition ***and are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.***

Justification

Linked to AMs 56-57.

Amendment 27

Proposal for a directive

Article 1 – point 1 – point c

Directive 91/477/EEC

Article 1 – paragraph 1g

Text proposed by the Commission

Amendment

1g. For the purposes of this Directive, "salute and acoustic weapons" shall mean firearms specifically converted for the sole use of firing blanks, for use in theatre performances, photographic sessions, movies and television recordings. ***deleted***

Or. en

Justification

Instead of a complex definition relying on whether a firearm is "specifically" converted for the "sole" use in certain activities, firearms converted to fire blanks should simply be considered to still be live firearms and thus remain in their original categories. Linked to AMs 75, 80, 81 and 83.

Amendment 28

Proposal for a directive
Article 1 – point 1 – point c
Directive 91/477/EEC
Article 1 – paragraph 1h

Text proposed by the Commission

Amendment

1h. For the purposes of this Directive, "replica firearms" shall mean objects that have the physical appearance of a firearm, but are manufactured in such a way that they cannot be converted to firing a shot or expelling a bullet or projectile by the action of a combustible propellant. ***deleted***

Or. en

Justification

Any object that looks like a firearm and can be converted into one are covered by Art 1 of the Directive, which is further strengthened by the inclusion of any object which contains an essential component, AM 23. Objects that cannot be converted to firearms should remain outside scope.

Amendment 29

Proposal for a directive

Article 1 – point 1 – point c

Directive 91/477/EEC

Article 1 – paragraph 1i

Text proposed by the Commission

1i. For the purposes of this Directive, "deactivated firearms" shall mean firearms that have been modified with the purpose of rendering them permanently unfit for use by deactivation, ensuring that all essential *parts* of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way.

Amendment

1i. For the purposes of this Directive, "deactivated firearms" shall mean firearms that have been modified with the purpose of rendering them permanently unfit for use by deactivation, ensuring that all essential *components* of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way.

Or. en

Amendment 30

Proposal for a directive

Article 1 – point 1 – point d

Directive 91/477/EEC

Article 1 – paragraph 2 – point i

Text proposed by the Commission

(i) the manufacture, trade, exchange, hiring out, *repair or conversion* of firearms;

Amendment

(i) the manufacture, *including modification or conversion*, trade, exchange, hiring out *or repair* of firearms;

Or. en

Amendment 31

Proposal for a directive

Article 1 – point 1 – point d

Directive 91/477/EEC

Article 1 – paragraph 2 – point ii

Text proposed by the Commission

(ii) the manufacture, trade, exchange, hiring out, **repair or conversion** of parts of firearms;

Amendment

(ii) the manufacture, **including modification or conversion**, trade, exchange, hiring out **or repair** of parts of firearms;

Or. en

Amendment 32

Proposal for a directive

Article 1 – point 1 – point d

Directive 91/477/EEC

Article 1 – paragraph 2 – point iii

Text proposed by the Commission

(iii) the manufacture, **trade, exchange** or conversion of ammunition.

Amendment

(iii) the manufacture, **including modification** or conversion, **trade or exchange** of ammunition.

Or. en

Amendment 33

Proposal for a directive

Article 1 – point 1 – point d a (new)

Directive 91/477/EEC

Article 1 – paragraph 3

Present text

"3. For the purposes of this Directive, a person shall be deemed to be a resident of the country indicated by the address appearing on a document establishing his place of residence, such as a passport or an identity card, which, on a check on possession or on acquisition, is submitted to the authorities of a Member State or to a dealer."

Amendment

(da) Article 1, paragraph 3 is replaced by the following:

"3. For the purposes of this Directive, a person shall be deemed to be a resident of the country indicated by the address appearing on a document establishing his place of residence, such as a passport or an identity card, which, on a check on possession or on acquisition, is submitted to the authorities of a Member State or to a dealer **or broker**."

Justification

Global change equating dealers and brokers where relevant.

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31991L0477>)

Amendment 34

Proposal for a directive

Article 1 – point 2

Directive 91/477/EEC

Article 2 – paragraph 2

Text proposed by the Commission

2. This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the **armed** forces, the police, **the** public authorities. Nor shall it apply to commercial transfers of weapons and ammunition of war.

Amendment

2. This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the **national defence** forces, **encompassing all units and persons under their command including the military**, the police **or other** public authorities. Nor shall it apply to commercial transfers of weapons and ammunition of war.

Justification

To clarify that the concept of armed forces includes all national defence forces as defined under national law. Entities concerned with the historical or cultural aspects of firearms, other than those which are public authorities, are brought under the Directive and addressed in AM 49 with respect to category A firearms.

Amendment 35

Proposal for a directive

Article 1 – point 3

Directive 91/477/EEC

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that any

Amendment

1. Member States shall ensure that any

firearm or *part* placed on the market has been marked and registered in compliance with this Directive.

assembled firearm or *essential component*, *when* placed on the market, has been marked *irremovably* and registered in compliance with this Directive, *or that it has been deactivated in accordance with the provisions implementing Article 10b and registered in compliance with this Directive.*

Or. en

Justification

Linked to AM 37. The requirement for the "irremovable" marking corresponds to Regulation 2015/2403.

Amendment 36

Proposal for a directive

Article 1 – point 3

Directive 91/477/EEC

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

For the purposes of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm or at the time of *import to* the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.

Amendment

For the purposes of identifying and tracing each assembled firearm *and each essential component*, Member States shall, at the time of manufacture of each firearm *and each essential component*, or at the time of *its being placed on the market or imported in* to the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.

Or. en

Amendment 37

Proposal for a directive

Article 1 – point 3

Directive 91/477/EEC

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The marking shall be affixed to the receiver of the firearm.

deleted

Or. en

Amendment 38

Proposal for a directive

Article 1 – point 3

Directive 91/477/EEC

Article 4 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For those purposes, Member States may have regard to the provisions of the United Nations Convention for the Reciprocal Recognition of Proof Marks on Small Arms of 1 July 1969.

Or. en

Amendment 39

Proposal for a directive

Article 1 – point 3

Directive 91/477/EEC

Article 4 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Amendment

Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the unique marking permitting identification of the transferring

Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the unique marking permitting identification of the transferring government. ***Firearms classified in***

government.

category A must first have been deactivated in accordance with the provisions implementing Article 10b, except for transfers in accordance with authorisations granted under Article 6(1) or (2).

Or. en

Amendment 40

Proposal for a directive

Article 1 – point 4 – point a

Directive 91/477/EEC

Article 4 – paragraph 4 – subparagraph 1 – second sentence

Text proposed by the Commission

This filing system shall record each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and ***the*** person acquiring or possessing the firearm. ***The record of firearms, including deactivated firearms, shall be maintained until destruction of the firearm has been certified by the competent authorities.***

Amendment

That data-filing system shall record ***all information relating to firearms which is needed in order to trace and identify those firearms. That information shall include*** each firearm's type, make, model, calibre and serial number, ***and any conversions or modifications to a firearm, including its certified deactivation or destruction and the date thereof,*** as well as the names and addresses of the supplier and ***of each*** person acquiring or possessing the firearm, ***including the dates of acquisition and, where applicable, the end of possession or transfer to another person unless such transfer concerns a firearm which has been registered as deactivated. The current records relating to each firearm and the person possessing it shall be immediately accessible to all authorised authorities. All records relating to the firearm shall be maintained in an electronically retrievable format for an indefinite period after certified deactivation or destruction.***

Or. en

Justification

Firearms already on the register when deactivated or destroyed should remain on the register, including their owner at the time of deactivation or destruction. Subsequent transfers of deactivated firearms need not be registered.

Amendment 41

Proposal for a directive

Article 1 – point 5

Directive 91/477/EEC

Article 4 b

Text proposed by the Commission

Amendment

(5) Article 4b is replaced by the following: **deleted**

"Article 4b

1. Member States shall establish a system for the regulation of the activities of brokers and dealers. Such a system may include one or more of the following measures:

(a) registration of brokers and dealers operating within their territory;

(b) licensing or authorisation of the activities of brokers and dealers.

2. The system referred to in paragraph 1 shall include at least a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking."

Or. en

Justification

Overlap with Article 4(3), as proposed amended by the Commission and accepted by the Rapporteur.

Amendment 42

Proposal for a directive

Article 1 – point 6

Directive 91/477/EEC

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Article 3, Member States shall **authorise** the acquisition and possession of firearms only by persons who have good cause and who:

Amendment

1. Without prejudice to Article 3, Member States shall **permit** the acquisition and possession of firearms only by persons who have good cause and who:

Or. en

Amendment 43

Proposal for a directive

Article 1 – point 6

Directive 91/477/EEC

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) are at least 18 years of age, except in relation to the possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licenced or otherwise approved training centre;

Amendment

(a) are at least 18 years of age, except in relation to the **acquisition, other than through purchase, and** possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licenced or otherwise approved training centre; **and**

Or. en

Amendment 44

Proposal for a directive

Article 1 – point 6

Directive 91/477/EEC

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) are not likely to be a danger to themselves, to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.

Amendment

(b) are not likely to be a danger to themselves **or others**, to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.

Or. en

Amendment 45

Proposal for a directive

Article 1 – point 6

Directive 91/477/EEC

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall establish rules on appropriate storage of firearms, parts and ammunition, including when under transport, ensuring a level of security proportionate to the risk of unauthorised access and to the nature and category of the firearms concerned.

Or. en

Amendment 46

Proposal for a directive

Article 1 – point 6

Directive 91/447/EEC

Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall ***provide for standard medical tests for issuing or renewing authorisations as referred to in paragraph 1*** and shall withdraw authorisations if any of the conditions on the basis of which ***it was granted is*** no longer met.

Member States shall ***establish a monitoring system including medical checks, which may be on a continuous or periodic basis, for the acquisition and possession of firearms***, and shall withdraw authorisations if any of the conditions on

the basis of which *the acquisition or possession was allowed are* no longer met.

Or. en

Amendment 47

Proposal for a directive

Article 1 – point 6

Directive 91/477/EEC

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States may not prohibit persons resident within their territory from possessing a ***weapon*** acquired in another Member State unless they prohibit the acquisition of the same ***weapon*** within their own territory.

Amendment

Member States may not prohibit persons resident within their territory from possessing a ***firearm*** acquired in another Member State unless they prohibit the acquisition of the same ***type of firearm*** within their own territory.

Or. en

Amendment 48

Proposal for a directive

Article 1 – point 6

Directive 91/477/EEC

Article 6 – paragraph 1

Text proposed by the Commission

Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to destroy those firearms and ammunition held in violation of this provision and seized.

Amendment

Without prejudice to Article 2(2), Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to destroy those firearms and ammunition held in violation of this provision and seized. ***In special cases the competent authorities may grant strictly limited authorisations for such firearms and ammunition where this is not contrary to public security or public order.***

Or. en

Amendment 49

Proposal for a directive

Article 1 – point 6

Directive 91/477/EEC

Article 6 – paragraph 2

Text proposed by the Commission

Member States may *authorise bodies concerned with the cultural and historical aspects of weapons* and recognised as such by the Member State in whose territory they are *established to keep in their possession* firearms classified in category A *acquired before [the date of entry into force of this Directive]* provided *they have been deactivated in accordance with the provisions that implement Article 10(b)*.

Amendment

Member States may *choose to grant strictly limited authorisations to legal or natural persons dedicated to the gathering, study and conservation of firearms and associated artefacts for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes* and recognised as such by the Member State in whose territory they are *for* firearms *and ammunition* classified in category A, provided *that such persons demonstrate that measures are in place to address any risks to public security or public order and that the firearm or firearms concerned are stored with a level of security proportionate to the risks associated with unauthorised access to such firearms*.

Or. en

Amendment 50

Proposal for a directive

Article 1 – point 6 a (new)

Directive 91/477/EEC

Article 6 a (new)

Text proposed by the Commission

Amendment

(6a) The following Article is inserted:

"Article 6a

Except with respect to transfers between dealers and brokers, the handing over of firearms and their essential components and ammunition following a transaction

by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council, shall be subject to strict control by the Member States and allowed only if it takes place under conditions allowing for verification of the identities of the parties and of their right to complete the transaction."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

Amendment 51

Proposal for a directive

Article 1 – point -7 (new)

Directive 91/477/EEC

Article 7 – paragraph 4 – point b

Present text

"(b) *the periodic* verification that those persons continue to satisfy the conditions; and"

Amendment

(-7) In Article 7, paragraph 4, point (b) is replaced by the following:

"(b) verification that those persons continue to satisfy the conditions; and"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

Amendment 52

Proposal for a directive

Article 1 – point 7

Directive 91/477/EEC

Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The maximum *limits* shall not exceed five

Amendment

The maximum *duration of an*

years. The authorisation may be renewed if the conditions on the basis of which it was granted are still fulfilled.

authorisation shall not exceed five years, *unless Member States have implemented a system of continuous monitoring referred to in the first subparagraph of Article 5(2)*. The authorisation may be renewed if the conditions on the basis of which it was granted are still fulfilled.

Or. en

Amendment 53

Proposal for a directive
Article 1 – point 7 a (new)
Directive 91/477/EEC
Article 8 – paragraph 2

Present text

"2. Every seller, dealer or private person shall inform the authorities of the Member State in which it takes place of every transfer or handing over of a firearm classified in category C, giving the particulars by which the firearm and the person acquiring it may be identified. If the person acquiring such a firearm is a resident of another Member State, that other Member State shall be informed of the acquisition by the Member State in which it took place and by the person acquiring the firearm."

Amendment

(7a) In Article 8, paragraph 2 is replaced by the following:

"2. Every seller, dealer, **broker** or private person shall inform the authorities of the Member State in which it takes place of every transfer or handing over of a firearm classified in category C, giving the particulars by which the firearm and the person acquiring it may be identified. If the person acquiring such a firearm is a resident of another Member State, that other Member State shall be informed of the acquisition by the Member State in which it took place and by the person acquiring the firearm."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:01991L0477-20080728&from=FR>)

Amendment 54

Proposal for a directive
Article 1 – point -8 (new)

Directive 91/477/EEC
Article 10

Present text

"The arrangements for the acquisition and possession of ammunition shall be the same as those for the possession of the firearms for which the ammunition is intended."

Amendment

(-8) Article 10 is replaced by the following:

"Article 10

The arrangements for the acquisition and possession of ammunition shall be the same as those for the possession of the firearms for which the ammunition is intended. **The acquisition and possession of ammunition shall be allowed only by persons who are allowed to possess a firearm.**

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

Amendment 55

Proposal for a directive

Article 1 – point -8 a (new)

Directive 91/477/EEC

Article 10 – paragraph 1 a (new)

Present text

Amendment

(-8a) In Article 10, the following paragraph is added:

"Brokers and dealers may refuse any transaction for the acquisition of complete rounds of ammunition, or components of ammunition, which they reasonably consider suspicious, and shall report it or any attempted such transaction to the relevant authorities."

Or. en

Justification

Compare the similar system in Regulation 98/2013 (explosives precursors). Brokers and dealers faced with a suspicious transaction (as elaborated in recital 1j, AM 9) should be able to refuse it without risking accusations of discrimination, and should be placed under a reporting obligation.

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

Amendment 56

Proposal for a directive

Article 1 – point 8

Directive 91/477/EEC

Article 10a – paragraph 1

Text proposed by the Commission

Member States shall take measures to ensure that alarm and signal weapons **as well as salute and acoustic weapons** cannot be converted into firearms.

Amendment

Member States shall take measures to ensure that alarm and signal weapons cannot be converted into firearms.

Or. en

Amendment 57

Proposal for a directive

Article 1 – point 8

Directive 91/477/EEC

Article 10a – paragraph 2

Text proposed by the Commission

The Commission shall adopt technical specifications for alarm and signal weapons **as well as for salute and acoustic weapons** to ensure they cannot be converted into firearms.

Amendment

The Commission shall, **by ... [insert date],** adopt **implementing acts establishing** technical specifications for alarm and signal weapons to ensure they cannot be converted into firearms.

Or. en

Amendment 58

Proposal for a directive

Article 1 – point 8

Directive 91/477/EEC

Article 10b – paragraph 1

Text proposed by the Commission

Member States shall make arrangements for the deactivation of firearms to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of **this** verification, provide for the issuance of a **certificate or record** attesting to the deactivation of the firearm **or** the apposition of a clearly visible mark to that effect on the firearm.

Amendment

1. Member States shall make arrangements for the deactivation of firearms to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of **that** verification, provide for the issuance of a **deactivation certificate** attesting to the deactivation of the firearm **and** the apposition of a clearly visible mark to that effect on the firearm. **Where the firearm is recorded in the computerised data-filing systems referred to in Article 4(4), its deactivation shall be entered in the record relating to it.**

Or. en

Justification

Linked to AM 40. The obligation to keep records of deactivation certificates in Art 3(6) of Regulation 2015/2403 should be incorporated into the computerised data-filing system established by the Directive and not be subject to a 20 year time limit.

Amendment 59

Proposal for a directive

Article 1 – point 8

Directive 91/477/EEC

Article 10b – paragraph 2

Text proposed by the Commission

The Commission shall adopt deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable. Those implementing acts shall be adopted in accordance with the examination procedure

Amendment

2. By 31 December 2016, the Commission shall review Implementing Regulation (EU) 2015/2403 and, where necessary, adopt implementing acts amending it. The amendments to Implementing Regulation (EU) 2015/2403 shall take into account

referred to in Article 13b(2).

the need for competent authorities to be able to disassemble a deactivated firearm in order to ensure that it has been rendered permanently unfit for use and inoperable, with particular regard to the obligation to weld components and magazines together.

The Commission shall also adopt implementing acts amending Table II of Annex I to Implementing Regulation (EU) 2015/2403 as set out in Annex Ia to this Directive.

Implementing acts ***referred to in this paragraph*** shall be adopted in accordance with the examination procedure referred to in Article 13b(2).

Or. en

Justification

This AM serves to address concerns of stakeholders regarding the practical implementation of the Regulation by requiring clarification of certain technical aspects, aimed at achieving a more effective, verifiable and uniform standard of deactivation across the Union. The Rapporteur is aware that further legal consideration could be useful, including with respect to possible delegated acts. Linked to AM 86.

Amendment 60

Proposal for a directive

Article 1 – point 8

Directive 91/477/EEC

Article 10b – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By 31 December 2016, for the purposes of point (a) of part III of Annex I, the Commission shall, in consultation with Member States and other relevant parties, examine which national standards and procedures for deactivation applied in one or more Member States before the date of application of Implementing Regulation (EU) 2015/2403 have resulted in firearms being rendered permanently

unfit for use and inoperable, and shall provide for certified deactivations performed under such deactivation standards and procedures to be recognised as meeting the requirements laid down by Implementing Regulation (EU) 2015/2403.

Or. en

Justification

Certified deactivations done before the applicability of Regulation 2015/2403 under national systems then in place and resulting in permanent unfitness for use and inoperability are to be recognised in order to avoid any unnecessary requirement for re-deactivation, and because re-deactivation might not be technically feasible.

Amendment 61

Proposal for a directive

Article 1 – point 8 a (new)

Directive 91/477/EEC

Article 11 – paragraph 1

Present text

"1. Firearms may, without prejudice to Article 12, be transferred from one Member State to another only in accordance with the procedure laid down in the following paragraphs. These provisions shall also apply to transfers of firearms following a **mail order** sale."

Amendment

(8a) In Article 11, paragraph 1 is replaced by the following:

"1. Firearms may, without prejudice to Article 12, be transferred from one Member State to another only in accordance with the procedure laid down in the following paragraphs. These provisions shall also apply to transfers of firearms following a sale **by means of distance communication**."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

Amendment 62

Proposal for a directive

Article 1 point 8 b (new)

Directive 91/477/EEC

Article 11 – paragraph 2 – subparagraph 2

Present text

"The information referred to in the last two indents need not be supplied where the transfer takes place between dealers."

Amendment

(8b) In Article 11(2), the second subparagraph is replaced by the following:

"The information referred to in the last two indents need not be supplied where the transfer takes place between dealers ***or brokers.***"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

Amendment 63

Proposal for a directive

Article 1 – point 8 c (new)

Directive 91/477/EEC

Article 11 – paragraph 3 – subparagraph 1

Present text

"3. In the case of transfer of the firearms, other than weapons of war, excluded from the scope of this Directive pursuant to Article 2 (2), each Member State may grant dealers the right to effect transfers of firearms from its territory to a dealer established in another Member State without the prior authorization referred to in paragraph 2. To that end it shall issue an authorization valid for no more than three years, which may at any time be suspended or cancelled by reasoned decision. A document referring to that authorization

Amendment

(8c) In Article 11(3), the first subparagraph is replaced by the following:

"3. In the case of transfer of the firearms, other than weapons of war, excluded from the scope of this Directive pursuant to Article 2(2), each Member State may grant dealers ***or brokers*** the right to effect transfers of firearms from its territory to a dealer ***or broker*** established in another Member State without the prior authorization referred to in paragraph 2. To that end it shall issue an authorization valid for no more than three years, which may at any time be suspended or cancelled by reasoned decision. A document referring to

must accompany the firearm until it reaches its destination; it must be produced whenever so required by the authorities of the Member States."

that authorization must accompany the firearm until it reaches its destination; it must be produced whenever so required by the authorities of the Member States."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

Amendment 64

Proposal for a directive

Article 1 – point 8 d (new)

Directive 91/477/EEC

Article 11 – paragraph 3 – subparagraph 2

Present text

"Prior to the date of transfer, the dealer shall communicate to the authorities of the Member State from which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2. Those authorities shall carry out inspections, where appropriate on the spot, to verify the correspondence between the information communicated by the dealer and the actual characteristics of the transfer. The information shall be communicated by the dealer within a period allowing sufficient time."

Amendment

(8d) In Article 11(3), the second subparagraph is replaced by the following:

"Prior to the date of transfer, the dealer ***or broker*** shall communicate to the authorities of the Member State from which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2. Those authorities shall carry out inspections, where appropriate on the spot, to verify the correspondence between the information communicated by the dealer ***or broker*** and the actual characteristics of the transfer. The information shall be communicated by the dealer ***or broker*** within a period allowing sufficient time."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

Amendment 65

Proposal for a directive

Article 1 – point 8 e (new)

Directive 91/477/EEC

Article 11 – paragraph 4 – subparagraph 2

Present text

"Such lists of firearms shall be communicated to dealers who have obtained approval for transferring firearms without prior authorization under the procedure laid down in paragraph 3."

Amendment

(8e) In Article 11(4), the second subparagraph is replaced by the following:

"Such lists of firearms shall be communicated to dealers ***and brokers*** who have obtained approval for transferring firearms without prior authorization under the procedure laid down in paragraph 3."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

Amendment 66

Proposal for a directive

Article 1 – point 8 f (new)

Directive 91/477/EEC

Article 12 – paragraph 2 – subparagraph 2

Present text

"Member States may not make acceptance of a European firearms pass conditional upon the payment of any fee or charge."

Amendment

(8f) In Article 12(2), the second subparagraph is replaced by the following:

"Member States may not make:

(a) the issuance or renewal of a European firearms pass conditional upon any payment or charge exceeding the administrative costs incurred in issuing the pass

(b) the acceptance of a European firearms pass conditional upon the payment of any fee or charge."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

Amendment 67

Proposal for a directive
Article 1 – point 8 g (new)
 Directive 91/477/EEC
 Article 12 – paragraph 3

Present text

"3. Under agreements for the mutual recognition of national documents, two or more Member States may provide for arrangements more flexible than those prescribed in this Article for movement with firearms within their territories."

Amendment

(8g) In Article 12, paragraph 3 is replaced by the following:

"3. Under agreements for the mutual recognition of national documents, **or by way of mutual recognition of entries in the computerised data-filing systems referred to in Article 4(4)**, two or more Member States may provide for arrangements more flexible than those prescribed in this Article for movement with firearms within their territories."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0477-20080728&qid=1457684409643>)

Amendment 68

Proposal for a directive
Article 1 – point 9
 Directive 91/477/EEC
 Article 13 – paragraph 4

Text proposed by the Commission

4. **The** competent authorities of the Member States shall exchange information **on the authorisations granted for the transfers of firearms to another Member State as well as information with regard to**

Amendment

4. **For the purposes of the efficient application of this Directive, the** competent authorities of the Member States shall exchange information **by electronic means via a data-exchange platform or**

refusals to grant authorisations as defined in Article 7.

interoperable data-exchange platforms to be implemented by ... [insert date], and shall, without limitation, include exchanges of information on the structure of their computerised data-filing systems as referred to in Article 4(4) with a view to enabling their interconnection and their interconnection with other existing instruments as regards:

Or. en

Amendment 69

Proposal for a directive

Article 1 – point 9

Directive 91/477/EEC

Article 13 – paragraph 4 – point a (new)

Text proposed by the Commission

Amendment

(a) their application of Articles 5 and 6,

Or. en

Amendment 70

Proposal for a directive

Article 1 – point 9

Directive 91/477/EEC

Article 13 – paragraph 4 – point b (new)

Text proposed by the Commission

Amendment

(b) authorisations granted for the transfer of firearms to another Member State,

Or. en

Amendment 71

Proposal for a directive

Article 1 – point 9

Directive 91/477/EEC
Article 13 – paragraph 4 – point c (new)

Text proposed by the Commission

Amendment

(c) information concerning refusals to grant authorisation as defined in Article 7.

Or. en

Amendment 72

Proposal for a directive

Article 1 – point 9

Directive 91/477/EEC
Article 13 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 13a concerning the modalities of exchange of information on authorisations granted ***and on refusals***.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 13a concerning the modalities of exchange of information on authorisations granted ***or refused. Those delegated acts shall be adopted by ... [insert date]***.

Or. en

Amendment 73

Proposal for a directive

Article 1 – point 12

Directive 91/477/EEC
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

The Commission shall ***submit*** every five years a report to the European Parliament and the Council on the application of this Directive, accompanied, if appropriate, by proposals in particular ***as regards*** the categories of firearms of Annex I and ***the*** issues related to new technologies such as

The Commission shall every five years ***submit*** a report to the European Parliament and the Council on the application of this Directive ***and of the implementing acts on deactivation***, accompanied, if appropriate, by proposals ***concerning***, in particular, the categories of firearms of Annex I and

3D printing. The first report shall be submitted two years after the entry into force of this Directive."

issues related *to marking and* to new technologies such as 3D printing. The first report shall be submitted two years after the entry into force of this Directive."

Or. en

Justification

The Rapporteur notes and supports AM 22 by the LIBE Rapporteur (aiding and abetting), which would make e.g. the distribution of software blueprints for the purpose of 3D printing firearms a criminal offence.

Amendment 74

Proposal for a directive

Article 1 – point 13 – point a – point i

Directive 91/477/EEC

Annex I – Part II – Category A – point 7

Text proposed by the Commission

7. Semi-automatic firearms *for civilian use* which *resemble weapons with* automatic *mechanisms*;

Amendment

7. Semi-automatic firearms which *have been converted into* automatic *firearms*;

Or. en

Amendment 75

Proposal for a directive

Article 1 – point 13 – point a – point i

Directive 91/477/EEC

Annex I – Part II – Category A – point 8

Text proposed by the Commission

8. *Firearms* under points 1 *to* 7 after having been *deactivated*.

Amendment

8. *Any firearm* under points 1 *to 3 and 6 to 7* after having been *converted to firing blanks, irritants, other active substances or pyrotechnical ammunition*.

Or. en

Amendment 76

Proposal for a directive

Article 1 – point 13 – point a – point -ii (new)

Directive 91/477/EEC

Annex I – Part II – Category B – point 5

Present text

"5. Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, **with ordinary tools**, into a weapon whose magazine and chamber can together hold more than three rounds."

Amendment

(-ii) in Category B, point 5 is replaced by the following:

"5. Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted into a weapon whose magazine and chamber can together hold more than three rounds."

Or. en

Justification

To avoid confusion with the definition of convertible objects in Art 1 of Directive 91/477, which does not refer to the type of tools necessary to perform a conversion.

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:01991L0477-20080728&from=FR>)

Amendment 77

Proposal for a directive

Article 1 – point 13 – point a – point ii

Directive 91/477/EEC

Annex I – Part II – Category B – point 7

Text proposed by the Commission

(ii) in category B, point 7 is deleted.

Amendment

deleted

Or. en

Amendment 78

Proposal for a directive

Article 1 – point 13 – point a – point ii a (new)

Directive 91/477/EEC

Annex I – Part II – Category B – point 8 (new)

Text proposed by the Commission

Amendment

(ii) in Category B, the following point is added:

"8. Semi-automatic firearms with detachable magazines;"

Or. en

Amendment 79

Proposal for a directive

Article 1 – point 13 – point a – point ii b (new)

Directive 91/477/EEC

Annex I – Part II – Category B – point 9 (new)

Text proposed by the Commission

Amendment

(iib) in Category B, the following point is added:

"9. Semi-automatic firearms with rimfire percussion in calibre .22 or smaller;"

Or. en

Amendment 80

Proposal for a directive

Article 1 – point 13 – point a – point ii c (new)

Directive 91/477/EEC

Annex I – Part II – Category B – point 10 (new)

Text proposed by the Commission

Amendment

(iic) in Category B, the following point is

added:

"10. Any firearm under points 1 to 9 after having been converted to firing blanks, irritants, other active substances or pyrotechnic ammunition."

Or. en

Amendment 81

Proposal for a directive

Article 1 – point 13 – point a – point iii

Directive 91/477/EEC

Annex I – Part II – Category C – point 5

Text proposed by the Commission

5. Alarm and signal weapons, salute and acoustic weapons as well as replicas;

Amendment

5. Any firearm under points 1 to 4 after having been converted to firing blanks, irritants, other active substances or pyrotechnic ammunition;

Or. en

Amendment 82

Proposal for a directive

Article 1 – paragraph 1 – point a – point iii

Directive 91/477/EEC

Annex I – Part II – Category C – point 6

Text proposed by the Commission

6. Firearms under category B and points 1 to 5 of category C, after having been deactivated.

Amendment

deleted

Or. en

Amendment 83

Proposal for a directive

Article 1 – point 13 – point a – point iii a (new)

Present text

"Single-shot long firearms with smooth-bore barrels."

Amendment

(iii) In category D, the wording under the heading is replaced by the following:

"Single-shot long firearms with smooth-bore barrels, including after having been converted to firing blanks, irritants, other active substances or pyrotechnic ammunition."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:01991L0477-20080728&from=FR>)

Amendment 84

Proposal for a directive
Article 1 – point 14 – point a
Directive 91/477/EEC
Annex I – Part III – point a

Text proposed by the Commission

(a) point (a) ***is deleted:***

Amendment

(a) point (a) ***is replaced by the following:***

"(a) have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way, provided that such deactivation has been done:

(i) in accordance with the provisions implementing Article 10b(1); or

(ii) pursuant to prior national standards and procedures for deactivation recognised under Article 10b(2); or

(iii) prior to 8 April 2016 such that a slot has been cut through the chamber wall of a minimum of 4mm width and into the

barrel along at least 50% of the barrel length and the barrel has been securely pinned or welded to the receiver/frame, and conversion to expel a shot, bullet or projectile by the action of a combustible propellant is not possible; or

(iv) prior to 8 April 2016 and the deactivated object is not transferred to another Member State or placed on the market”;

Or. en

*Justification*The Deactivation Regulation is clear that the new standards should not apply retroactively to items unless they are transferred to another Member State or put on the market.

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:01991L0477-20080728&from=FR>)

Amendment 85

Proposal for a directive

Article 1 – point 14 – point b

Directive 91/477/EEC

Annex I – Part III – point b

Text proposed by the Commission

are designed for life-saving, animal slaughter or harpoon fishing **or** for industrial or technical purposes provided that they can be used for the stated purpose only;

Amendment

(b) are designed for **alarm, signalling**, life-saving, animal slaughter or harpoon fishing, for industrial or technical purposes **or to only be capable of expelling a shot, bullet or projectile by the action of compressed air or other gas not generated by the action of a combustible propellant, or are designed as airsoft devices of any description from which only a small plastic missile with limited energy can be discharged**, provided that they can be used for the stated purpose only **and are not capable of being converted in such a way as to render them capable of expelling a shot, bullet or projectile by the action of a combustible propellant**;

Or. en

Amendment 86

Proposal for a directive

Article 1 – point 14 a (new)

Directive 91/477/EEC

Annex I a (new)

Text proposed by the Commission

Amendment

(14a) The following Annex is inserted:

"Annex Ia

1. In Table II of Annex I to Implementing Regulation (EU) 2015/2403 the following point is added:

"1.6. Fix a rod in the barrel forcing cone ($L > 2/3$ rd barrel length). Weld into forcing cone. Pin the barrel (through forcing cone) to the frame and weld pin. Drill a hole $2/3$ rd bore diameter within the first third of the barrel from the forcing cone and weld the rod to the barrel through the drilled hole".

2. In Table II of Annex I to Implementing Regulation (EU) 2015/2403 point 3.1 is replaced by the following:

"3.1. Remove all internal walls from cylinder for a minimum of $2/3$ rd of its length by machining a circular ring 50% case diameter".

3. In Table II of Annex I to Implementing Regulation (EU) 2015/2403 point 3.2 is replaced by the following:

"3.2. Where possible, weld to prevent the removal of the cylinder from the frame or appropriate measures such as pinning that render the removal impossible".

4. In Table II of Annex I to Implementing Regulation (EU) 2015/2403 point 4.4 is replaced by the following:

"4.4. Machine away at least $2/3$ rd of the locking lugs in slide".

5. In Table II of Annex I to Implementing Regulation (EU) 2015/2403 point 5.3 is replaced by the following:

"5.3. Weld the slide stop or use appropriate measures if welding is not

- possible".*
- 6. In Table II of Annex I to Implementing Regulation (EU) 2015/2403 point 5.4 is replaced by the following:**
"5.4. Prevent disassembly of polymer frame pistols by welding, bonding or use appropriate measures if welding or bonding is not possible".
- 7. In Table II of Annex I to Implementing Regulation (EU) 2015/2403 point 6.4 is deleted.**
- 8. In Table II of Annex I to Implementing Regulation (EU) 2015/2403 point 8.1 is replaced by the following:**
"8.1. Weld the magazine with spots or use appropriate measures, depending on the type of arm and material to prevent removing the magazine".
- 9. In Table II of Annex I to Implementing Regulation (EU) 2015/2403 point 10.2 is replaced by the following:**
"10.2. Remove all the inner parts and their attachment points of the moderator so that only a tube remains. Drill two holes in the casing (5mm) in diameter near the point the sound moderator attaches to the barrel".
- 10. In Table II of Annex I to Implementing Regulation (EU) 2015/2403 in the section on "Hardness of inserts" the words**
"Hardness pin/plug/rod = 58 -0; = 6 HRC"
are replaced by the words
"Hardened steel rod or pin"
- 11. In Table II of Annex I to Implementing Regulation (EU) 2015/2403 in the section on "Hardness of inserts" the following words**
"TIG welding stainless steel type ER 316 L" are deleted.

Or. en

Justification

This amendment is linked to AM 59 and addresses technical constraints which have become

evident during implementation of the Deactivation Regulation.

EXPLANATORY STATEMENT

Introduction

Since 1991 the European Union has had legislation on the acquisition and possession of firearms in the form of Directive 91/477/EC, which was amended in 2008. This directive lays down rules regarding the marking and traceability of firearms, as well as the conditions that must be met by individuals to be able to acquire and possess a firearm.

It is important to recognise that the vast majority of firearms held legally in the EU do not present any danger to the public.

Although the use of legally acquired firearms by criminals and terrorists is limited, there have been recorded cases. For example, a type of firearm used in the Charlie Hebdo attacks in Paris had been legally purchased in one Member State (MS) after conversion into a "blank-firing" acoustic firearm, which under the law of that MS before it was recently amended, did not require authorisation. It was then converted back into a live prohibited firearm.

It was in this context that the European Commission launched its review of the Firearms Directive. The Commission made a number of proposals that drastically change the scope and requirements of the Directive without presenting an impact assessment. Such an IA would have helped clarify the reasons for these proposals as well as the evidence base on which the proposals rest. Its absence has resulted in widespread concern from owners of legally acquired firearms from a number of different areas. It is clear that many stakeholders are concerned about the lack of clarity of some of the proposal and possible consequences for legal owners.

The Rapporteur has therefore endeavoured to consult as widely and transparently as possible in order to ensure her report tackles real problems and to limit unnecessary unintended consequences. She recommends maintaining the status quo wherever there is insufficient evidence to justify changing it.

However, in addition, the Commission adopted a Deactivation Regulation on the same day as its launch of the review of the Directive. Concerns have been expressed by stakeholders from many MS that the new Regulation may make it harder for law enforcement bodies to know if a firearm has been properly deactivated.

Deactivated firearms or replicas have legitimate uses in the film industry and military reenactments. The Rapporteur notes from exchanges of views with experts that there is a difference in practical usage of the term "deactivated" between experts. For the avoidance of doubt, the term deactivated firearm for the purposes of this proposal is understood as a firearm that has been irreversibly rendered inoperable.

For this reason, the Rapporteur believes that any changes to the Directive must therefore balance the right to ownership of certain types of firearms with controls appropriate to the risk they present.

1. Definition of a Firearm

The Rapporteur proposes to use an approach based on essential components such that any device which shares an essential component with a firearm is by definition a firearm.

Replicas and signal weapons are not treated as firearms unless they can be converted into firearms or share an essential component.

2. Blankfiring weapons

The Rapporteur proposes that any firearm which has been converted to firing blanks remains in the definition of firearm in their original category.

3. Magazines

The Rapporteur has received submissions from a small number of experts who have suggested that the control of magazines could be pursued, by determining magazines to be an "essential component" of a firearm. The Rapporteur has significant reservations about following this approach and has received many other representations, in view of the comparative simplicity of a magazine, which means the manufacture of a magazine is relatively easy, and the quantity of magazines which are already held legally by holders of firearms and are largely interchangeable. The effectiveness of such a measure is therefore not clear, and so the Rapporteur does not propose to include magazines within the scope of an "essential component".

4. Information Sharing

Certain law enforcement authorities have suggested improvements to information sharing. The Rapporteur proposes that records should be immediately accessible via interoperable systems.

5. Storage

The Rapporteur notes that most Member States already have rules on storage of firearms and recommends that this should be formalised in the directive and the storage requirements should take into account the nature and category of the firearms concerned.

6. Medical Tests

The Rapporteur believes that several improvements can be made to the Commission's initial proposals regarding medical testing, which shall reflect different best practices across Member States. The Rapporteur proposes that Member States establish a system for checks, either as a periodic assessment or as a continuous monitoring process.

7. Special Cases

The Rapporteur proposes to reinstate the existing provision in Article 6 which Member States may use to authorise certain persons to hold Category A firearms in specific circumstances.

The Rapporteur understands that there are organisations that require this authorisation, such as armorers, proof houses, manufacturers, forensic scientists, certain cases in film production and certain individuals for personal protection. The Rapporteur proposes that these authorisations should be on a case-by-case basis, strictly limited and only granted where it is not contrary to public security.

The Rapporteur proposes that authorisations for historical purposes are more strictly defined, only given where appropriate security measures are in place and given on a case-by-case basis at the discretion of the Member State.

8. Online sales

The Rapporteur proposes that distance sales should only be permitted provided that the final handing over of the firearm, essential component or ammunition takes place if the necessary checks have been carried out.

9. The Deactivation Regulation

A number of technical issues have been encountered by experts with the new Implementing Regulation on Deactivation, which comes into force on April 8th. The Rapporteur has proposed various ways to address this, either through detailed amendments to the Implementing Regulation, or through a review of previously existing standards, or through a specific amendment for firearms deactivated to technical definition of slotting and pinning.

10. Ammunition

The Rapporteur proposes that legislation already in place for the purposes of control of explosives precursors may be relevant for the control of ammunition, namely that suspicious purchases of large quantities of ammunition should be reported. As part of an effort to reduce the danger of illicit use of legally held firearms and their parts and ammunition, this type of obligation shall help address any risks associated with an unchecked ability to purchase ammunition.

11. Category A and B firearms

The Rapporteur understands that the Commission's proposal to recategorise "semiautomatic firearms for civilian use that resemble weapons with automatic mechanisms" into Category A would cause many practical problems in implementation and has been tried and rejected in certain Member States in the past.