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NOTE

From:	Presidency
To:	Council
Subject:	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 (First reading) = General approach

1. The Commission submitted its 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 on 18 November 2015. Two meetings of the Working Party on General Matters, including Evaluations (GENVAL) took place in 2015. Subsequent to the completion of the first round of discussions on the proposal in January 2016, the Presidency submitted to the GENVAL Working Party a revised text of the proposal, taking into account as much as possible the various concerns raised by delegations. The GENVAL Working Party discussed the revised text at its meeting of 8 February 2016.
2. With a view to obtaining political guidance on certain aspects of the proposal, the Presidency had invited Ministers to discuss five key issues at the Council meeting of 10 March 2016.

3. Following the terrorist attacks in Brussels on 22 March 2016, the Ministers for Justice and Home Affairs at their meeting on 24 March 2016, expressed the need to pursue in a resolute manner the swift completion of legislation on control of the acquisition and possession of firearms.
4. The GENVAL Working Party again discussed the proposal on 11 and 25 April 2016 with a focus on the technical specifications allowing the prohibition of certain firearms (Category A, Annex I) and possible derogations from that prohibition. In order to provide further guidance on the proposal, COREPER held a policy debate on these key issues at its meeting on 11 May 2016.
5. On the basis of the outcome of that discussion, the Presidency revised the text, which was discussed by JHA Counsellors on 13 May 2016. A further revised proposal was submitted to the GENVAL Working Party on 19 May 2016. Further discussions took place at the JHA Counsellors meeting on 25 May 2016.
6. Following discussions at COREPER on 1 June 2016, the Presidency amended the compromise proposal in order to meet as far as possible concerns voiced. Further changes were made following the JHA Counsellors' meeting on 3 June 2016.
7. The resulting text has been discussed by COREPER on 8 June 2016 and gathered a strong support amongst the delegations. Changes and deletions compared to the initial Commission proposal are underlined or marked by (...), respectively.
8. *In view of the above, the Council is invited to endorse a general approach on the amendments to the current Firearms directive set out in the annex to this note.*

Proposal^{1 2} 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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Directive 91/477/EEC³ established an accompanying measure for the internal market. It created a balance between, on the one hand, the undertaking to ensure a certain freedom of movement for some firearms and essential components thereof within the Union, and, on the other hand, the need to control that freedom using security guarantees suited to this type of products in question.

¹ With participation of the associated countries.

² Text with EEA relevance.

³ Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (OJ L 256, 13.9.1991, p. 51).

- (2) As a response to recent terrorist acts which demonstrated gaps in the implementation of Directive 91/477/EEC especially with regard to the deactivation of weapons, convertibility and marking rules, the "European Agenda on Security" adopted in April 2015 and the Declaration of the Home Affairs Ministers Council of 29 August 2015 called for the revision of that Directive and for a common approach on the deactivation of firearms to prevent their reactivation and use by criminals.
- (2a) Once firearms are lawfully acquired and possessed in accordance with the provisions of this Directive, national provisions concerning the carrying of weapons, hunting or target shooting should apply.
- (3) (...)
- (4) (...)
- (5) To avoid that collectors become a (...) a possible source of traffic of firearms, they should be covered by this Directive. Member States may authorise collectors to acquire and possess firearms, essential components thereof and ammunition in line with this Directive. Moreover, in individual special cases and subject to strict conditions on security, Member States may, subject to periodic review, authorise collectors to acquire and possess prohibited firearms.
- (6) Since brokers provide services similar to those of dealers, they should also be covered by this Directive.
- (7) Taking into consideration the high risk of reactivating improperly deactivated weapons and in order to enhance security across the Union, deactivated firearms should be covered by this Directive. Additionally, taking into consideration the principles of deactivation of firearms as provided for by the Council Decision of 11 February 2014⁴, which transposes in the EU legal framework the "Protocol against the Illicit Manufacturing of and Trafficking of Firearms, their Parts and Components and Ammunition (UNFP)", a definition of deactivation in accordance with the above-mentioned principles should be given.
- (7a) Additionally, for the most dangerous firearms stricter rules should be introduced in order to ensure that those firearms are, with some limited exceptions to the rule, not allowed to be owned or traded. (...) Where those rules are not respected, Member States should take appropriate measures including the seizure of those firearms.

⁴ Council Decision of 11 February 2014 on the conclusion, on behalf of the European Union, of the 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; OJ L89 of 25.03.2014, p.7

- (7b) Member States should, however, have the possibility to authorise the acquisition and the possession of prohibited firearms when necessary for educational, cultural, including film and theatre, research or historical purposes. Member States should also be allowed to authorise individuals to acquire and possess otherwise prohibited firearms and essential components thereof for national defence, such as in the context of voluntary military training provided under Member State law.
- (7c) The Directive should not prevent dealers and brokers from handling firearms prohibited in accordance with this Directive in cases where the acquisition and possession of such firearms is exceptionally allowed, where their handling is necessary for the purposes of deactivation or conversion or whenever permitted in cases provided for by this Directive. Neither should the Directive prevent the dealers and brokers from handling such firearms in cases not covered by this Directive, such as firearms to be exported outside the European Union or weapons to be acquired by the armed forces or the police.
- (8) In order to ensure the traceability of (...) all firearms and essential components thereof covered by this Directive, they should be registered in national registries.
- (9) Some semi-automatic firearms can easily be converted to automatic firearms, thus posing a threat to security. Even in the absence of such conversion (...) certain semi-automatic firearms may be very dangerous when their capacity regarding the number of rounds is high. Therefore, semi-automatic firearms with a fixed loading device allowing to fire a high number of rounds, as well as semi-automatic firearm in combination with a removable loading device with a high number of rounds should be prohibited for civilian use. Such loading devices, such as fixed or detachable magazines, as well as feeding belts, should also be prohibited. When individuals are found to be in the possession of such loading devices these should be seized, as well as any semi-automatic centre fire firearms to which these could be fitted, even if the possession of these firearms was authorised. These individuals should also be deprived from their authorisation.
- (10) To avoid that markings are easily erased and to clarify on which components the marking should be affixed, common Union rules on marking should be introduced. These rules should apply only to firearms and essential components that are placed on the market as from the date by which Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the main provisions of this Directive.

- (11) Firearms may be used for far more than 20 years. In order to ensure their traceability, records of them as well as of the essential components thereof should be kept for [20] years after destruction by the competent authorities. Access to these records and all related personal data shall be restricted to competent authorities and be permitted only up until ten years after destruction of the firearm concerned for the purposes of granting or withdrawing authorisations, including the possible impositions of administrative penalties, and up until twenty years after destruction where necessary for the enforcement of criminal law.
- (12) Selling arrangements for firearms and their essential components by means of distance communication may pose a serious threat to security as they are more difficult to control than the conventional selling methods, especially as regards the on line verification of the authenticity of authorisations. It is therefore appropriate to enhance the specific provisions for sales (...) by means of distance communication, in particular the internet (...).
- (13) Furthermore, the risk of acoustic weapons and other types of blank firing weapons being converted to real firearms is high, and in some recent terrorist acts such converted arms were used. It is therefore essential to address the problem of converted firearms being used in criminal offences, in particular by including them in the scope of the Directive. Technical specifications for alarm and signal weapons (...) should be adopted in order to ensure that they cannot be converted into firearms.
- (13a) Objects, that have the physical appearance of a firearm ("replica"), but which are manufactured in such a way that they cannot be converted to firing a shot or expelling a bullet or projectile by the action of a combustible propellant, are not covered by this Directive.
- (13b) Firearms and ammunition should be stored in a secure manner when not immediately supervised. If stored other than in a safe, firearms and ammunition should be stored separately from each other. Criteria for (...) storage should be defined by national rules.
- (14) In order to improve the functioning of the information exchange between Member States, the Commission should assess the necessary elements of a system to support such exchange of information contained in the computerised data-filing systems in place in Member States. The Commission's assessment may be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

- (15) In order to ensure appropriate exchange of information between the Member States on authorisations granted and on refusals, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adopting an act to enable the Member States to create such a system of exchange of information on authorisations granted and on refusals. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.⁵ In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (16) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶.
- (17) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.
- (17a) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data should apply to the processing of personal data in the framework of this Directive. Where personal data collected further to this Directive are processed for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, the authorities processing these data should comply with rules adopted further to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data .

⁵ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016. OJ L, 123, 12 May 2016, pg. 1

⁶ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (18) Since the objectives of this Directive cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (19) Directive 91/477/EEC should therefore be amended accordingly.
- (20) As regards Iceland and Norway, this Directive and Council Directive 91/477/EEC constitute a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* which fall within Article 1 of Council Decision 1999/437/EC.
- (21) (...)
- (22) As regards Switzerland, this Directive and Council Directive 91/477/EEC constitute a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* which fall within Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC.
- (23) (...)
- (24) As regards Liechtenstein, this Directive and Council Directive 91/477/EEC constitute a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* which fall within Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/477/EEC is amended as follows:

(1) Article 1 is amended as follows:

(a) Paragraph 1a is deleted.

(aa) Paragraph 1b is replaced by the following:

"1b. For the purposes of this Directive, "essential component" means (...) the barrel, (...), frame, the receiver, including both upper and lower receivers, where appropriate, slide, (...) cylinder, bolt or breech block (...) which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.

(b) Paragraph 1e is replaced by the following:

"1e. For the purposes of this Directive, "broker" means any natural or legal person (...), or partnership resident or established in a Member State (...) whose (...) services (...) consist wholly or in part in (...)

(a) the negotiation or arrangement of transactions for (...) the purchase, sale or supply of firearms, essential components thereof or ammunition, or

(b) arranging the transfer thereof within a Member State, from one Member State to another Member State, from a Member State to a third country or from a third country to a Member State (...)."

(c) In Article 1, the following paragraphs are added:

"1f. For the purposes of this Directive, "alarm and signal weapons" means (...) devices with a cartridge holder (...) designed to fire only blanks, irritants, other active substances or pyrotechnic signalling ammunition. (...)

1g. For the purposes of this Directive, "salute and acoustic weapons" means firearms specifically converted to the sole use of firing blanks, for use such as in theatre performances, photographic sessions, film and television recordings, historical re-enactments, parades, sporting events and training. (...)

1h. (...);

1i. For the purposes of this Directive, "deactivated firearms" means firearms that have been deactivated in a way that all essential components of the firearm have been rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way (...) in accordance with Commission Implementing Regulation (EU) 2015/2403 (...)⁷

1j. For the purposes of this Directive, "museum" means permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches exhibits firearms, essential components thereof and ammunition for the purpose of education, study and enjoyment;

1k. For the purposes of this Directive, "collector" means any legal or natural person dedicated to the gathering and conservation of firearms (...), and recognised as such by a Member State.

(cc) Paragraph 2b is replaced by the following:

"For the purposes of this Directive, "illicit trafficking" (...) means the acquisition, sale, delivery, movement (...) or transfer of firearms, their essential components or ammunition from or across the territory of one Member State to that of another Member State if any one of the Member States concerned does not authorise it in accordance with the terms of this Directive or if the assembled firearms are not marked in accordance with Article 4(1).

⁷ Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, OJ, L 333/62, 19.12.2015.

(c) Paragraph 2 is replaced by the following:

"2. For the purposes of this Directive, "dealer" means any natural or legal person whose trade or business consists wholly or in part of any of the following:

- (i) the manufacture, trade, exchange, hiring out, repair or conversion of firearms, essential components (...) of firearms; or
- (ii) the manufacture, trade, exchange (...) or conversion of ammunition."

(2) In Article 2, paragraph 1 and 2 are replaced by the following:

"1. This Directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting, using weapons lawfully acquired and possessed in accordance with this Directive.

2. This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the armed forces, the police, or the public authorities. Neither shall it apply to commercial transfers (...) as regulated by Directive 2009/43/EC⁸."

⁸ Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community, OJ L 146/1, 10.6.2009.

(3) In Article 4, paragraphs 1, 2 and 3 are replaced by the following:

"1. With respect to the firearms manufactured or imported into the Union after the date referred to in Article 2.1, Member States shall ensure that any firearm or essential component of a firearm placed on the market has been:

(i) provided with a unique marking, which is clear and permanent, without delay after manufacture or import to the Union and

(ii) (...) registered in compliance with this Directive without delay after manufacture or import to the Union.

The Commission shall adopt technical specifications for the marking. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13 b(2).

2. For the purposes of identifying and tracing each (...) firearm and its essential components, Member States shall, without delay (...) after manufacture (...) or (...) import to the Union (...), require a unique marking including the name of the manufacturer, the country or place of manufacture, the brand, the model (...) the serial number, and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark. Where the essential component is too small to be practicably marked with all of this information, at least a serial number shall be marked on it.

The marking requirements for a firearm that is of particular historical importance shall be determined by national law.

(...)

(...)

Member States shall ensure that each elementary package of complete ammunition is marked so as to provide the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition.

For those purposes, Member States may choose to apply the provisions of the Convention on Reciprocal Recognition of Proofmarks on Small Arms of 1 July 1969.

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

3. (...)

(4) In Article 4, paragraph 4 is amended as follows:

(a) in the first subparagraph, the second sentence is replaced by the following:

"This filing system shall record:

- the type, make, model, calibre and serial number of each firearm and the essential components thereof; and
- the names and addresses of the suppliers and of the persons acquiring or possessing the firearm or the essential components thereof.

Member States shall ensure that the record of firearms and the essential components thereof, including the related personal data, be retained by the competent authorities for a period of 20 years after destruction of the firearms and essential components.

These records and the related personal data shall be accessible:

- by the authorities competent for the purpose of granting or withdrawing authorisations referred to in Article 7 or for the purposes of tax or customs proceedings until 10 years after destruction of the firearm or the essential components , and

- by the authorities competent for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties until 20 years after destruction of the firearm or the essential components.

Member States shall ensure that the personal data are deleted upon expiry of the periods specified in the above paragraph. This obligation shall be without prejudice to cases where specific personal data have been transferred to an authority competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties and are used in this specific context, in which case the retention of such data by the competent authority shall be regulated by the national law of the Member State."

(b) the second subparagraph is replaced by the following:

"Throughout their period of activity, dealers and brokers shall be required to maintain a register in which each firearm and each essential component of a firearm subject to this Directive and which are received or disposed of by them shall be recorded, together with such particulars as enable the firearm or essential components (...) to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the person supplying and acquiring it.

Upon the cessation of their activities, dealers and brokers shall deliver that register to the national authority responsible for the filing system provided for in the first subparagraph.

Each Member State shall ensure that the registers of the dealers and brokers established in their territory are connected to the computerised data-filing system for firearms and (...) essential components (...)."

(4a) Article 4a is amended as follows:

"Without prejudice to Article 3, Member States shall allow the acquisition and possession of firearms only by persons who have been granted a licence or, with respect to category C (...), who are specifically permitted to acquire and possess such firearms in accordance with national law.

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

"Article 4b

1. Member States shall establish a system for the regulation of the activities of dealers and brokers. Such a system shall include at least the following measures:
 - (a) registration of dealers and brokers operating within the territory of each Member State; and
 - (b) licensing or authorisation of the activities of dealers and brokers within their territory.
2. The system referred to in paragraph 1(b) shall include at least a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking."

- (6) Articles 5 and 6 are replaced by the following:

"Article 5

- 1 Without prejudice to Article 3, Member States shall authorise the acquisition and possession of firearms only by persons who have good cause and who:
 - (a) are at least 18 years of age, except in relation to the acquisition, other than through purchase, and possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licensed or otherwise approved training centre;

- (b) are not likely to be a danger to themselves, to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.
 - (c) (...)
2. Member States may make the issuance or renewal of the authorisations referred to in paragraph 1 subject to (...) medical, including psychological, review.
- Member States shall withdraw (...) authorisations for the possession of a firearm (...) if any of the conditions on the basis of which the authorisation was granted is no longer met.
- Member States shall not prohibit persons resident within their territory from possessing a firearm acquired in another Member State unless they prohibit the acquisition of the same type of firearm within their own territory.
3. Member States shall ensure that an authorisation to acquire and an authorisation to possess a firearm classified in category A or B of Annex I shall be withdrawn if the person who was granted the authorisation is found to be in the illegal possession of a loading device classified in Category A 9 of Annex I.

Article 6

1. Without prejudice to Article 2(2), Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms, the essential components thereof and the ammunition listed in category A in Annex I. They shall ensure that (...) those firearms, essential components and ammunition unlawfully held in contravention of that prohibition are seized.
2. For the protection of critical infrastructure and commercial shipping and high-value convoys, national defence, educational, cultural, research and historical purposes and without prejudice to Article 6(1), the competent authorities may grant in individual special cases authorisations for such firearms, essential components and ammunition where this is not contrary to public security or public order.

3. Member States may authorise dealers or brokers, in their respective professional capacities, [as defined under this Directive] to acquire, manufacture, deactivate, repair, supply, transfer and possess firearms, essential components thereof and ammunition from category A subject to strict conditions on security.
- 3a. Member States may authorise museums to acquire and possess firearms, essential components thereof and ammunition from category A and B subject to strict conditions on security.
- 3b. (...)
- 3c. Member States may authorise target shooters to acquire and possess semi-automatic firearms and loading devices classified in categories A.6, A.7 and A.9 of Annex I, subject to the following conditions:
- a) a satisfactory comprehensive medical and psychological assessment of the target shooter's reliability and in line with the provisions set out in Article 5(1(b));
 - b) provision of proof that the target shooter is participating in shooting competitions recognised by an official shooting sport organisation of that Member State or by an internationally established and officially recognised shooting sport federation; and
 - c) a certificate from an officially recognized shooting sport organisation confirming that:
 - i. the target shooter is a member of a shooting club and, has been regularly practising target shooting in it for at least twelve months, and
 - ii. the firearm is necessary for a shooting discipline recognised by an internationally established and officially recognised shooting sport federation ..
 - d) As regards firearms classified in category A6, Member States applying a military system based on general conscription and having in place over the last fifty years a system of transfer of military firearms to persons leaving the army after fulfilling their military duties may grant an authorisation to such persons in their quality as sport shooter, to keep one firearm used during the mandatory military period. These firearms shall be transformed into semi-automatic firearms by the public authority which shall periodically check that the persons using such firearms do not represent a risk for public security. The provisions under a), b) and c) shall apply.
- 3d. Authorisations under this Article shall be reviewed periodically at intervals not exceeding five years.

Article 6a

1. Member States shall ensure that in case of the acquisition and selling of firearms and their essential components and the ammunition covered by categories A, B and C (...) set out in Annex I by means of distance communication, as defined in Article 2 of Directive 2011/83/EC of the European Parliament and of the Council(**), the identity, and where required, the authorisation of the person acquiring the firearm or the essential components thereof or ammunition is checked prior to or at the latest upon delivery thereof to that person, by:
 - an authorised dealer or broker; or
 - a public authority or a representative thereof.

(*) OJ: Please insert a date: data of publication of this amending Directive +20 days.

(**) Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, pg. 64)."

(7) (...)

(7a) In Article 7, the following subparagraph is added to paragraph 4, after point c):

"The (...) authorisation for possession of a firearm shall be reviewed periodically, at intervals not exceeding five years. The authorisation may be renewed or prolonged if the conditions on the basis of which it was granted are still fulfilled."

(7b) In Article 7, the following paragraph is added after paragraph 4:

"4a. Member States may renew an authorisation for a firearm which was classified in category B set out in Annex I of the Directive, as amended by Directive 2008/51/EC⁹, even if the firearm is currently classified in category A. However, such authorisations may be renewed only for persons already holding an authorisation before the date referred to in Article 3 of this Directive."

(7bb) Article 8, paragraph 3 is amended as follows:

"If a Member State prohibits or makes subject to authorisation the acquisition and possession within its territory of a firearm classified in category B or C (...), it shall inform the other Member States, which shall expressly include a statement to that effect on any European firearms pass they issue for such a firearm, pursuant to Article 12(2)."

(7c) Article 10 is replaced by the following:

"The arrangements for the acquisition and possession of ammunition and of loading devices shall be the same as those for the possession of the firearms for which the ammunition and the loading device are intended."

(8) The following Articles 10a and 10b are inserted:

⁹ Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons, OJ 179/5, 8.7.2008.

"Article 10a

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

The Commission shall adopt technical specifications for alarm and signal weapons (...) to ensure they cannot be converted into firearms.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).

2. Salute and acoustic weapons shall remain in the category set out in Annex 1, Part II, corresponding to the firearm from which they were converted.
3. Alarm and signal weapons that do not fulfil the technical specifications of Article 10a(1) shall be classified in category A and B of Annex 1, part II, one year after the date of entry into force of the implementing acts referred to in Article 10a(1).

Article 10 aa

Member States shall establish rules on the proper supervision of firearms and ammunition and rules on their proper storage in a secure way to minimise the risk of being accessed by an unauthorised person. Firearms and ammunition for them shall not be readily accessible together. Supervision in this case shall mean that the person possessing the firearm or the ammunition has control over them during transport and use. The level of scrutiny for the storage arrangements shall correspond to the category of the firearm.

(...)

Article 10b

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

The Commission shall adopt deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2)."

- (9) In Article 11, paragraph 1 is amended as follows:

Article 11

1. Firearms may, without prejudice to Article 12, be transferred from one Member State to another only in accordance with the procedure laid down in the following paragraphs. These provisions shall also apply to transfers of firearms following a mail order sale (...) or selling by means of distance communication, as defined in Article 2 of Directive 2011/83/EU of the European Parliament and of the Council.

- (10) In Article 13, the following paragraphs 4 and 5 are added:

"4. The competent authorities of the Member States shall exchange by electronic means information on the authorisations granted for the transfers of firearms to another Member State, and information with regard to refusals to grant authorisations as defined in Article 7 on grounds of security related reliability of the person concerned.

5. The Commission shall provide for a system for the exchange of information mentioned in this Article. This system may use a module of the Internal Market Information System ('IMI') established by Regulation (EU) No 1024/2012 specifically customised for firearms. The Commission shall adopt and bring into force by the date referred to in Article 2, paragraph 1 delegated acts in accordance with Article 13a therefor and concerning the detailed arrangements for the systematic exchange of information by electronic means."

(11) Article 13a is replaced by the following:

"Article 13a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.
3. The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
- 3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

(12) Article 13b is inserted:

"Article 13b

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council(*).
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(*) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)."

(13) Article 17 is replaced by the following:

"Article 17

The Commission shall submit every five years a report to the European Parliament and the Council on the application of this Directive, accompanied, if appropriate, by proposals in particular as regards the categories of firearms of Annex I and the issues related to new technologies such as 3D printing, the use of QR code and the use of Radio Frequency Identification (RFID). The first report shall be submitted two years after the entry into force of this Directive."

The Commission shall, by [date], assess the necessary elements of a system for the exchange of information contained in the computerised data-filing systems referred to in Article 4(4) between the Member States. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information. "

(14) (...) Annex I to Directive 91/477/EC (...) is amended as follows:

(a) part II is replaced by the following:

"For the purpose of this Directive, the following categories of firearms are set out:

(i) point A and definition of firearms are deleted.

(ii) In Category A, the following points are added:

"6. Automatic firearms which have been converted into semi-automatic firearms.

7. Any of the following centre fire semi-automatic firearms:

a) short firearms which allow the firing of more than 21 rounds without reloading, if a loading device with a capacity exceeding 20 rounds is part of the firearm or is inserted into it; and

b) long firearms which allow the firing of more than 11 rounds without reloading, if a loading device with a capacity exceeding 10 rounds is part of the firearm or is inserted into it.

8. Semi-automatic long firearms (i.e. firearms that are originally intended to be fired from the shoulder) that can be reduced to a length of less than 60cm without losing functionality by means of a folding or telescoping stock or by a stock that can be removed without using tools.

9. Loading devices, apt to be fitted to centre fire semi-automatic or to repeating firearms, with the following characteristics:

a) loading devices which can hold more than 20 rounds;

b) loading devices for long firearms which can hold more than 10 rounds.

Category B — Firearms subject to authorization

1. (...) Repeating short firearms.
2. Single-shot short firearms with centre-fire percussion.
3. Single-shot short firearms with rimfire percussion whose overall length is less than 28 cm.
4. Semi-automatic long firearms whose loading device and chamber can together hold more than three rounds in the case of rimfire firearms and more than three but fewer than [twelve] rounds in the case of centrefire firearms.
- 4a. Semi-automatic short firearms other than those listed under point 7 a) of category A.
5. Semi-automatic long firearms whose loading device and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose loading device and chamber can together hold more than three rounds listed under point 7 b) of category A.
6. Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length.
7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms other than those listed under point 6, 7 or 8 of category A.

Category C — Firearms and weapons subject to declaration

1. Repeating long firearms other than those listed in category B, point 6.
2. Long firearms with single-shot rifled barrels.
3. Semi-automatic long firearms other than those listed in category A or B.
4. Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm.

5. Alarm and signal weapons. that fulfil the technical specifications of Article 10a(1).

Salute and acoustic weapons shall remain in the category set out in Annex 1, Part II, corresponding to the firearm from which they were converted.

6. Firearms from categories A, B and C that have been deactivated in accordance with Regulation (EU) 2015/2403 on deactivation.

7. Single-shot long firearms with smooth-bore barrels placed on the market after the date by which Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with other provisions of this Directive than the ones in Article 4(4) and Article 4b.

(...)

(b) (...) point B and the (...) text thereof are deleted.

(...)."

(15) in Annex I to Directive 91/477/EC part III is amended as follows:

(a) point (a) is deleted;

(b) point (b) is replaced by the following:

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

(c) point (c) is replaced by the following:

"are regarded as antique weapons where these have not been included in the previous categories and are subject to national laws."

(d) the second subparagraph is ~~deleted~~

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive [18 months after publication in the OJ]. They shall forthwith communicate to the Commission the text of those provisions.

2. By way of derogation, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive 36 months after publication in the OJ] as regards Article 4(4) and Article 4b of this Directive. They shall forthwith communicate to the Commission the text of those provisions.
3. When Member States adopt those provisions under paragraph 1 and 2, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
4. Notwithstanding paragraph 1, Member States may, until [transposition deadline + 18 months] suspend the prohibition of possessing loading devices listed under Category A 9 in Annex I to this Directive which were lawfully acquired before [entry into force of this Directive]. However, Member States shall not permit the use of such loading devices after [transposition deadline].
5. Notwithstanding paragraph 1, Member States may, regarding firearms acquired before [the date referred to in Article 2(1)] suspend the requirement to declare firearms listed under categories C.5 and C.6 and C.7 of Annex I to this Directive until [transposition deadline + 36 months].
6. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President
