



***Report about the AECAC
activity in 2015***

March 2016



AECAC activities in 2013

1. The last AECAC **GENERAL ASSEMBLY** was held in Nuremberg on **March 2015**.

2. SPONSORS.

We need a new Sponsor for 2016-2017. All partners are kindly invited to propose the sponsorship to any company.

3. 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.

4. AECAC CLAIM AGAINST SWEDEN AND SPAIN

Thanks to the AECAC official claim against Sweden for the double marking import requirement and after a very long process led by the EU Commission, Sweden modified its legislation.

The new legislation (Weapons Act, Chapter 2 a, section 7) was adopted by the Swedish Parliament on the 27th of May and has been published on the Svensk författningssamling (Official Diary).

The new regulation entered into force on the 1st of July. From that date it is not mandatory to "re-mark" firearms imported to Sweden from other EU Member States.

As expected the claim against Spain is not progressing as good. Spain has accepted to introduce some improvements concerning the recognition of marks on antique weapons, mainly the ones produced in Germany, but there are still many marks that are not recognized. Spain is using this "flexibilisation" to show to the Commission that they are acting to improve the situation, which might lead the Commission to close the infringement procedure.

5. EUROPEAN FIREARMS DIRECTIVE

I. BACKGROUND

1.1. The "Firearms" Directive

In 1991, the EU adopted the "**Firearms" Directive (91/477/EEC on control of the acquisition and possession of weapons)** to facilitate **the free movement of persons and goods** in the *Internal Market*, as an accompanying measure to the abolition of internal frontier controls between EU Member States. The Directive lays down a **minimum level of harmonization** of rules for the legal acquisition and possession of civil firearms, based on a classification of firearms in 4 categories (A =



prohibited; B = under authorization; C = under registration; D = other weapons). Member States are, however, entitled to take more stringent measures. The Directive also introduced the **European Firearms Pass**, facilitating those in legal possession of firearms to travel from one Member State to another.

Amendment by Directive 2008/51/CE

In 2008 an **amending Directive (2008/51/CE of the European Parliament and of the Council of 21 May 2008)** was approved in order to reinforce the security aspects of the Firearms Directive, allowing a partial alignment with the UN Firearms Protocol (**Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunitions**). It prescribed, in particular, a better marking of firearms as well as computerized record keeping systems for firearms for a minimum of 20 years.

1.2. EU evaluation procedure

Since its last amendment in 2008 the Commission conducted several studies on the Firearms Directive implementation, and issued 4 official reports, the last report accompanied the Amendment Proposal. Here follows some important milestones in the life of the Firearms Directive after its last amendment:

June 2013. DG HOME Public Consultation on a common approach to reducing the harm caused by criminal use of firearms within the EU.

Although the questionnaire contained **misleading questions** that induced the respondent to believe that there were barely any EU rules on legal firearms, the consultation resulted in an overwhelming support of the validity of the current Directive as well as of legal firearm ownership.

The **Directorate dismissed the consultation** and tried again through an **Eurobarometer survey** instead, asking questions that were as misleading as the ones contained in the Consultation. This time the Directorate obtained its pursued goal and, by making the respondents believe that there are no common EU rules on legal firearms, it forced a result that **did not meet the requirements of impartiality** needed in a public consultation of these characteristics.

October 2013. DG HOME Communication. In which it confirmed its intention to urge a change in the EU rules on the legal acquisition and possession of firearms. The Communication mixed up legal and illegal activities with firearms and used a number of arguments to **establish a link between the two that does not exist.**

June 2014. Two studies elaborated under DG HOME's petition were released in **June and July 2014** in order to support a second reopening of the Firearms Directive. Those Studies show **DG HOME's impartiality when trying to prove the again the existence of a link between legally held firearms and illicit trafficking that, in truth, does not exist.**

December 2014. Evaluation of the implementation of the Firearms Directive. The Commission conducted an evaluation exercise on how the Firearms Directive had been implemented till that point. The Study concretely aimed at *“evaluating the Directive in terms of its relevance to current security and market needs, the consistency of its implementation across EU Member States, its*



effectiveness and efficiency, and the added value of the EU intervention in this field¹. The Evaluation pointed three issues that could require legislative action:

- Definition of common criteria on convertibility of alarm weapons. The Study stressed that convertible alarm weapons have been used in various crimes in EU territory, being therefore a matter of concern for some Member States. Also, the fact that alarm weapons can be regulated in different manners across the EU – basically because alarm and signal weapons are excluded from the definition of firearms in the Directive – creates a deep uncertainty in matters of law enforcement activities. One of the most worrying problems referred to the high number of Turkish alarm weapons entering the EU, which also seem to be easier to convert than the ones produced within the EU.
- Harmonization of rules or marking of firearms. Many Member States have adopted different marking standards that include the marking of a different number and types of firearms parts and the usage of different marking techniques. As a consequence, the tracing capacities of law enforcement authorities are strongly hindered.
- Harmonization of standards and rules on deactivation of firearms. The time of the report the Commission had not provided common technical guidelines on deactivation of firearms and, as a consequence, Member States implemented their own and specific deactivation procedures, which differed in terms of techniques and national definition of “essential components”.

April 2015. European Commission Communication “The European Agenda on Security”. It listed a number of tools aimed at providing Member States with the right support to ensure security within Europe and at its borders for the period 2015-2020.

August 2015. Council Conclusions on strengthening the use of means of fighting trafficking of firearms. It invited the European Commission to:

- Present a proposal to revise Directive 91/477 of 18 June 1991 at the latest at the beginning of 2016 in order to strengthen the firearms legislative framework, for example to improve the sharing of information on firearms, reinforce their traceability, to standardize marking and to take into account the illegal trafficking through the Internet and Dark Net.
- Pending the revision of the Directive 91/477, submit at the latest by the end of 2015 a Commission Regulation for strong minimum standards for deactivation of firearms

1.3. COMMISSION’S OFFICIAL PROPOSAL TO AMEND THE FIREARMS DIRECTIVE

On the **18th of November 2015** (five days after the Paris attacks) the Commission announced its Proposal for an Amendment of the Firearms Directive².

This is a summary of the most important amendments proposed by the Commission:

- include within the scope of the directive alarm and signal weapons, salute and acoustic weapons, replicas - meaning not firing imitations - (proposed placement in Category C) and deactivated firearms (proposed placement in Category A and C), depending on their pre-deactivation category

¹ *Evaluation of the Firearms Directive*, Executive Summary p. 3. To be found in: <http://ec.europa.eu/growth/sectors/defence/>

² <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2015%3A750%3AFIN>



- expand category A (prohibited firearms) to include '*automatic firearms which have been converted into semiautomatic firearms*' and '*semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms*'
- include within the scope of the directive collectors
- introduce common rules on marking to avoid that markings are easily erased. Firearms to be marked in the receiver
- new definition of terms 'essential component': barrel, frame, receiver, slide or cylinder, bolt or breach block and any device designed or adapted to diminish the sound
- new definition of terms 'broker' and 'dealer'
- require that national computerized data filing systems maintain specific records on firearms, including deactivated firearms, until destruction of the firearm certified by the competent authorities (current provision is 'not less than 20 years')
- extend to brokers the requirements for registration/licensing or authorization as well as the requirement to maintain a register and to deliver the register to the national authority upon the cessation of their activities
- require that brokers' and dealers' registries are connected to the national computerized data-filing systems
- brokers and dealers shall be regulated under each national law
- introduce standard medical tests for issuing or renewing authorization for the acquisition and possession of firearms
- limit the duration of the license authorizing the acquisition and possession of Category B firearms to 5 years (renewable if conditions are still fulfilled)
- prohibit the acquisition and possession of weapons in Category A by private individuals
- require that museums ('bodies concerned with the cultural and historical aspects of weapons') ensure that Category A firearms in their possession are deactivated
- prohibit online acquisition of Category A, B and C firearms, its parts and ammunition except in the case of authorized dealers and brokers
- require the Commission to adopt technical specifications preventing convertibility of alarm weapons

It is important to point out that the Commissions' proposal was **not accompanied of an Impact Assessment**. Normally as AECAC always pointed, considering the number of citizens and companies affected by such a legislative action, an Impact Assessment should be necessary. This seems also to be the opinion within the IMCO committee of the European Parliament.

II. MAIN ISSUES

1.- Prohibition of semiautomatic firearms converted from automatic firearms



The European Commission raised the issue of **demilitarized firearms**: converted semi-automatic firearms that had been reconverted to full automatic. According to the EC poorly converted rifles are easily reconverted and used by terrorists and criminals.

According to some EU sources (not confirmed) one of the firearms used in the Charlie Hebdo attacks had been reconverted from a neutralized firearm.

Following this concern the Commission proposed to include in Category A (prohibited firearms): ***“automatic firearms which have been converted into semi-automatic firearms”***.

AECAC believes that such a measure is extreme and not proportional. Notwithstanding we share the Commissions targets to reduce the risks. We consider that the demilitarization issue is very similar and fully **related to the deactivation issue**.

We believe that the best compromise between proportionality and security is to adopt **common guidelines on demilitarization** of firearms applicable at EU level. This could even be done through a specific (and technical) EU Regulation on the demilitarization of automatic firearms.

It seems that within the IMCO Committee of the EU Parliament, many voices are likely to accept such a measure as a constructive proposal.

This could be a possible draft to be included in the amendment text:

The Commission shall, acting in accordance with the procedure referred to in Article 13a(2) of the Directive, issue common guidelines on demilitarization standards and techniques to ensure that automatic firearms are converted irreversibly to B category firearms before entering the market.

This amendment would also solve the issue of costs linked to the confiscation of firearms which become illegal after the transposition of the Directive into national law.

2.- Prohibition of semiautomatic firearms that “resemble” automatic firearms (currently B7)

The Commission also seeks to ban semiautomatic firearms for civilian use that resemble automatic weapons with automatic mechanisms (currently listed in category B-7).

Semiautomatic firearms that could more or less resemble (on the basis of a subjective assessment) automatic ones are often used by sport-shooters and in some instances are also by hunters.

The ban of certain firearms on the basis of their "looks" is arbitrary, subjective and far too vague to provide legal certainty.

It is very important to point the difference between demilitarized firearms and firearms that have been produced already as semiautomatic.

This second case (produced as semiauto) are not an issue at all. It is very difficult to transform a semiautomatic into a full auto. It doesn't matter if it resemble an automatic. The mechanisms and functioning are different.



As usual when a new legislative piece is negotiated there are many “ideas” appearing on the table. The possible ban of some semi-automatic firearms is bringing the discussion to very dangerous fields. Here follow some of the questions currently on discussion:

Definition proposed by the Italian Government for A7:

- 1. Clone war weapons and their spin-off provided that they are not suitable for containing the release devices of the original weapon;*
- 2. Semi-automatic weapons that have two or more of the following characteristics:*
 - a) Folding or telescopic butt;*
 - b) Gun grip[1]*
 - c) Presence of two or more optics supports (Piccatinny rail);*
 - d) Bayonet connection or bayonet if fixed;*
 - e) Weapons with length less than 830 mm[2];*
- 3. Weapons with barrel length less than 450 mm[3];*
- 4. Semi-automatic weapons suitable to fire the same ammunition as war weapons which have one or more of the characteristics indicated in the above point 2)[4]*

[1] It is not considered as gun grip the one obtained from the butt and having a hole for the housing of the thumb (thumbhole);

[2] Length is to be considered with close butt, excluding any flash eliminators.

[3] Barrel length measured without attachments as flash eliminators, mouth brakes, compensators;

[4] Following you will find a non-exhaustive list of the more common calibers suitable for war ammunition: i.e. 5.45 mm x 36; 7.62 mm x 39; 7.62 mm x 54; .223 Remington; .308 Winchester; .30-06

Discussion on magazines

Another point currently in discussion in the IMCO Committee of the EU Parliament is the size of the ammunition magazines.

Some documents proposed to ban firearms with high ammunition capacity. Some voices proposed a 6 round limit. This is rather randomly chosen and difficult to defend. Most worrying is that this measure could lead to a total ban on rifles with detachable magazines.

Also the question is when a magazine is considered to be a hi-cap magazine. The only ban currently in place in Europe is in France where the capacity is capped at 31 rounds. Note that this is a ban on certain magazines, not on a type of weapon.

3.- Total prohibition of all Category A firearms (even those in possession of museums and collectors)

Current Directive in article 6 provides the possibility for Member States to grant special authorizations (mainly for museums and collectors) to acquire and own Category A firearms.

The Commission intends to completely ban this possibility and even force the MS to adopt measures to destroy all existing Category A firearms. The proposal only opens the door for museums to hold these firearms if they have been deactivated, and only if they were acquired before the entry into force of the new text.

The Commission completely forgets that collectors and museums alike possess collections of historical artefacts that need to be kept for posterity or be available for research. Some private collections are larger



than the average museum and contain pieces that are more rare and exceptional. Any measure aimed at safeguarding historical artefacts should, for that reason, not only be aimed at museums but also private collections

The current exemption for museums and collectors was created during the drafting of the current Directive because each MS had a different vision on how to deal with its own past. There are enormous cultural differences.

4.- Blank fire weapons (alarm, signal, acoustic) and replicas (imitations)

The Commission intends to include the alarm weapons into the scope of the Directive. The reason is that some of those items produced outside the EU (mainly Turkey) are easily convertible into firearms.

We do not have a very important concern on the issue except for weapons used in filming and theater and those used in re-enactment. Special measures and exceptions shall be provided for these economic and social activities, very extended and very important all over Europe. Automatic weapons (for blanks) are used often in re-enactment performances about events from the Second World War.

It is very important to allow film companies to possess and /or use blank-firing weapons without having to go through the difficult process of obtaining a cat A authorization of each MS they operate in. The same is true for re-enactors. Also for them it creates a possibility to transport blank-firing weapons (registered to their name) on a European Firearms Pass.

5.- Control of the deactivated firearms, and ban of deactivated military firearms

Although not having much impact on the retailers economic activity one of the most shocking proposals of the Commission is to register and control all deactivated firearms. And even completely ban deactivated firearms previously in Category A.

The Commission proposes to include an additional Category C6: *“Firearms under Category B and points 1 to 5 of Category C, after having been deactivated”*

These means not only that all deactivated firearms shall be registered, but also that any transaction will be under governmental control.

With the new Deactivation Regulation (see below) the technical requirements on deactivation bring total security to these items. There is no need to, additionally, register and control all transactions concerning deactivated firearms.

The Commission’s proposed measure would cause that the number of controlled (not dangerous) objects will be multiplied by 3 at least, and would only waste resources and diverts them from the fight against illegal activities.

6.- Ban of the acquisition of firearms for persons under 18 through inheritance of gift (purchase is already banned)

The Commission has not provided an explanation and/or justification for its proposal to ban the acquisition as gifts or through heritage (purchase is already prohibited within the current framework) of hunting and sport shooting firearms by persons younger than 18 years of age. Under the current rules, firearms possession among young hunters is already subject to very stringent rules. The Commission has not produced evidence that these rules do not work or would be insufficient or that young hunters would pose a threat to the security of EU citizens.



The consequence of the Commission proposal would be that firearms ownership among young hunters and sport shooters will be phased out. Many successful Olympic competitors have started young and benefitted from that. The same is true for hunting, which is often taught from a very young age, as part of a certain lifestyle or national culture.

7.- Standard medical tests

The Commission proposes that Member States provide for standard medical tests for issuing or renewing authorisations.

Any medical, or even psychological, test is only an analysis of the situation of that particular moment. A person can change or 'snap'.

One important matter should be taken into account: Shooting is a very popular sport among disabled persons. It is probably the only sport where they can compete on one level with able-bodied persons. Any medical criteria introduced must ensure that there is no inadvertent discrimination against the disabled or elderly.

8.- Storage requirements

Although not included in the Commissions' proposal, Sweden proposed in the Council meetings the harmonisation of storage prescriptions.

AECAC has opposed to all this critical amendments by addressing several position papers to all implicated EU representatives and officers. We have addressed our position papers to all the Commission's officers on charge of this dossier both in the **DG GROWTH** and **DG HOME**, we also sent our position paper to several members of the **European Council**, and also to the members of the **IMCO** and **LIBE** committee of the European Parliament. Our position was also sent to the **European Economic and Social Committee**.

We hold several working meetings with Commission officers and even had the opportunity to explain our position to a large number of MEP by holding a **short speech in the IMCO Committee of the EU Parliament**.

Our opposition strategy has also been done through our collaboration and participation in other organisations.

The most important point is the Common position adopted within **the European Shooting Sports Forum** (ESSF), of which AECAC is a member (currently the AECAC General Secretary holds the presidency of the Forum). All ESSF members agreed to adopt a common position on the European Commissions' proposal to amend the Firearms Directive. The final document includes all the concerns from our association and is a perfect compromise to show a clear common position to the EU.

A common ESSF position was recognized as being one of the strengths in the strategy adopted for the 2008 revision of the Firearms Directive. The political message behind the ESSF common position is unequivocal and strong: all interest groups (hunters, sport shooters, industry, dealers, collectors) stand united in rejecting the Commission proposal.



The AECAC Secretary General was also invited to participate in the Firearms Expert Group of the **FACE**, on charge of drafting the position and designing the strategy of the European hunters organisation against the initiative. The work together with FACE has been extremely constructive and efficient.

Attached to this report you can find the AECACs' position papers both in English and French.

In our latest communication we are using the general numbers of the sector in Europe. Please use these figures in your national presentations too:

The civil and sporting firearms sector comprises 1800 producers (most of them artisans), more than 200 gross distributors and 14,000 retailers, with a turnover of more than 20 billion Euros (40 billion linked industries), circa 600,000 employees and 12 million users.

III. PROCEDURE FOR THE ADOPTION

As the Firearms Directive is related to the regulation of the internal market, the applicable legislative procedure is the **codecision procedure** according to Articles 114.1 and 294 TEU (ex Articles 95 and 251 TEC). The codecision procedure (division of legislative power between the Parliament and the Council of the European Union) is in three stages and gives the Parliament a right of veto.

1. The procedure begins with the **Commission's proposal** which is presented to the European Parliament and the Council.
2. If the Parliament adopts amendments to the Commission's proposal during the **first reading** (as the case here may be):
 - a) The **Council** may **approve** all the amendments and if it does not change the Commission proposal otherwise, the act is adopted by the Council by **qualified majority**. Article 16.1 TEU explains that this qualified majority will be met when *"at least 55% of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65% of the population of the Union"*.
 - b) If the **Council does not approve** all the amendments or rejects them, the Council adopts a **common position** by qualified majority, which is forwarded to the Parliament again.
3. During the **second reading** the Parliament has three possibilities for action within three months:
 - a) If it **approves** the Council's common position or if it does not deliver an opinion within that period, the act is deemed adopted in accordance with the common position.
 - b) If it **rejects** the common position by an absolute majority of its Members, the act is deemed not to have been adopted (veto).
 - c) If it adopts **amendments** to the common position by an absolute majority of its Members, the text is forwarded to the Council and Commission for their opinion on the amendments. In the last case:
 - either the Council approves all the Parliament's amendments by qualified majority, in which case the act is deemed adopted and signed by the Presidents of the Parliament and the Council,
 - or the Council informs the Parliament that it does not approve all its amendments to the common position, in which case the President of the Council and the President of the Parliament agree on a date and place for a first meeting of the **Conciliation Committee** within a six week period.
4. During the **third reading**, the **Conciliation Committee**, which comprises members of the Council and an equal number of MEPs, considers the common position voted at second reading on the basis of the Parliament's amendments. It has six weeks to draw up a **joint text**.



- a) If the Conciliation Committee **does not approve** the joint text within the agreed time period, the act is deemed not to have been adopted and the procedure is terminated.
- b) If the Conciliation Committee **approves** the joint text, it is presented to the Council and the Parliament for approval. The Council and the Parliament have six weeks to approve it; the Council takes a decision by qualified majority and the Parliament by a majority of the votes cast. The act is adopted if the Council and the Parliament approve the joint text.

IV.- WHERE DO WE STAND NOW?

As we have experience in the last months this procedure is not developing on a very normal way. The Commission launched a very restrictive proposal based on ideological approach and not on facts and data as it would be expected from this institution.

Currently the Commissions' proposal is being analyzed and discussed in the **Council** at the GENVAL working group ("Working Party on General Matters including Evaluation") and in the **European Parliament**, both at the IMCO (Committee on the Internal Market and Consumer Protection) and LIBE (Committee on the Civil Liberties, Justice and Home Affairs) committees.

1. Development within the European Council (GENVAL Group):

There have been very different approaches from the Member States representatives. Some are very strongly opposing to the initiative, other opposes only to very specific points and most of them present punctual proposals.

We have gathered some information about the positions from the different representatives of the Member States.

- Member States of the so called Visegrad Group (Czech Republic, Hungary, Poland and Slovakia) and Austria are still against the Commission proposal. See: <http://www.visegradgroup.eu/calendar/2016/joint-declaration-of>
- Italy presented very restrictive proposals going even beyond the Commissions' draft such as eliminating firearms of military calibre, or limit the number of firearms per holder (6), and also proposed to limit magazine capacity.
- Sweden proposed in the Council meetings the harmonization of storage prescriptions all over Europe.
- Great Britain had a very low profile approach, as they stated that their national laws are already strict enough.
- Germany is not against every EC proposal, but its approach is quite critical.
- Most MS agree on banning demilitarized full automatic firearms converted to semi-automatics.
- Most MS agree that the definition of the new A7 category (Firearms that resemble automatic) is too vague
- There is consensus on having more technical discussions on categories. The Dutch Presidency has asked MS for additional input.



- Many Member States have serious concerns on the financial and practical implications for the enforcement of some of the parts of the proposal. The impact on sport shooters, hunters and collectors and museums is indeed a serious concern.

2. Development within the European PARLIAMENT

Parliament Committees

Currently two Committees are on charge of the Directive dossier: **IMCO** and **LIBE**.

IMCO. Proposals from the Commission are referred by the President of the Parliament to the committee responsible for consideration, here this role is assumed by the Committee for the Internal Market and Consumer Protection (IMCO) who will prepare a **proposal**. The rapporteur of the Committee is the UK MEP Vicky FORD (EPP).

This is the link to the list of the MEP members of the IMCO committee:

<http://www.europarl.europa.eu/committees/en/imco/members.html>

LIBE. As the matter also falls under the competence of the Committee of Civil Liberties and Home Affairs (LIBE), this one is designated as associated committee and shall submit **an opinion** on the discussed matter to the responsible committee. The rapporteur in LIBE is the SE MEP Bodil VALERO (Greens).

This is the link to the list of the MEP members of LIBE:

<http://www.europarl.europa.eu/committees/en/libe/members.html;jsessionid=27D024F0CF3AC8990AA9DB4B52C73827.node2>

Unless otherwise decided, the rapporteur during second reading shall be the same as during first reading. Additionally

According to Article 114.1 TEU (ex Article 95.1 TEC), the **European Economic and Social Committee** should also be heard. It has in deed prepared a very negative opinion.

The meetings and working documents at both committees show a very critical approach from the MEP to the Commissions' proposal. There is a big concern on the impact of the proposal over millions of law-abiding citizens.

It would be very important that all national associations try to contact the members of each Committee to explain our views and share the AECAC position papers and the ESSF common position.

Tabling of questions in the EU Parliament

Several Members of the European Parliament have tabled a number of questions following the announcement of the Commission's proposal.

An non-exhaustive overview of the questions is provided below:

- *With reference to all the terrorist attacks carried out in the EU since 11 September 2001: When and where have semiautomatic weapons, weapons bought online, converted alarm pistols, previously deactivated weapons or weapons bought from collectors been used in terrorist attacks?*
- *When and where have legally purchased weapons been used in terrorist attacks?*



- *What percentage of the crimes which the Commission's proposed amendments to Directive 91/477/EEC seek to reduce are carried out with lawfully obtained weapons?*
- *What is the number of crimes committed each year in the Member States using legally held weapons?*
- *Does the Commission have detailed information about the number of terrorist attacks carried out in the EU by people holding a licence to possess a self-loading weapon issued on the basis of the rules currently in force and using weapons obtained through official distribution channels, and if so can the Commission make that information available?*
- *How many cases have been recorded of converted signaling weapons being used for criminal purposes?*
- *Signaling weapons can save the lives of people at sea and hikers. Will it be more difficult, or even impossible, for private individuals to purchase such weapons in the future?*
- *According to the report referred to above, weapons previously made unusable which had been reactivated by the terrorists were employed in the appalling recent attacks in Paris. What is the Commission's source for this information, and how did the terrorists get hold of the weapons in question?*
- *To what extent will the proposals for regular reviews and medical tests in connection with weapons licences impact upon the presence of illegal weapons, and how great will be the extra administrative burdens involved for the authorities responsible?*
- *Is the Commission seriously arguing that terrorists are going to equip themselves with antique deactivated firearms from the Royal Armouries or regimental museums in order to carry out atrocities?*
- *Will the Commission follow good law-making practice and carry out an impact assessment?*
- *What effects will the proposals have on semi-automatic weapons for the many hobby marksmen and shooting clubs active in nearly all EU Member States?*
- *Does the Commission realise that banning assault rifles and semi-automatic sub-machine guns would make it impossible for reservists to preserve their defensive abilities and would cause serious problems for **Finland's** defence capability?*
- *How does the Commission intend to ensure that the proposed amendments do not have a negative impact on the security of those countries whose national defence systems depend not only on a professional army, but also on civil defence forces?*
- *Who would determine if a weapon 'resembles' a fully automatic rifle, and on what grounds?*
- *Why did the Commission publish the proposal, which relates to lawfully acquired weapons, much earlier than it intends to publish the action program to tackle the illicit trade in firearms?*
- *Do the proposed changes also apply to single-shot semi-automatic firearms used for sport and hunting?*
- *What exceptions will be possible to the basic rule that firearms licences may not be granted to under-18s?*



– *Does the Commission anticipate this directive being extended to Her Majesty's royal palaces, including Windsor Castle and the Tower of London?*

As you can see the proposal is facing important opposition and criticism within the MEP.

6. REGULATION ON FIREARMS DEACTIVATION

On the 18th of November 2015 the Commission adopted the text implementing the Regulation **establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable**³.

The Regulation (EU) 2015/2403 of 15 December 2015 was published in the EU Journal on the 19th of December and will enter into force on the **8th of April 2016**.

The regulation provides very strict deactivation technical measures to be seen in annex I of the Regulation.

Here follow some important provisions:

- The Regulation shall not apply to firearms deactivated prior to the date of its application, unless those firearms are transferred to another Member State or placed on the market.
- Deactivation of firearms shall be carried out by public or private entities or by individuals authorised to do so in accordance with national legislation.
- Member States shall designate a Competent Authority to verify that the deactivation of the firearm has been carried out in accordance with the technical specifications set out in the Regulation.
- The verifying entity shall issue to the owner of the firearm a deactivation certificate.
- The owner of a deactivated firearm shall retain the deactivation certificate at all times. If the deactivated firearm is placed on the market, it shall be accompanied by the deactivation certificate.
- Certificates shall be registered for at least 20 years.
- Deactivated firearms shall be marked with a common marking for all MS.
- Member States have the possibility to introduce measures additional to the technical specifications set out in the Regulation
- Deactivated firearms may only be transferred to another Member State provided they bear the common unique marking and are accompanied by a deactivation certificate in accordance with this Regulation

7. Collaboration with FACE

AECAC is non-voting member of the FACE (European Hunting Federation).

³ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.333.01.0062.01.ENG&toc=OJ:L:2015:333:TOC



Our Secretary General has been appointed as member of the FACE Firearms Expert Group. Our collaboration with FACE within the Firearms Expert Group has been very constructive and extremely important taking into consideration the weight and influence of FACE in the EU.

We participated in several meetings of the Group both in Brussels and in Nuremberg.

8. EUROPEAN PARLIAMENT SUSTAINABLE HUNTING INTERGROUPE

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. The Intergroup bears now the official name “**Biodiversity, Hunting & Countryside**”, which reflects better its conservation goals and the fact that most of its Members are not hunters.

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

Currently there are more than 100 MEP who have joined the group.

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.

Meetings take place during Plenary Sessions of the EP in Strasbourg and Brussels. 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.

Firearms Directive



Thanks to our collaboration with **FACE (Federation of Associations for Hunting and Conservation of the E.U.)** AECAC was invited as stakeholder to the last meeting of the Hunting Intergroup that took place on the **1st of March 2016** in the EU Parliament.

The meeting was organized to debate about the Commissions initiative to amend the Firearms Directive.

9. ESSF (European Sport Shooting Forum)

The ESSF is a “think tank” of the European hunting and shooting sector.

In gathering EU manufacturers of civilian firearms and ammunition, dealers, collectors, hunters and sport shooters, the European Shooting Sports Forum (ESSF) represents a substantial socio-economic sector (including many thousands of small and medium-sized enterprises) with the participation of over 12 million law-abiding and responsible citizens. The ESSF thus represents virtually all EU stakeholders.

The ESSF allows all sectors at European level to coordinate themselves in different issues.

The ESSF has coordinated very efficiently the Common Position of all sectors concerning the initiative to amend the Directive.

10. WORLD FORUM OF THE FUTURE OF SPORT SHOOTING ACTIVITIES (WFSA)

AECAC is voting member of the WFSA and contributes yearly with **3.600 €**.

The WFSA is a highly efficient organization, recognized by the UN, and its actions are of great importance as many of the issues start globally.

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

- **Global Arms Trade Treaty**
- **UN Programme of Action (POA) on SALW**
- **International Small Arms Control Standards (ISACS)**
- **Transit Task Force (TTF).**
- **UN Register of Conventional Arms**

For more information on the WFSA actions see www.wfsa.net

Brussels, March 2016



REPORT

ON

The EVALUATION OF THE FIREARMS DIRECTIVE with special focus on convertibility, marking and deactivation of firearms

Brussels, May 2015

1. Overview

The following report is intended to comment the Evaluation document of the Firearms Directive, dated December 2014 focusing on the following points:

- the existing legal framework on firearms, paying special attention to the regulation of the **marking**,
- mention to **convertibility** and **deactivation**;
- the technical difficulties raised by an eventual amendment of the Directive's current text; and
- the impact inherent to eventual suggested amendments on marking, convertibility and deactivation.

2. Current legal framework

The European legal framework on firearms is currently developed by three main instruments, namely: a) the UN Firearms Protocol⁴; b) the Regulation (EU) 258/2012⁵; and c) the Firearms Directive⁶. As we point in the present report, the said current legal framework already targets marking, conversion and deactivation of firearms.

2.1. Marking

It is important to stress the relationship between international standards and EU legislation. Article 3.5 TEU explains, in this sense, that “*in its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to (...) the strict observance and the development of international law, including respect for the principles of the United Nations Charter*”. The fact that the legal system of the EU is directly receptive of international law precisely justifies the inexistence of a particular rule of submission, since it is a principle that rules over the States and all international organizations, the EU amongst them. As for international conventions signed by

⁴ Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/RES/55/255).

⁵ Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol), and establishing export authorization, and import and transit measures for firearms, their parts and components and ammunition (published in the Official Journal of the European Union No. L 94/1, of March 30th, 2012).

⁶ Directive 91/477/EEC, on control of the acquisition and possession of weapons, as amended by Directive 2008/51/EC (published in the Official Journal of the European Union No. L 179, of July 8th, 2008).



the EU, it is generally accepted that, by virtue of article 216 TFEU, “*agreements concluded by the Union are binding upon the institutions of the Union and on its Member States*”. As a consequence, the rules contained in those agreements become an integral part of the European legal system from the day in which they come into force⁷.

Concerning the marking of firearms, it is necessary to point that article 8 of the UN Firearms Protocol provides that all firearms shall include a mark of the import country in the terms set below:

“(b) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking”.

On the one hand, the EU territory shall be considered one only custom territory, even for the purpose of firearms, which leads to the unavoidable fact that a transfer of a firearm from an EU country to another EU country shall not be considered an Import, as far as it is a movement within the same custom territory. On the other hand, the amendment of the Firearms Directive that took place in 2008 already ensured (according to the UN Protocol) that all Firearms are correctly marked when they are produced in the EU⁸, a rule that is also extensible to the export and import of firearms to the EU, although in the latter only limited to the first import.

The UN Protocol states that “*States Parties may adopt simplified procedures for the temporary import and export and transit of firearms, their parts and components and ammunition*”⁹. This implies that the general procedure foreseen in the Protocol is of obliged observance by the signing Parties. In this sense, **the Protocol does require the marking of firearms, but it does not require the marking of each and any of their parts and components**. However, this does not lead to any security problem as article 10 obliges to the attachment, to the import or export authorization, of a minimum information that 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 Firearms Directive requires that all firearms shall be duly marked. Such marking should be affixed to an essential component of the firearm “*the destruction of which would render the firearm unusable*”¹⁰. The marking of each and every part or component of a firearm is not necessary. To certain extent, this obligation could increase the traceability of firearms, but it would not increase security. The impact of traceability of gun components in internal security would only be useful for future data analysis but would be negligible and imperceptible in real and current security.

Also, marking of all firearms components would cause that each firearm would have 4 or 5 different numbers. The bureaucratic burden, especially for public officers would then multiply. It’d be necessary to use additional resources to this extend, which does not guarantee any additional security.

The marking of the barrel (widely required worldwide), as most important part of the firearm, and only part essential for its functioning is the best, most efficient and most proportional measure.

The marking of all essential components would get specially complicated taking in consideration the current definition of those components included in the Firearms Directive which, with the breach-closing mechanism, the chamber and the barrel it also comprises “*any element that is indispensable for its*

⁷ Case 181/73, *V. Haegeman v. the Belgian State*

⁸ Article 4 of the Firearms Directive.

⁹ Article 10.6 of the UN Protocol regarding *general requirements for export, import and transit licensing or authorization systems*.

¹⁰ Article 4 of the Firearms Directive.



functioning”¹¹. Such wide definition would cause an even more difficult application of the components marking requirement.

Requiring the marking of each part or component of a firearm would considerably increase the production costs, especially for small companies. Some European countries (especially Germany, Austria, Czech Republic, Spain, UK, Hungary, between others) have an important number of handcraft men specialized in the production of fine hunting guns.

It is defended in the Executive Summary of the Evaluation of the Firearms Directive that *“the type and number of parts in which the mark should be affixed differ across the EU. The differences arise, on the one hand, from the failure of some EU Member States to treat essential components as firearms, and on the other hand, from the exemption of essential components in the marking obligations of the Directive”*¹². The problem, however, does not rely in a different understanding of what an essential component is. The problem relies in a deficient application of the Directive’s current text. By demanding the marking of those essential components the destruction of which would render the firearm unusable, the Directive is, per se, clear enough. In fact already most member states require the marking of the barrel, what is the most efficient option.

2.2. Convertibility and Alarm Weapons

The abovementioned Executive Summary states that *“whether or not a weapon can be converted to fire a live round is currently determined by national authorities, and there are no common technical guidelines related to convertibility”*¹³. This statement cannot be supported. Precisely because police intelligence evidence showed an increase in the use of converted weapons within the EU, the amending Directive of 2008 considered as an essential task to *“ensure that such convertible weapons are brought within the definition of a firearm for the purposes of Directive 91/477/EEC”*¹⁴. In this sense, the Directive already defines what requirements turn a converted weapon into a firearm, namely¹⁵:

- a) The capability of expelling a shot, bullet or projectile by the action of a combustible propellant.
- b) The appearance of a firearm.
- c) The possibility of converting it due to a result of its construction or the material from which it is made.

These requirements are all of technical nature and clear enough.

For alarm weapons to be sold in the EU, it is necessary for them to pass the approval test developed by every Member State. Every Member State shall check that alarm weapons are not convertible according to the previous definition.

Alarm weapons imported from some non EU countries raised in the near pasts the alarm in our Community. For this reasons many Member States decided to revise their approval system in order for it to be more secure. Currently most or all EU member states correctly apply the Directive requirements through a correct homologation system.

In any case, in our opinion, it is important to encourage (and require) that all Member States strictly apply the Firearms Directive concerning convertibility and alarm weapons, to reduce the related risk.

2.3. Deactivation

¹¹ See articles 1.(b) and 4 of the Firearms Directive.

¹² Page 6.

¹³ Page 6.

¹⁴ Whereas 4 of Directive 2008/51/EC.

¹⁵ See article 1 of the Firearms Directive.



Regarding the deactivation of firearms, Directive 91/477/EEC, prior to its amendment in 2008, only referred to national registration. In this sense, Directive 2008/51/EC, faithful to the UN Firearms Protocol, set out more explicit general principles with the amendment of Annex I of the Directive 91/477/EEC, stating that “*objects which correspond to the definition of firearms shall not be included in that definition if they: (...) 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 modification** that would permit the firearm to be reactivated in any way*”. The Directive requirement is so rigorous that many member states are not applying them strictly. Many EU Member States have implemented their specific deactivation procedures.

The problem gets bigger as no technical common guidelines have been published. Once the EU Guidelines will be clear we believe that any interpretation and application problems within the EU shall disappear.

Furthermore, let's not forget that it has never been the intention of the Directive to fully harmonize national legislations on firearms, for why a shift in that direction would impinge unnecessarily on the principle of subsidiarity.

Brussels, May 2015.



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Brussels, 25th November 2015

RE: Commission's proposal to amend the Firearms Directive

Dear Ms Evans,

Dear Mr Ruete,

I am writing to you in my capacity as President of the **European Association of the Civil Commerce of Weapons (AECAC)**¹⁶ with regard to the Commission's proposal to amend the Firearms Directive.

The Commission is putting forward a number of restrictions concerning the legal ownership of **civil firearms**, including the ban of some of them. Even more worrying, the Commission presents its proposal as an essential element of the fight against trafficking of firearms and terrorism.

Since 2013, the Commission has been trying, without success, to establish a link between legal and illegal firearms, for which it has even resorted to the unacceptable misrepresentation and alteration of data¹⁷. However, recent tragic terrorist attacks have finally provided the Commission with the political opportunity to present a legislative proposal to review the Firearms Directive.

¹⁶ AECAC was founded in 1992 and it is formed from numerous national associations representing the interests of firearm and hunting small- and medium-sized enterprises from all over Europe. Being the only representative at a European level of the **firearm retailers**, AECAC has already stated its satisfaction with the current text and functioning of the Directive 91/477/EEC, as amended by Directive 2008/51/EC.

¹⁷



My association is mainly made up of SMEs, subject to the strictest controls. In this respect, it is difficult to reconcile the tabling of your proposal (which has not even been accompanied by an impact assessment) with the ‘Think Small First’ principle and the mission statement of DG GROW.

The estimated **10 million legal owners** of civil firearms (mostly hunters and sport-shooters) and thousands of legal firearms dealers across the EU are still shocked by the Commission's initiative. They are asking themselves what they have done wrong and why they should pay for enforcement failures and for hideous acts committed by criminals. Those millions of law-abiding citizens are however starting to understand that they are just the collateral damage of somebody's political agenda.

The current rules under the Firearms Directive are already very strict. Legislation, however, is useless without enforcement. The Commission, as Guardian of EU law, must ensure that Member States transpose correctly the Directive. For instance, the Directive mandates that deactivated firearms be rendered permanently unfit for use, ensuring that all its essential parts have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way. The Directive also lays down rules to prevent blank firing weapons from being converted into firearms. Given that the Commission argues that problems in these specific areas are part of the justification to reopen the Directive, it is legitimate to ask the Commission what it has done in the last years to ensure that national legislations have complied with the current obligations under the Directive.

It is utterly wrong to believe that by increasingly restricting legal trade in and use of hunting and sporting firearms illegal trafficking in firearms will be reduced. Such restrictions will not only impose unjustified and disproportionate restrictions on legal users but they will also **divert public resources from the real threats**, such as tackling the current black market and the trafficking in firearms coming from post-conflict areas.

My association calls on the Commission to reconsider its current strategy, which will only exacerbate the **disaffection of millions of citizens towards the EU** and will not solve the real problems. The Commission should instead enforce the current rules on legal firearms and coordinate the actions and efforts of the Member States in the fight against illegal activities.

Yours sincerely,

Yves GOLLETY
President



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Bruxelles, le 25 novembre 2015

RE: Proposition de la Commission pour modifier la Directive relative aux armes à feu.

Madame Evans,
Monsieur Ruete,

Je m'adresse à vous en ma qualité de Président de l'Association Européenne pour le Commerce Civil d'Armes (« **European Association of the Civil Commerce of Weapons** » ou « **AECAC** »)¹⁸ au sujet de la proposition présentée par la Commission dans le but de modifier la Directive relative aux armes à feu.

La Commission a proposé l'adoption d'un grand nombre de restrictions pour la détention légale d'armes à feu, prévoyant la prohibition de certaines d'entre elles. Il est inquiétant que la Commission présente sa proposition comme un moyen essentiel pour lutter contre le trafic illégal d'armes à feu et le terrorisme.

Depuis 2013, la Commission a tenté en vain d'établir un lien entre les armes à feu légales et illégales, en ayant recours à d'inadmissibles déformations et altérations des données. La récente tragique attaque terroriste à de nouveau offert à la Commission l'opportunité de présenter une proposition législative pour la refonte de la Directive relative aux armes à feu.

¹⁸ AECAC fut fondée en 1992 et est formée par de nombreuses associations nationales représentant les intérêts des petites et moyennes entreprises d'armes à feu et de chasse partout en Europe. Étant le seul représentant à l'échelle européenne **d'entreprises intermédiaires d'armes à feu**, AECEAC avait déjà soutenu le texte et le fonctionnement actuel mis en place par la Directive 91/477/CEE, modifiée par la Directive 2008/51/CE.



Notre Association est principalement composée de PME, sujets à de très stricts controls. À leur égard, il devient très difficile de concilier votre proposition (qui n'est d'ailleurs accompagnée d'aucune évaluation d'impact) avec le principe de « penser aux petits d'abord » (« Think Small First ») prévue dans la déclaration de mission de la Direction Générale GROW.

Une estimation de 10 millions de détenteurs légaux d'armes à feu civiles (principalement chasseurs et tireurs sportifs) et des milliers de commerçants légaux d'armes à feu à travers l'UE sont déconcertés par l'initiative prise par la Commission. Ils se demandent ce qu'ils ont bien pu faire de mal et pour quelle raison devraient-ils répondre des échecs et des hideux actes commis par des criminels. Ces millions de citoyens respectueux commencent néanmoins à comprendre qu'ils représentent uniquement en réalité les victimes collatérales de l'agenda politique de certaines personnes.

Les dispositions en vigueur issues de la Directive relative aux armes à feu sont déjà très strictes. Cette réglementation est néanmoins inutile si elle n'est pas respectée. La Commission, en tant que gardienne du respect de la Loi de l'UE, devrait s'assurer que les États Membres transposent correctement cette Directive. Par exemple, la Directive oblige à rendre les armes à feu définitivement impropres à l'usage par une neutralisation assurant que toutes les parties essentielles de l'arme à feu ont été rendues définitivement inutilisables et impossibles à enlever, remplacer, ou modifier en vue d'une réactivation quelconque de l'arme à feu. La Directive prévoit aussi des dispositions visant à éviter que les armes de tir à blanc ne soient converties en armes à feu. Comme la Commission soutient que les problèmes survenus dans ce domaine spécifique justifient une refonte de la Directive, ne serait-il pas légitime de lui demander ce qu'elle a entrepris ces dernières années pour assurer que les législations nationales respectent les obligations contenues dans la Directive.

Il est tout à fait erroné de croire qu'avec l'augmentation de restrictions légales sur le marché destiné à l'activité de chasse et de tir-sportif, le trafic illégal d'armes se réduira pour autant. Non seulement ces restrictions injustifiées et disproportionnées s'imposeraient à des usagers légaux, mais elles pourraient dévier les ressources publiques des réelles menaces, comme combattre le marché noir actuel et le trafic d'armes issu de régions post-confliktuelles.

Notre Association appelle la Commission à reconsidérer sa présente stratégie, qui ne fera qu'accroître le mécontentement de millions de citoyens envers l'UE et ne résoudra pas les réels problèmes. La Commission devrait plutôt s'efforcer à faire appliquer la réglementation relative aux armes à feu en vigueur et coordonner les actions et efforts des États Membres dans la lutte contre les activités illégales.

Sincèrement votre,

Yves GOLLETY

Le Président



AECAC¹⁹ POSITION PAPER ON THE REVISION OF THE FIREARMS DIRECTIVE

CONTEXT

By tabling a legislative proposal to amend the Firearms Directive, the Commission is putting forward a number of restrictions concerning the legal ownership of civil firearms, including the ban of some of them. The Commission presents its proposal as an essential element of the fight against trafficking of firearms and terrorism, despite having failed to prove any link between legal and illegal activities.

The Firearms Directive, which was thoroughly amended in 2008 with a broad political support, already lays down strict rules on the acquisition and possession of civil firearms. Legislation, however, is useless without enforcement.

UNSUBSTANTIATED LINK BETWEEN LEGAL AND ILLEGAL FIREARMS

Since 2013, the Commission has been trying, without success, to establish a link between legal and illegal firearms, for which it has even resorted to the unacceptable misrepresentation and alteration of data²⁰.

Recent tragic terrorist attacks have finally provided the Commission with the political opportunity to present a legislative proposal to review the Firearms Directive. In the Questions and Answers that accompany the legislative proposal, the Commission states the following: "*There is little official data on the types of firearms circulating in the EU, weapons illegally used and trafficked, and criminal offences and activities involving civilian firearms. However, it has become clear that gaps in the current legislation on firearms and shortcomings in its implementation at national level make us vulnerable to criminal activity and have an impact on the overall level of security of EU citizens*".

In fact, there should be sufficient official data at least with regard to legal firearms, given that the Directive requires the registration of legal firearms, the establishment and maintenance of a computerized data-filing system and the exchange of information amongst Member States.

¹⁹ AECAC was founded in 1992 and it is formed from numerous national associations representing the interests of firearm and hunting small- and medium-sized enterprises from all over Europe. Being the only representative at a European level of the **firearm retailers**, AECAC has already stated its satisfaction with the current text and functioning of the Directive 91/477/EEC, as amended by Directive 2008/51/EC.

²⁰http://face.eu/sites/default/files/attachments/face_response_to_ec_communication_on_firearms_10_02_2014_formatted.pdf



The Commission claims that there are gaps in the current legislation on firearms. However, it does not provide data to support that claim and it mostly puts forward measures (like the ban of certain semiautomatic firearms) that bear no connection with illegal firearms. The proposed changes on deactivation of firearms, which potentially bear such connection with illegal firearms, do not substantially change the current rules, which are already extremely strict (see below the section on deactivation).

During the debate held on 7 December 2015 at the Committee on the Internal Market and Consumer Protection of the European Parliament, the Commission stated that 10,000 people have been killed with legal firearms in Europe in the last ten years. AECAC is convinced that this statement is false and also that it shows, once again, the repeated tendency of the Commission to mix up legal and illegal activities.

NEGATIVE IMPACT ON SMEs. ABSENCE OF IMPACT ASSESSMENT.

AECAC is mainly made up of Small and Medium Enterprises (SMEs), subject to the strictest controls, including those laid down in the Firearms Directive. In this respect, it is difficult to reconcile the tabling of the proposal (which has not even been accompanied by an impact assessment) with the 'Think Small First' principle and the mission statement of the Commission's Directorate General for Internal Market, Industry, Entrepreneurship and SMEs.

Most of the companies dealing with sport and hunting firearms are SMEs. For them, the implementation of new restrictions would have a negative impact. The burden of administration and regulation – i.e. dealing with red tape – is the biggest complaint of SMEs when it comes to hindrances to their business.

The proposal is in contradiction with the Small Business Act (SBA) for Europe, which is supposed to reflect the central role of SMEs in the EU economy and for the first time puts into place a comprehensive policy framework for the EU and its Member States concerning Small Companies. The EU needs a SME-friendly policy, not proposals driven by ideological prejudices or a political agenda - like the one to amend the Firearms Directive.

The Commission seeks to justify the lack of impact assessment "due to the urgency of the proposal in the light of recent events". However, the only element in the proposal which could bear some connection with those recent events, namely the deactivation of firearms, is already strictly regulated in the Directive. Furthermore, the Commission has needed seven years to adopt guidelines on deactivation, which could have been adopted without amending the Directive.

BREACH OF THE SUBSIDIARITY PRINCIPLE



In accordance with the principle of subsidiarity, in areas which do not fall within its exclusive competence, the EU shall take action only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the EU. Any action by the EU shall be proportionate, that is to say, it shall not go beyond what is necessary to achieve the objectives of the EU Treaties.

The Directive, which is an instrument of the internal market, currently provides a coherent framework that creates mutual trust amongst Member States whilst respecting different national sensibilities on firearms. Member States can also adopt stricter measures provided that they do not breach internal market rules. However, it never been the objective of the Directive to fully harmonize national legislation on firearms. The Commission's proposed measures unnecessarily regulate in detail aspects of that legislation and in doing so they impinge on the principles of subsidiarity and proportionality.

The Commission seems to forget that harmonization is not an end in itself but the means to achieve mutual trust and thus facilitate the acceptance of common rules for intra-EU movements.

BAN OF CERTAIN SEMIAUTOMATIC FIREARMS

The Commission seeks to ban semiautomatic firearms for civilian use that resemble automatic weapons with automatic mechanisms (currently listed in category B-7) as well as firearms which have been converted into semiautomatic firearms.

Semiautomatic firearms that could more or less resemble (on the basis of a subjective assessment) automatic ones are often used by sport-shooters and in some instances are also by hunters.

Those firearms are already subject to authorization under the Directive and in practice Member States require the highest level of control on their acquisition and authorization. Furthermore, their transformation into automatic firearms (if at all possible) would already amount to illicit manufacturing under the Directive.

The Commission has not produced any data to support the proposed ban. Furthermore, the terrorist attacks undertaken during the last year (which the Commission seeks to use as anecdotal evidence to support its proposed restrictions) did not involve legally-held semiautomatic firearms.

Until now, there has been a clear distinction between prohibited firearms (automatic ones) and non-prohibited firearms (the rest). If legal firearms owners and dealers are supposed to accept the end of this distinction just because it suits the political agenda or the ideological prejudices of the Commission, are they also expected to accept subsequent bans for the same reason?



The ban of certain firearms on the basis of their "looks" is arbitrary, subjective and far too vague to provide legal certainty. The exterior aspect of a firearm says very little about its danger. Furthermore, some firearms can be fitted with an array of accessories (some of them purely cosmetic) that could make a firearm look "tactical" and thus subject to the ban.

Thousands of law-abiding EU citizens have legally acquired those firearms. The proposed confiscation of their property would only result in litigation and payment of millions of Euros in compensation, without bringing any additional security.

If there is evidence that certain semiautomatic firearms are potentially dangerous, any restriction under the Directive should be based on an objective criterion, like the possibility to readily convert a semiautomatic firearm into an automatic one on account of its mechanism and operation. The Commission could then issue technical guidelines, as it has been done with regard to deactivation standards.

DEACTIVATION OF FIREARMS

The Directive already mandates that deactivated firearms be rendered **permanently unfit for use, ensuring that all its essential parts have been rendered permanently inoperable and incapable of removal, replacement or a modification** that would permit the firearm to be reactivated in any way. The Directive already provides for one of the strictest deactivation standards in the world, which turn a firearm into a piece of welded metal. Furthermore, contrary to what the Commission has insinuated, the acquisition of any essential component for a firearm is subject to the same conditions as those that apply to the firearm for which the essential component is intended.

Given that the Commission argues that problems in this specific area is part of the justification to reopen the Directive, it is legitimate to ask the Commission what it has done in the last years to ensure that national legislations have complied with the obligations on deactivation pursuant to the Directive. The Commission, as Guardian of EU law, must ensure that Member States transpose correctly the Directive.

It is also worth noting that it has taken the Commission no less than seven years to issue guidelines on deactivation. Those guidelines have been finally adopted under the form of an Implementing Regulation, which did not require the amendment of the Directive.

Instead of enforcing the existing rules, the Commission proposes to register and license properly deactivated firearms. Such measure is totally uncalled for. A firearm that is deactivated pursuant to the Directive (and the above-mentioned Implementing Regulation) cannot be reactivated. The Commission's proposed measure would only waste resources and diverts them from the fight against illegal activities.



TIME LIMITATION FOR FIREARMS PERMITS

Some Member States require the periodical renewal of authorizations while others do not require such renewal but withdraw the authorization if any of the conditions on the basis of which it was granted are no longer satisfied.

The Commission seeks to limit the validity of all authorizations to **five years**.

Such new restriction does not bring any additional security to the system, burdens legal responsible owners and public officers with additional bureaucracy and costs and impinges on the subsidiarity principle.

MANDATORY MEDICAL TEST

The Directive already requires that persons that wish to acquire or possess firearms are not likely to be a danger to themselves, public order or public security. In this respect, the Directive requires that those persons have a clean criminal record. Additionally, some Member States require a medical certificate while some others conduct a different type of control, for instance through interviews with the police or the relevant authorities. The Member States that favor the latter approach (like Germany and the UK) do not seem to encounter specific problems.

The Commission's proposed imposition of standard medical tests unnecessarily impinges of the subsidiarity principle.

RESTRICTIONS ON SOUND MODERATORS

Sound moderators have been used in several countries (e.g. Denmark, Ireland, UK, and Germany) for many years for health and safety reasons. They are very useful to avoid permanent hearing damages not only for hunters but also for game keepers, forestry personnel and even working dogs, game and all the fauna.

Large caliber rifles have a sound level of around 150 dB without a sound moderator. These can be reduced in more than 70 % by using sound moderators.

The experience in the countries where sound moderators are being legally used is that there isn't any danger or problem with these items. Adding new restrictions on them is not technically justified.

BANS FOR MUSEUMS AND COLLECTORS



The Commission's proposal extends the personal scope of the Directive to cover cultural bodies (such as museums) and collectors.

The Directive already requires the registration and marking of any firearm placed in the market (except antique firearms), so these requirements should apply already to cultural bodies and collectors. In practice, Member States already control the acquisition of firearms by cultural bodies and collectors, in some cases even requiring higher standards than those for hunters and sport-shooters (for instance, regarding the storage of firearms).

The proposed blanket ban on category A firearms would imply the destruction of safely-kept historical firearms in private collections and museums. Private collectors would not even be allowed to keep deactivated category A firearms. Such measure would have a very negative impact on Europe's historical heritage and would also have severe financial consequences.

It is also unacceptable that the Commission points at collectors as a source for illicit trafficking without providing any evidence.

NEW RESTRICTIONS FOR YOUNG HUNTERS AND SPORT SHOOTERS

The current legal framework already prohibits young persons (under the age of 18) from purchasing firearms. They can only acquire a firearm if it is given to them by their parents or if they inherit it - and of course if they meet the other conditions laid down in the Directive. The subsequent possession and use of the firearm require parental permission and guided supervision.

The Commission seeks to eliminate completely the possibility for young people to acquire firearms under the above-mentioned conditions.

Many high schools, particularly in rural areas, educate students in hunting and wildlife management. Sport-shooting is also widely extended between young people.

The Commission's proposed measure seems to be based on an ideological prejudice and it affects the future of hunting and sport shooting.

CONCLUSIONS

The Commission's proposed measures would only penalize law-abiding citizens and business. None of the proposed measures would have prevented the recent terrorist attacks.



It is utterly wrong to believe that by increasingly restricting legal trade in and use of hunting and sporting firearms illegal trafficking in firearms will be reduced. Such restrictions will not only impose unjustified and disproportionate restrictions on legal users but they will also divert public resources from the real threats, such as tackling the current black market and the trafficking in firearms coming from post-conflict areas.

AECAC calls on the Commission to reconsider its current strategy, which will only exacerbate the disaffection of millions of citizens towards the EU and will **not solve the real problems**. The Commission should instead enforce the current rules on legal firearms and coordinate the actions and efforts of the Member States in the fight against illegal activities.

Brussels, December 2015



MEMOIRE RELATIVE À LA POSITION DE AECAC²¹ FACE À LA RÉVISION DE LA DIRECTIVE RELATIVE AUX ARMES À FEU

CONTEXTE

La Commission prévoit dans sa proposition législative visant à modifier la Directive relative aux armes à feu l'adoption d'un grand nombre de restrictions pour la détention légale d'armes à feu, comprenant la prohibition de certaines d'entre elles. Sa proposition est présentée comme un élément essentiel pour lutter contre le trafic illégal d'armes à feu et le terrorisme, sans pour autant démontrer l'existence d'un lien entre les activités légales et les activités illégales.

La Directive relative aux armes à feu, qui fut sérieusement modifiée en 2008 avec l'appui des forces politiques, établit déjà des règles très strictes pour l'acquisition et la détention civile d'armes à feu. Cette réglementation est néanmoins inutile si elle n'est pas respectée.

LIEN INFONDÉ ENTRE LES ARMES À FEU LÉGALES ET ILLÉGALES

Depuis 2013, la Commission a tenté en vain d'établir un lien entre les armes à feu légales et les armes à feu illégales, en ayant recours à d'inadmissibles déformations et altérations de données.

Les récentes attaques terroristes ont finalement offert à la Commission l'opportunité de présenter une proposition législative pour la révision de la Directive relative aux armes à feu. Dans les Questions et Réponses unies à la proposition législative, la Commission déclare :

« Il existe peu de données officielles ayant pour objet le types d'armes à feu circulant dans l'UE, les armes illégalement utilisées et qui font l'objet de trafic illicite, ou les actes criminels et activités impliquant des armes à feu civiles. Cependant, il est devenu évident que la brèche entre la réglementation relative aux armes à feu en vigueur et les défaillances constatées dans son application au niveau national, nous rend vulnérables envers les activités criminelles et ont un impact au niveau de la sécurité globale des citoyens de l'UE. »

²¹ AECAC fut fondée en 1992 et est formée par de nombreuses associations nationales représentant les intérêts des petites et moyennes entreprises d'armes à feu et de chasse partout en Europe. Étant le seul représentant à l'échelle européenne **d'entreprises intermédiaires d'armes à feu**, AECEAC avait déjà soutenu le texte et le fonctionnement actuel mis en place par la Directive 91/477/CEE, modifiée par la Directive 2008/51/CE.



En réalité, les données officielles relatives aux armes à feu légales devraient être suffisantes, la Directive exige la tenue d'un registre, l'établissement et le maintien d'un système de données informatique et d'échange d'informations entre les différents Etats Membres.

La Commission soutient qu'il existe des lacunes dans la législation en vigueur relative aux armes à feu. Cependant, aucune donnée à l'appui n'est présentée pour justifier cette affirmation et les mesures qui sont principalement proposées (comme la prohibition de certaines armes semi-automatiques) ne gardent aucun lien avec les armes à feu illégales. Les modifications concernant la désactivation des armes à feu, qui pourraient potentiellement garder certains liens avec les armes à feu illégales, n'altèrent pas substantiellement la réglementation en vigueur qui est déjà extrêmement stricte (voir la section sur la désactivation).

Durant le débat mené le 7 décembre 2015 au sein du Comité du Marché Intérieur et Protection des Consommateurs du Parlement Européen, la Commission déclarait que 10.000 personnes avaient été tuées avec des armes à feu légales en Europe pendant ces dix dernières années. AECAC est convaincue que cette déclaration est fausse et montre, une fois encore, la tendance répétée de la Commission à confondre les activités légales des activités illégales.

IMPACTS NEGATIFS SUR LES PME, ABSENCE D'ÉVALUATION D'IMPACT.

AECAC est principalement formée par des PME, sujets à de très stricts contrôles, comprenant ceux établis par la Directive relative aux armes à feu. À leur égard, il devient très difficile de concilier la proposition (qui n'est d'ailleurs accompagnée d'aucune évaluation d'impact) avec le principe de « penser aux petits d'abords » (« Think Small First ») et la mission de la Direction Générale de la Commission pour le Marché intérieur, industrie, entrepreneuriat et PME.

La plupart des entreprises dont l'activité est liée aux sports de tir et à la chasse sont des PME. L'adoption de nouvelles restrictions suppose pour eux un impact négatif. Le poids de l'Administration et de la réglementation – liés à la lourdeur bureaucratique, par exemple – sont les principales entraves au fonctionnement de leurs activités.

La proposition va à l'encontre de la Loi sur les Petites Entreprises pour l'Europe (« Small Business Act »), qui est sensé refléter le rôle central des PME dans l'économie de l'UE et qui pour la première fois met en place un cadre politique compréhensif pour l'UE et ses membres envers les petites entreprises. L'UE nécessite une politique en faveur des PME, et non des propositions guidés par des idéologies préjudicielles ou par un agenda politique, comme c'est actuellement le cas avec la révision de la Directive relative aux armes à feu.



La Commission cherche à justifier l'absence d'évaluation d'impact par le fait de « l'état d'urgence au regard des événements récents ». Cependant, le seul élément de la proposition qui pourrait avoir un certain lien avec les événements récents, la désactivation d'armes à feu, est déjà réglementée de façon stricte dans la Directive. Par ailleurs, la Commission a pris pas moins de sept ans pour adopter un règlement d'exécution pour la désactivation d'armes à feu qui aurait de surcroît pu être adopté sans la révision de la Directive.

VIOLATION DU PRINCIPE DE SUBSIDIARITE

Dans les domaines qui ne relèvent pas de sa compétence exclusive, le principe de subsidiarité permet l'intervention de l'UE si les objectifs d'une action envisagée ne peuvent pas être réalisés de manière suffisante par les États mais peuvent davantage l'être à son niveau.

Chaque action de l'UE doit répondre au principe de proportionnalité, c'est-à-dire aucune action ne doit excéder ce qui est nécessaire pour accomplir les objectifs fixés par les traités européens.

La Directive, qui est un instrument du marché intérieur, présente actuellement un cadre cohérent qui instaure une confiance mutuelle entre les Etats Membres, tout en respectant les différentes particularités nationales relatives aux armes à feu. Les Etats membres peuvent aussi adopter des mesures plus strictes si elles ne contreviennent pas les règles du marché intérieur. En revanche, l'objectif de la Directive n'a jamais été d'harmoniser toutes les législations nationales relatives aux armes à feu. Les mesures proposées par la Commission réglementent en détail certains aspects de la législation et empiètent sur les principes de subsidiarité et de proportionnalité.

La Commission semble oublier que l'harmonisation n'est pas une finalité en soi mais le moyen d'instaurer une confiance mutuelle et faciliter, par conséquent, l'acceptation de règles communes dans l'UE.

PROHIBITION DE CERTAINES ARMES SEMI-AUTOMATIQUES

La Commission cherche à interdire les armes semi-automatiques d'utilisation civile qui ressemblent à celles qui disposent d'un mécanisme automatique (actuellement listés dans la catégorie B-7), ainsi que les armes à feu ayant été converties en armes semi-automatiques.

Les armes à feu semi-automatiques qui peuvent plus ou moins ressembler (sur la base d'une évaluation subjective) aux armes automatiques sont souvent utilisées par les tireurs sportifs et, dans certains cas, aussi par les chasseurs.

Ces armes à feu font déjà l'objet d'autorisations sous la Directive et, dans la pratique, les États Membres ont établi un niveau plus élevé de contrôle pour leur acquisition et leur détention. Par ailleurs, leur



transformation en armes à feu automatiques (si cela est possible) est déjà signalées comme illicites dans la Directive.

La Commission n'a présenté aucune donnée pour justifier sa proposition. Par ailleurs, les attaques terroristes commises l'année dernière (dont la Commission voulait se servir comme argument pour justifier les restrictions proposées) ne portaient pas sur la détention légale d'armes à feu semi-automatiques.

Jusqu'à présent, il y a eu une claire distinction entre les armes à feu prohibées (les armes automatiques) et les armes à feu non prohibées (le reste). Si les détenteurs légaux d'armes à feu et les commerçants sont supposés accepter la fin de cette distinction pour répondre uniquement à l'agenda politique ou à des idéologies préjudiciables de la Commission, seront-ils prêts à accepter les subséquentes prohibitions pour ces mêmes raisons ?

La prohibition de certaines armes à feu en fonction de leurs apparences est arbitraire, subjective, et beaucoup trop vague pour garantir une certaine sécurité juridique. Les aspects extérieurs des armes à feu en disent trop peu sur leur danger. Par ailleurs, certaines armes à feu peuvent être dotées d'une multitude d'accessoires (certains d'entre eux purement esthétique) qui peuvent leur donner une apparence plus sophistiquée et donc faire ainsi objet de prohibition.

Des milliers d'honnêtes citoyens de l'UE ont légalement acquis ce type d'armes à feu. La proposition de confiscation de leurs biens ne pourra que déboucher sur des contentieux et sur le paiement de dizaines de millions d'euros à titre de compensation, sans pour autant renforcer la sécurité.

S'il est démontré que certaines armes à feu semi-automatiques sont potentiellement dangereuses, aucune restriction de la Directive ne peut être fondée sur un critère objectif, comme la possibilité de convertir facilement une arme semi-automatique en une arme automatique à partir de son mécanisme et fonctionnement. La Commission peut alors présenter des instructions techniques, comme cela a été le cas pour la désactivation standard.

DESACTIVATION D'ARMES À FEU

La Directive oblige déjà à rendre les armes à feu définitivement impropres à l'usage par une neutralisation assurant que toutes les parties essentielles de l'arme à feu ont été rendues définitivement inutilisables et impossibles à enlever, remplacer, ou modifier en vue d'une réactivation quelconque de l'arme à feu. La Directive prévoit un des mécanismes de désactivations standard les plus stricts du monde avec la conversion d'armes à feu en pièces métalliques soudées. Par ailleurs, contrairement à ce que la Commission a insinué, l'acquisition de composants essentielles (munitions) pour une arme à feu est soumise aux mêmes conditions que pour l'acquisition d'armes à feu auxquelles elles sont destinées.



Comme la Commission soutient que les problèmes survenus dans ce domaine spécifique justifient la révision de la Directive, ne serait-il pas légitime de lui demander ce qu'elle a entrepris ces dernières années pour assurer que les législations nationales respectent les obligations de désactivation contenues dans celle-ci ? La Commission, en tant que gardienne du respect de la Loi de l'UE, devrait s'assurer que les États Membres transposent correctement cette Directive.

Il est également important de noter que la Commission a pris pas moins de sept ans pour présenter les lignes directrices de la désactivation. Ces lignes directrices ont finalement été adoptées dans la forme d'un règlement d'exécution qui n'exigeait pas la modification de la Directive.

Plutôt que de renforcer les règles existantes, la Commission propose d'inscrire et de soumettre à autorisation les armes à feu désactivées, voire de les interdire complètement pour les armes automatiques neutralisées, deux mesures parfaitement illogiques et incompréhensibles.

Ces mesures sont totalement injustifiées. Une arme à feu qui est désactivée conformément à la Directive (et ledit règlement d'exécution) est rendue inopérante et ne peut plus être réactivée. Les mesures proposées par la Commission supposent uniquement une perte des ressources qui les dévient de la lutte contre les activités illégales.

DURÉE DES AUTORISATIONS D'ARMES À FEU

Certains États Membres prévoient une rénovation périodique des autorisations pendant que d'autres n'exigent aucune rénovation mais le retrait de l'autorisation si les conditions qui ont servi de base à sa délivrance ne sont plus réunies.

La Commission prétend limiter la validité de toutes les autorisations à cinq ans. Cette restriction additionnelle n'apporte aucune sécurité complémentaire pour le système, en imposant aux détenteurs légaux et officiers publics davantage de démarches bureaucratiques et coûts, et en empiétant le principe de subsidiarité.

EXAMEN MÉDICAL OBLIGATOIRE

La Directive prévoit déjà que les personnes qui souhaitent acquérir ou détenir des armes à feu ne soient pas susceptibles de présenter un danger pour eux-mêmes, l'ordre public ou la sécurité publique. Dans ce sens, la Directive exige que ces personnes n'aient pas de casier judiciaire. Certains États Membres requièrent également un certificat médical tandis que d'autres instaurent d'autres types de contrôles, comme par exemple un entretien avec la police ou devant d'autres autorités importantes. Les États Membres qui sont en



faveur de la seconde approche (l'Allemagne ou la Grande Bretagne) ne semblent pas rencontrer de problèmes spécifiques.

La proposition de la Commission visant à imposer l'obligation d'un examen médical standard empiète inutilement le principe de subsidiarité.

RESTRICTIONS SUR LES MODÉRATEURS DE SON

Les modérateurs de sons ont été utilisés dans plusieurs pays (p.e. Danemark, Irlande, GB, Allemagne) pendant des années pour des raisons de santé et de sécurité. Ils sont très utiles pour éviter des dommages auditifs permanents, non seulement pour les chasseurs mais aussi pour les gardes-chasses, le personnel forestier et certains chiens de travail, gibier et toute la faune.

Les fusils de gros calibre ont un niveau de son approximatif de 150 dB sans modérateur. Ils peuvent être réduits à moins de 70% en utilisant un modérateur de son.

L'expérience dans les pays dans lesquels les modérateurs de son sont légalement utilisés montre qu'il n'existe aucun danger ou problème à ce sujet. Ajouter des restrictions pour leur utilisation n'est pas techniquement justifié.

PROHIBITIONS POUR LES MUSÉES ET COLLECTIONNEURS

La proposition de la Commission étend le champ d'application de la Directive dans le sens d'inclure les institutions culturelles (comme les musées) et les collectionneurs.

La Directive exige déjà l'inscription et la signalisation de tous les lieux où des armes à feu peuvent se trouver sur le marché (à l'exception des armes à feu anciennes), donc cette exigence devrait déjà s'appliquer envers les institutions culturelles et les collectionneurs. Dans la pratique, les États Membres contrôlent déjà l'acquisition d'armes à feu par les institutions culturelles et les collectionneurs, en requérant dans certains cas des standards plus élevés que ceux exigés pour les chasseurs ou les tireurs sportifs (par exemple, pour les magasins d'armes à feu).

La proposition d'interdiction générale d'armes à feu de la catégorie A supposerait la destruction d'armes à feu historiques bien conservés dans les collections privées et musées. Les collectionneurs privés ne seraient pas non plus autorisés à garder les armes à feu de catégorie A désactivées. Cette mesure pourrait avoir un impact très négatif sur l'héritage historique européen, ainsi que des conséquences économiques.



Il est par ailleurs inacceptable que la Commission signale les collectionneurs comme source du trafic illégal sans apporter aucune justification.

NOUVELLES RESTRICTIONS POUR LES JEUNES CHASSEURS ET LES JEUNES TIREURS-SPORTIFS

Le cadre légal actuel interdit aux jeunes personnes (moins de 18 ans) l'acquisition d'armes à feu. Ils peuvent acquérir des armes à feu uniquement si elles leurs sont données par leurs parents ou s'ils en héritent – et bien entendu, s'ils remplissent toutes les autres conditions établies dans la Directive. La possession subséquente et l'utilisation d'armes à feu requièrent une autorisation parentale et une surveillance guidée.

La Commission cherche à éliminer complètement la possibilité pour les jeunes d'acquérir des armes à feu dans les conditions susmentionnées.

Beaucoup d'écoles secondaires, notamment dans les zones rurales, enseignent aux étudiants la gestion de la chasse et de la faune. Le tir sportif est également largement étendu parmi les jeunes.

Les mesures proposées par la Commission semblent se baser sur une idéologie préjudicielle et affectent l'avenir de la chasse et du tir sportif.

CONCLUSIONS

Les mesures proposées par la Commission pénalisent uniquement les honnêtes citoyens et le commerce. Aucune des mesures proposées ne préviendra des attaques terroristes telles que celles malheureusement intervenues récemment.

Il est tout à fait erronée de croire qu'avec l'augmentation de restrictions légales sur le marché destiné à l'activité de chasse et de tir sportif le trafic illégal d'armes se réduira pour autant. Non seulement ces restrictions injustifiées et disproportionnées s'imposeraient à des usagers légaux, mais elles pourraient dévier les ressources publiques des réelles menaces, comme combattre le marché noir actuel et le trafic d'armes issu de régions post-confliktuelles.

AECAC appelle la Commission à reconsidérer sa présente stratégie, qui ne fera qu'accroître le mécontentement de millions de citoyens envers l'UE et ne résoudra pas les réels problèmes. La Commission devrait plutôt s'efforcer à faire appliquer la réglementation relative aux armes à feu en vigueur et coordonner les actions et efforts des États Membres dans la lutte contre les activités illégales.