



***Report about the AECAC  
activity in 2009***

**March 2010**





## *AECAC activities 2009*

1. The last AECAC **GENERAL ASSEMBLY** was held in Nuremberg on the **13<sup>th</sup> of March 2009**. Attached as **Annex I**, minutes of the General Assembly.
2. **Fulfilment of tax obligations** before the Belgian authorities. We should thank the Belgian association which representative, **Mr. Nico Demeyere** (Belgian Lawyer), has prepared and fulfilled all tax declarations before the Belgian authorities without any charge.

It is necessary to remind once again the inputs system: the partners do not pay fees but make **voluntary contributions** depending on the Association's needs. Such payments are not obligatory, nor regular, but agreed yearly.

### **3. AMENDMENT OF THE EUROPEAN FIRE GUNS DIRECTIVE**

As the Directive is one of the most important legislations regulating our activity we are permanently taking care of this issue. We had a meeting with the Mr. Martens recently to do a follow up of all the open questions of the Directive.

The main issues to come concerning the Directive are the following:

- **TRANSPOSITION BY MEMBER STATES:** All EU states shall adapt their legislation to the new directive by **July 2010**. AECAC shall advise all national associations concerning the transposition of the Directive on each member state.
- **REPLICAS:** Article 12 of the new fire arms directive 2008/51/EC states that the Commission shall, by **28 July 2010**, submit a report to the European Parliament and the Council presenting the conclusions of a study on the issue of the placing on the market of **replica firearms**, in order to determine whether the inclusion of such products within the scope of such Directive is possible and desirable. As **Annex II** you will find the letter sent to the Commission concerning the treatment to be given to the Replicas.
- **CATHEGORIES:** By **July 2012**, the Commission should issue a report to the EU Parliament and the EU Council on the possible advantages and disadvantages of a reduction to two categories of firearms (prohibited or authorised) with a view to the better functioning of the internal market by means of possible simplification.

The current regulation allows member states to keep the 4 categories system (prohibited, subject to authorisation, subject to declaration and others – no formalities or regulations needed - ), but provides that from **July 2010 all fire guns from category D will have to be able to be “linked” to their owner**. From a practical point of view this means that a sort of declaration or inscription will be



obligatory. So in fact the 4<sup>th</sup> category (D) will disappear. According to this, it is possible that the Commissions report proposes to reduce the categories system from 4 to 3.

- **DEACTIVATION:** Annex I part III of the Directive, states for the purposes of deactivation, “all essential parts of the firearm have been rendered permanently inoperable and incapable of removal”. The same Annex provides that the Commission shall issue **common guidelines** on deactivation standards.
- **GENERAL SITUATION OF THE APPLICATION:** By **July 2015**, the Commission should issue a report to the EU Parliament on the situation regarding the application of the Directive. This report might cause a further amendment of the Directive, so we should be very attentive on it.

AECAC is one of the recognised stakeholders concerning the Directive. In this role we will be very attentive to avoid problems or more restrictions during those processes.

#### **4. EUROPEAN FIREARMS EXPERTS**

Once again AECAC has been consulted as stakeholder concerning fire guns regulations.

Few months ago we had a meeting with Mr. Thijs van ZANTEN and Mr. Alex KORTE. Both members of an organisation called the **European Firearms Experts (EFE)**.

This organisation was created by the Dutch Government during its presidency of the EU. It is a working group of all the European (national) police bodies or police departments responsible of the gun control. The organisation and secretary of EFE is led by the Dutch police. The group has 2 presidents: one designated always by the Dutch government and the other by the country holding the European presidency at the time. The group meets twice a year. The country holding the presidency of the EU at the time organizes the meeting. So every 6 months. Next meeting will be in Madrid in February.

Till now their job has been focusing on coordination and information between the different national polices.

They contacted me because they want to make some proposals to the EU to harmonise the Legislation on firearms. Before the meeting I was very concerned as – as you all know – for us legislation always means restrictions. To my surprise they were very open and – according to what they said – their aim was to create simple systems for control of the legal gun owners so that the police could focus their energy on fighting the illegal guns. Their main target is to create a European system enabling all European police departments to have easy and quick information on guns.

They shared most of our views on the typical issues: replicas, the licensing system (4 categories), UN protocol, etc ... Their proposals seemed to be directed more to the internal activity of the police than to the activity of citizens and companies.



The EFE is one of the organisations being consulted by the Commission concerning the open issues of the firearms directive (definition of replicas, deactivation of firearms and the report on the categories system), so it is important for us to keep a good contact with them.

They are interested in knowing our concerns and ideas, they will be in Nuremberg during the IWA so may be it could be a good idea to organize a meeting with them immediately after our ESSF meeting.

## 5. IMPLEMENTATION OF ARTICLE 10 OF THE UN FIREARMS PROTOCOL

The **Directorate General (DG) for Justice, Freedom and Security** of the European Commission, leaded now by the **Swedish Commissioner Mrs. Cecilia MALMSTRÖM** (Swedish Liberal Party), started two years ago a new initiative to implement article 10 of the UN Protocol into European Legislation.

The origin of this process is the ***United Nations Convention Against Transnational Organized Crime***, adopted by the UN General Assembly resolution 55/25 of 15 November 2000, which is the main international instrument in the fight against transnational organized crime.

The Convention is further developed by **three Protocols** which target specific areas and manifestations of organized crime: (1) *the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*; (2) *the Protocol against the Smuggling of Migrants by Land, Sea and Air*; and (3) **the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition**.

**Article 10 of the UN Firearms Protocol** provides the following:

*“1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.*

*2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:*

- (a) That the importing States have issued import licences or authorizations; and*
- (b) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.*

*3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.*



*4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.*

*5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.*

*6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.”*

The ***Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition*** was adopted by General Assembly resolution 55/255 of 31 May 2001. It entered into force on **3<sup>rd</sup> of July 2005**

The European Union signed the Protocol on **16 January of 2002** as **one signing party**.

The Commissions initiative tends to implement the Protocol directly into EU legislation (not directly state by state as normally would be the case) by a “**Regulation**”. As the promoters of this initiative have the opinion that the European Union is able to implement the article of the UN Protocol because it (the EC) signed the UN Protocol as one signing party. AECAC does not agree with this point of view.

In **2008** AECAC addressed a memorandum and several communications to the Commission in which we opposed frontally against this initiative. In the information from 2008 all AECAC members received copy of all the communications and memorandums. Our claims where basically three: 1) the initiative did not respect the subsidiarity principle, as the EU member states could implement the UN Protocol themselves; 2) the initiative was inconsistent as tended to fight international organized crime by controlling sport guns (which are not appropriated for this purpose; and 3) before approving such an initiative it was necessary to prepare a special impact assessment concerning specially Small Business as we consider that such initiatives affect more to small and medium enterprises than to big firms.

In **2009**, we have received a part of the paper work prepared by the Commission to support the initiative. Thanks to the support of the EMP Veronique MATHIEU, AECAC’s president Mr. Gollety had a meeting with the previous Commissioner, Mr. Barrot to explain our opposition to the initiative (As **Annex III** copy of the support letter from Mme. Mathieu).

In September 2009 we rendered a very deep memorandum to point our position.

In our memorandum (**Annex IV**) we maintain our opinion that such an initiative is completely unnecessary and ineffective, that it affects negatively the competitiveness of Small Companies, that national legislation is already sufficient and that it does not respect the legal European process as it is contrary to the Principle of Subsidiarity.



In our memorandum we pointed that only a very small part of the “*Study on an Impact Assessment*”(IA), issued by the European Commission, was disclosed, which conflicts with the general principle that the public should have the widest possible access to the referred documents, and with the Impact Assessment Guidelines (IAG) which require in this regard “*transparency and openness towards other institutions and the civil society*”.

Furthermore, we consider the disclosed part of the IA to be **neither sufficiently nor correctly elaborated**, since it doesn't comply with the minimum standards required by the IAGs and its Annexes with respect to, amongst other requirements, the 6 key analytical steps of an IA, the gathering of information and the consulting of stakeholders and the realization of an SME-Test (necessary according to the **Small Business Act for Europe (SBA)** and the ‘**Think Small first**’ principle).

For these reasons, in our memorandum to the European Commission from the 8<sup>th</sup> of September 2009 we required an accordant revision and amplification of the study and the disclosure of its complete version, whereby we reserved an evaluation of its entire edition.

On 10<sup>th</sup> of November 2009, the Directorate-General Justice, Freedom and Security sent us a letter denying the disclosure of the withheld parts of the study, on the grounds that this would at this stage “*seriously undermine the Commission's decision-making process as protected by Article 4(3), first subparagraph of Regulation 1049/2001*” and that there wouldn't exist any “*overriding public interest in disclosure*” which – according to the mentioned legal norm - could justify an exception to this rule.

We hope to receive the rest of the paperwork in April, as FACE has presented a claim before the EU Ombudsman because of the lack of information in this dossier and it is meant to be solved till the end of March.

Next actions to be done by AECAC:

- We have sent a letter to the Commissioner Mrs MALSTRÖM asking for a meeting to explain our position in this affaire. The EMP Mme. Veronique Mathieu offered herself to help us to organize such meeting.
- We'll keep insisting in the need to draft a specific Small Business Impact Assessment.
- If there is no possibility to stop the initiative we'll negotiate a low profile text that does not include more restrictions for our business.

## **6. ARMS TRADE TREATY**

A couple of years ago the UN General Assembly passed a resolution to promote an international Arms Trade Treaty (ATT). In January 2009 the European Council adopted a decision (2009/42/CFSP) supporting such initiative.

The UNIDIR (United Nations Institute for Disarmament Research) is the organisation pushing this initiative.

Of course we believe that an ATT will somehow restrict once again legal transfers of arms.



The European Union, through the Representative on Non-Proliferation of Weapons is playing the role of leader of this initiative. The EU will organize 6 regional seminars on this issue. The first one already took place in February in Vienna.

AECAC has already been in contact with the responsible person of the EU for this initiative: Mr. Fabio DELLA PIAZZA (Officer of the HR's Personal Representative on Non-Proliferation of WMD).

We asked to Mr. DELLA PIAZZA to invite AECAC to the next seminar (as stakeholder or expert) to be able to express our concerns and very specially to argue in favour of a clear distinction between military and civil arms.

Normally this sort of actions concerning the United Nations are treated only through the WFSA in which we are members of the Executive Committee, notwithstanding considering that the EU is taking an important regional role we believe it would be important for AECAC to be more proactive in this issue.

For more information: [http://www.unidir.org/bdd/fiche-activite-fr.php?ref\\_activite=432](http://www.unidir.org/bdd/fiche-activite-fr.php?ref_activite=432)

## **7. EUROPEAN PARLIAMENT SUSTAINABLE HUNTING INTERGROUPE**

Thanks to our collaboration with **FACE (Federation of Associations for Hunting and Conservation of the E.U.)** AECAC has had the opportunity to participate in the European Parliament Hunting Intergroup.

European Parliament Intergroups gather MEPs from different Political Groups and stakeholders, sharing a common interest in a particular subject. The "Sustainable Hunting" Intergroup, created in 1985, is one of the oldest and most active in the EP. For the 2009 - 2014 term of the EP, the Intergroup has the support of some 150 MEPs. The Intergroup bears now the official name "**Sustainable Hunting, Biodiversity, Countryside Activities & Forest**", which reflects better its conservation goals, and the clear interaction between sustainable management of territories and the enhancement of wildlife and biodiversity, while promoting a thriving countryside.

FACE hosts the Secretariat of this Intergroup and has organized and leaded very efficiently this tool.

### **Objectives**

- **PROMOTE** the role of hunting and other forms of sustainable use of wild species contributing to biodiversity enhancement and rural development
- **DISCUSS** current issues related to wildlife management & rural development on the agenda of the European Parliament (EP)
- **SECURE** the interests of 7 million hunters, as well as land-managers & other countryside stakeholders, thereby contributing to the strengthening of the democratic legitimacy of the EP.
- **INITIATE** helpful discussions in the EP on national/regional issues relating to biodiversity & the countryside, and enable a fruitful exchange of experience



- REAFFIRM the importance of hunting as an activity with significant socio-economic impact in the EU (total turnover 8 billion/annum & 120,000 full-time jobs)
- ENSURE access to reliable databases on wildlife management and conservation & countryside activities.

## Activities

The Intergroup deals with issues for which the EP is competent and which relate to hunting, wildlife management, angling, forestry, agriculture, biodiversity and nature conservation, taking into account public and wildlife health and welfare aspects. Also addressed on a regular basis are cross cutting issues which have an impact on socio economic activities in rural areas.

2010 will be the international year of biodiversity and the EC Communication on Biodiversity will set new targets to enhance and restore biodiversity in Europe.

The key stakeholders who will be implementing these new policies are hunters and landowners who collaborate to manage in excess of 65 % of rural areas for conservation. These actors, landowners in particular, are therefore also the main providers of public environmental services.

Meetings take place during Plenary Sessions of the EP in Strasbourg. The Intergroup may, by consensus, decide to adopt a position, statement, declaration, resolution or recommendation or to take any other initiative that seems appropriate.

## Organisation

The Intergroup is composed of MEPs promoting wildlife conservation, sustainable hunting & fishing, sustainable management of the countryside and cultural heritage.

The diversity of the Intergroup membership demonstrates the importance of these topics for a large range of Member States, political parties and citizens.

## Bureau

A Bureau composed of one President and a number of Vice-Presidents meets regularly on the President's request in order to prepare the annual programme, deal with urgent issues and appoint the chair of the next meeting.

### **President : Véronique MATHIEU (EPP-ED, FR)**

General Secretary: Markus PIEPER (EPP, DE)

Vice-Presidents: Robert STURDY (ECR, UK), Sergio BERLATO (EPP, IT), Luis Manuel CAPOULAS SANTOS (S&D, PT), William The Earl of DARTMOUTH (EFD, UK), Lena EK (ALDE, SE), Ioan ENCIU (S&D, RO), Béla GLATTFELDER (EPP, HU), Elisabeth KÖSTINGER (EPP, AT)

## **8. ESSF (European Sport Shooting Forum) meetings**

AECAC has participated actively in several meetings this year:

- **Meeting Nuremberg March 2009**
- **Meeting Brussels of June 2009**
- **Meeting Brussels of December 2009**



The ESSF allows all sectors at European Level to coordinate themselves in different issues. Matters as the avian influenza, the Fire Guns Directive, the initiative concerning the implementation of the UN Protocol or the general situation in the European Institutions are debated in the Forum.

As **Annex VI** executive summary of the meetings held in March and December.

The ESSF is a “think tank” of the hunting and shooting sector. Its approach to all issues is very technical.

**Next meeting** will be held in **Nuremberg on the Saturday 13<sup>th</sup> of March 2010.**

## **9. WORLD FORUM OF THE FUTURE OF SPORT SHOOTING ACTIVITIES (WFSA)**

AECAC is voting member of the WFSA, we take part in some of the WFSA meetings and have contributed with **3.000 €**, in 2009.

The current issues in which WFSA is involved are the following:

**Arms Trade Treaty:** As we explained in point 6, this is an important issue for our sector. WFSA is working hard with this. A specific team has been designed to work on this matter.

**Programme of Action (POA) on SALW:** Preparations for the Fourth Biennial Meeting of States (BMS4) of June 14-18, 2010, in New York, continue. Again, this will be a major event. Several WFSA groups have let it be known to the Secretariat that they wish to speak at the BMS4. A resolution passed by the UN General Assembly has also authorized an Open Ended Working Group to meet twice in 2011 to review the POA and make recommendations to a major conference on SALW in 2012 (this will be two weeks in duration).

**United Nations Firearms Protocol:** An “Expert Working Group for the Development of a Model Law on Firearms” met in Vienna on February 23-25.

**International Small Arms Control Standards (ISACS):** The UN in Geneva is close to finalizing “modules” containing so-called “standards”. High representatives of the WFSA are participating in the Reference group. It has been reached the end of the first intensive drafting and review phase of the ISACS project, seven months after launching it at a workshop in Geneva in July 2009. Some of the modules (Civilian Possession and Registration) are said to contain bad phrasing.

**Ammunition:** The UN effort towards guidelines for ammunition stockpiles is about to release its first draft. Hypothetically there will be a meeting in the future so that interested parties can have input.



**Transit Task Force (TTF):** The TTF has adopted a title for its workshop: “*Sporting Firearms and Ammunition as Airline Baggage: Growing Problems – Simple Solutions.*” The tentative date for the workshop is November 10, 2010.

**IWA 2010:** The WFSA Sport Shooting Ambassador Award will be presented to Ms. Chiara Cainero, Olympic Shooting Champion. The Keynote Speaker at the WFSA Plenary Session at IWA 2010 in Nuremberg, Germany, will be Dr. Shane Mahoney. His address is entitled: “The Future of Hunting: Partnership or Conflict?”

**CIC/Lead:** A successful meeting was held in Rome on February 4, 2010 between members of the International Council on Game and Wildlife Conservation (CIC), the World Forum on the Future of Sport Shooting Activities (WFSA) and the Federation of Associations for Hunting and Conservation of the European Union (FACE). The results will be discussed at the WFSA Executive Committee meeting at IWA.

**Crime Congress:** The WFSA has received an invitation to participate in the UN Crime Congress in Salvador, Brazil, between April 12 and 19, 2010.

**UN Register of Conventional Arms:** We have learned there will be a major effort to expand the UN Register of Conventional Arms to include “small arms and light weapons,” i.e. firearms.

## **10. ACCOUNTS AND BUDGET**

Attached as **Annex VIII** accounts for 2009.

Brussels, March 2010