



Reports of Cases

Case C-543/12

Michal Zeman

v

Krajské riaditeľstvo Policajného zboru v Žiline

(Request for a preliminary ruling from the Najvyšší súd Slovenskej republiky)

(Reference for a preliminary ruling — Directive 91/477/EEC — Issuing of the European firearms pass — National legislation according to which that pass is issued only to holders of a firearms licence issued for hunting or target shooting use)

Summary — Judgment of the Court (First Chamber), 4 September 2014

1. *Fundamental rights — Charter of Fundamental Rights of the European Union — Citizens' rights — Right to move and reside freely on the territory of the Member State — Identity with the right guaranteed under Article 20(2) TFEU*

(Art. 20(2) TFEU; Charter of Fundamental Rights of the European Union, Art. 45(1); Council Directive 91/477)

2. *EU law — Interpretation — Methods — Interpretation in the light of international agreements concluded by the European Union*
3. *Approximation of laws — Acquisition and possession of weapons — Directive 91/477 — National legislation restricting the grant of the European Firearms Pass to holders of a firearms licence issued for hunting or target shooting purposes — Lawfulness*

(Council Directive 91/477, as amended by Directive 2008/51, Arts 1(4), 3, 12(1) and (2), and Annex II)

1. The right of every citizen of the Union to move and reside freely within the territory of the Member States, guaranteed by Article 45(1) of the Charter of Fundamental Rights of the European Union, is the right guaranteed by Article 20(2), first subparagraph, (a) TFEU, which right, in accordance with the second subparagraph of Article 20(2) TFEU, is to be exercised under the conditions and within the limits defined by the Treaties and by the measures adopted pursuant thereto. Directive 91/477 on control of the acquisition and possession of weapons, which concerns the free movement of the holders of firearms, in particular hunters and sport shooters, constitutes such a measure.

(see para. 39)

2. See the text of the decision.

(see para. 58)

3. Directive 91/477 on control of the acquisition and possession of weapons, as amended by Directive 2008/51, must be interpreted as not precluding national legislation which authorises the issue of a European firearms pass only to holders of weapons used for hunting and target shooting purposes.

In that regard, firstly, Article 3 of that directive expressly precludes the exercise of that right from creating any restriction of the rights conferred on residents of the Member States by Article 12(2) thereof, namely those of hunters and marksmen who may travel while in possession of weapons without other administrative formalities, notwithstanding the procedure laid down in Article 12(1) of that directive, on certain conditions.

Secondly, the fact that the pass is issued to a person who is already an authorised holder of a weapon under the national provisions suggests that it does not replace the national permit for the acquisition and possession of weapons.

Thirdly, Article 1(4) of Directive 91/477 refers to Annex II thereto, which, as regards the information which the European firearms pass must contain, makes reference precisely to hunting and target shooting purposes. It follows therefrom that Article 1(4) of the directive, read in conjunction with Article 12(2) thereof, is intended mainly to facilitate the transport of weapons used for hunting or sporting purposes.

(see paras 47, 48, 51, 52, 60, operative part)