

## **Informal outcome of proceeding of the meeting of the IMCO Committee of the European Parliament of 7 December 2015 (Firearms Directive Discussion)**

### **1. Presentation by the Commission of the Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons (Firearms Directive)**

The Commission representative stated that this Commission report presented an evaluation of the implementation of the Firearms Directive and that the proposals to alter it were based on 3 studies by consultants. He continued by stating that here are 4 suggested modifications to the Directive.

#### **1. Categories of Firearms**

Only two types of semi-automatic firearms will be prohibited;

- Automatic firearms which have been converted to semi-automatic weapons which run the risk of being converted back.
- Semi-automatic firearms that resemble automatic firearms for example a semi-automatic Kalashnikov.

Under the existing legislation there are six other types of semi-automatic firearms that will not be affected by the proposal. These may be acquired by civilians in line with their country's national regulations.

For other weapons a simple declaration is necessary.

#### **2. Deactivated Firearms**

In the context of the existing directive deactivated firearms are not considered to be firearms anymore. They are seen as metal objects and so they can be easily purchased and circulated by any person without declaration. The problem is that in certain cases the weapons were not completely deactivated and so run the risk of being reactivated.

- Deactivated automatic firearms (Category A) will come under this directive.
- Deactivated firearms not in Category A will be subject to only a simple declaration.

#### **3. Use of Internet**

Sale of firearms on internet is much more difficult to propose. Simple to obtain. Prohibit the acquisition of firearms on the internet. Done through authorised dealers

Citizens will have the opportunity to import arms from other Member States, however this will have to be done through legitimate, authorised dealers.

Under the current Firearms directive brokers and collectors are not subjected to the same restrictions. With the new proposal they will have to seek authorisation like any other private person and must receive them through authorised dealers.

#### **4. Exchange of information between Member States**

At the moment registers of citizens with firearms is only available at national level. The Commission proposes that there should be an exchange of this information across all Member States that law enforcement authorities and authorised persons can access.

## **2. MEP Interventions**

### **Evelyne Gebhardt (S&D, Germany)**

MEP Gebhardt approved the proposals stating that they are thoroughly a step in the right direction. However she found that the use of the simple declaration was unclear, she questioned the Commission on what exactly this would entail for citizens. As well as this MEP Gebhardt asked for further clarification on the curtailing of the purchase of firearms online.

### **Dan Dalton (Vice Chair, ECR, UK)**

With regards to ban on deactivated weapons, MEP Dalton highlighted the fact that an overnight ban on firearms could drive them underground and further swell the black market. These illegal firearms are the real problem. He continued by stating that people who want firearms will be forced to do so through other means. MEP Dalton then asked to be presented with statistics for crimes committed with deactivated weapons. As well as further clarification on how will now face law abiding industries such as museums and the film industry. He finished by questioning if a blanket-ban on internet purchases of firearms will help or make the situation worse and how exactly we can enforce this. Instead he suggested that while we should toughen up the requirements we should ensure that we do not undermine the steps that have already been taken.

### **Dita Charanzová (ALDE, Czech Republic)**

MEP Charanzová commended the Commission on their presentation agreeing that the trade and distribution of weapons should be subject to better controls. She stated that it is extremely easy for someone to go online and get deactivated weapons, and that it takes only basic mechanical knowledge to reactivate them. MEP Charanzová continued by highlighting the need to ensure that the legal gaps in current legislation are filled. She welcomed the implemented regulations but stressed that we must take extreme care that our efforts to prevent illegal weapons do not punish our citizens. MEP Charanzová called on the Commission to be extremely exact in the wording of the report. Continuing that as the hundreds of emails from her constituents will testify to there is a need for further clarification in particular on the situation of semi-automatic weapons.

### **Roberta Metsola (EPP, Malta)**

While I maintain that there necessarily needs to be strict control on firearms and ammunition, we must ensure that a balance is struck between the legitimate interests of collectors and owner and

security. Instead of focusing solely on firearms we should also look at how ammunition is purchased. It is clear that criminals use other illegal avenues to source weapons and those avenues should be dealt with. In implementing these proposals we must ensure that law-abiding citizens are not the ones that face the consequences of these regulations and I look forward to the negotiations on this proposal.

**Pascal Durand (IMCO Co-ordinator, Greens/EFA, France)**

MEP Pascal stated that regrettably we listen to citizens too much for certain topics and not enough on some peaceful issues. He continued by stating that the existence of hunting and shooting sports enthusiasts should in no way influence how the market for the sale of arms is regulated. MEP Durand spoke of his own military service and emphasised that the alteration of a semi-automatic is possible and if it is achieved the consequences could be dire and so it must be regulated. He also stated that there should only be two classifications as there are already in some countries which are much easier for the lay person to understand. MEP Durand concluded his intervention by questioning the Commission on which NGO's and stakeholders were contacted when they were drawing up this proposal.

**Robert Joseph Iwaszkiewicz (EFDD)**

MEP Iwaszkiewicz called for further clarification on what restrictions will be implemented. He stated that we cannot alter everything in the name of security, declaring it a mistake to relate this legislation to terrorist attacks. MEP Iwaszkiewicz declared that these proposals will only affect the law abiding citizens not terrorists.

**Andreas Schwab (EPP Co-ordinator, Germany)**

MEP Andreas Schwab stated that logical rules and regulations need to be implemented and acknowledged that this proposal has been in the pipeline for some time. MEP Schwab continued by stating that for many hunters and sports marksman the concern was not that the commission wanted to implement restrictions, but that the Commission had not fully clarified what implications will arise from it. He asked for the Commission to explain what will happen to firearms that have already been purchased?

**Marc Tarabella (S&D)**

MEP Tarabella asserted that the objective of this report should be cracking down on illegal weapons, making sure that semi-automatic weapons are not converted and that they are regulated. He stipulated that the Committee on Civil Liberties will look at this more closely. A main issue he said was that while some countries have much stricter regulations, you can still buy weapons for very little. MEP Tarabella found the use of the word harmonisation interesting as he believed therefore that it should be a regulation not a directive. He professed also that hunting and sports shooting should not be covered, stating that we do not want sport shooters to be collateral damage to our collective security.

### **Annaleen Van Bossuyt (ECR)**

MEP Van Bossuyt called on the Commission to make the proposals clearer as citizens do not really know what this legislation entails. She continued by stating that there were gaps missing in the proposal as there are no references made to illegal weapons. She maintained that old supposedly decommissioned guns remain in the Balkans and this is where terrorists have sourced their weapons.

### **Anna Maria Corazza Bildt (EPP, Sweden)**

Although she commended the Commission's initiative MEP Corazza Bildt identified the proposals as 'heavy bureaucracy'. She maintained that 5 years was too soon to have to renew your licence. As well as this the obligation of a check-up from a doctor before the renewal will put further strains on medical professionals. Swedish doctors are obliged by law to report to the police if a patient is not safe to have a licence. MEP Corazza Bildt felt this is a much better system to have in place and will avoid unnecessary bureaucracy.

### **Olga Sehnalová (S&D, Czech Republic)**

MEP Sehnalová showed her support for the proposal commending the enhanced co-operation and sharing of information across Member States. She maintained however that instead of imposing such strict regulations we should look at countries that have had a large success rate with reducing gun crime and create regulations from these examples. As well as this MEP Sehnalová proposed that the Commission should focus more on the presence of illegal firearms in Europe. She stated that while the intentions of the proposal were honourable it is necessary that legal owners of firearms are not punished under this new proposal. MEP Sehnalová also called on the commission to publish statistics relating to crimes using legal and illegal weapons.

### **Othmar Karas (EPP, Austria)**

MEP Karas questioned the Commission as to why illegal weapons were not mentioned in the proposal. He stated that the proposal does not respond to terror attacks but has instead created insecurity for those who legally own arms.

### **Jussi Hall-Aho (ECR, Finland)**

MEP Hall-Aho deemed certain elements in the proposal to seem very idealistic. He went further by questioning the method by which the Commission will determine how dangerous certain firearms are. He did concede that there were some good proposals such as the sharing of information, but MEP Hall-Aho was adamant that the rights of EU citizens should not be curbed unnecessarily in the proposal.

### **Catherine Stihler (S&D, UK)**

MEP Stihler commended the proposal asserting that it was an attempt to fill gaps in the previous 2008 directive with proposals such as marking and the sharing of information. However she condemned the lack of implementation of Article 4.4 of the previous directive which stated that by 31<sup>st</sup> July 2014 all Member states should ensure they have a data system available with all firearms registered.

### **Nicola Danti (S&D, Italy)**

MEP Danti felt that the link made to terrorism with this proposal was a little forced. He stated that the main problem in Europe is with illegal weapons. MEP Danti conceded that it is necessary to have stringent regulations we should be careful on how it is worded and legislated as so many citizens will be affected. He emphasised the need for the European Commission to lay things down clearly and hoped that they do not make unnecessary links, for example he doesn't think terrorist use 18<sup>th</sup> century guns so why will historical collectors be affected.

### **Vicky Ford (Chair IMCO, ECR)**

Vicky Ford summarised the points made by her colleagues. She stated that several topics had been reiterated throughout. It was clear MEP Ford said that we must ensure that firearms are irreversibly deactivated when the situation arises. As well as this she found that colleagues clearly want the wording to be much clearer, for example what does 'resemble' mean. She declared that some of the Members' concerns might be elevated if the Commission look at what exactly the intentions of the proposal are and ensure the drafting of the text reflects this.

### **3. Commission response**

The Commission representative stated that 10,000 people were killed in Europe using legal weapons last year and therefore legal weapons are also problematic. As well as this he stated that terrorist attacks were also carried out using legal weapons.

He reiterated his point that the proposal was based on different students and was drafted following discussions with various stakeholders. However the representative did concede however that the timing of the proposal had been accelerated due to the recent events.

The representative from the Commission stated that hunters, who use Category C firearms, **will not be affected by the proposal.**

The only difference is for those who use Category B firearms, which many spot shooters use. This is dealt with in provision four in the proposal. The Commission stated that semi-automatic firearms can still be used for 3 rounds (This is 31 bullets). What will be prohibited in this category are semi-automatics that resemble an automatic weapon. What he means by resemble is a firearm that acts in a very similar way to an automatic for example a semi-automatic Kalashnikov.