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<sup>(1)</sup> Text with EEA relevance.

# EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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## I

(Legislative acts)

## REGULATIONS

**REGULATION (EU) 2017/852 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****of 17 May 2017****on mercury, and repealing Regulation (EC) No 1102/2008****(Text with EEA relevance)**

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 192(1) 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 <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Mercury is a very toxic substance which represents a global and major threat to human health, including in the form of methylmercury in fish and seafood resources, ecosystems and wildlife. Due to the transboundary nature of mercury pollution, between 40 % and 80 % of total mercury deposition in the Union originates from outside the Union. Action is therefore warranted at local, regional, national and international levels.
- (2) Most mercury emissions and associated exposure risks result from anthropogenic activities such as primary mercury mining and processing, the use of mercury in products and industrial processes, artisanal and small-scale gold mining and processing, coal combustion and the management of mercury waste.
- (3) The Seventh Environment Action Programme adopted by Decision No 1386/2013/EU of the European Parliament and of the Council <sup>(3)</sup> establishes the long-term objective of a non-toxic environment and, for that purpose, stipulates that action is needed to ensure the minimisation of significant adverse effects of chemicals on human health and the environment by 2020.

<sup>(1)</sup> OJ C 303, 19.8.2016, p. 122.

<sup>(2)</sup> Position of the European Parliament of 14 March 2017 (not yet published in the Official Journal) and decision of the Council of 25 April 2017.

<sup>(3)</sup> Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' (OJ L 354, 28.12.2013, p. 171).

- (4) The Communication of 28 January 2005 from the Commission to the European Parliament and the Council entitled 'Community Strategy Concerning Mercury', as reviewed on 7 December 2010 ('the Strategy'), aims at minimising and, where feasible, ultimately eliminating global anthropogenic mercury releases to air, water and land.
- (5) In the past 10 years, significant progress has been achieved in the Union in the field of mercury management following the adoption of the Strategy and of a wide range of measures concerning mercury emissions, supply, demand and use, and the management of mercury surplus and stocks.
- (6) The Strategy recommends that the negotiation and conclusion of an international legally-binding instrument on mercury should be a priority as Union action alone cannot guarantee effective protection of the citizens of the Union against the negative health effects of mercury.
- (7) The Union and 26 Member States have signed the Minamata Convention on Mercury of 2013 ('the Convention'). The two Member States that did not sign the Convention, Estonia and Portugal, have expressed their commitment to ratify it. The Union and all its Member States are therefore committed to its conclusion, transposition and implementation.
- (8) Swift approval of the Convention by the Union and its ratification by Member States will encourage the major global mercury users and emitters, which are signatories of the Convention, to ratify and implement it.
- (9) This Regulation should complement the Union *acquis* and lay down the provisions that are needed to ensure the complete alignment of the Union *acquis* with the Convention so that the Union and its Member States are able to respectively approve or ratify and implement the Convention.
- (10) Further action undertaken by the Union, going beyond the Convention requirements, would lead the way, as was the case with Regulation (EC) No 1102/2008 of the European Parliament and of the Council <sup>(1)</sup>, for mercury-free products and processes.
- (11) In accordance with Article 193 of the Treaty on the Functioning of the European Union (TFEU), this Regulation does not prevent Member States from maintaining or introducing more stringent protective measures, provided that such measures are compatible with the Treaties and the Commission has been notified thereof.
- (12) The mercury export ban laid down in Regulation (EC) No 1102/2008 should be complemented by restrictions on the import of mercury which vary depending on the source, the intended use and the place of origin of the mercury. Regulation (EC) No 1013/2006 of the European Parliament and of the Council <sup>(2)</sup> should continue to apply as regards imports of mercury waste, particularly as regards the powers of the competent authorities under that Regulation.
- (13) The provisions of this Regulation on the import of mercury and of mixtures of mercury are aimed at ensuring the fulfilment by the Union and the Member States of the obligations of the Convention concerning trade of mercury.
- (14) The export, import and manufacturing of a range of mercury-added products accounting for a significant share of the use within the Union and globally of mercury and mercury compounds should be prohibited.
- (15) This Regulation should apply without prejudice to the provisions of the applicable Union *acquis* that set stricter requirements for mercury-added products, including as regards maximum mercury content.
- (16) The use of mercury and mercury compounds in manufacturing processes should be phased out and, to that end, incentives should be provided for research into alternative substances with characteristics that are innocuous, or, in any event, less dangerous for the environment and for human health.

<sup>(1)</sup> Regulation (EC) No 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury (OJ L 304, 14.11.2008, p. 75).

<sup>(2)</sup> Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

- (17) Regulation (EC) No 1907/2006 of the European Parliament and of the Council <sup>(1)</sup> prohibits, as from 10 October 2017, the manufacture, placing on the market and use of the five phenylmercury compounds known to be used, especially as catalysts, in the production of polyurethane. The use of other mercury-containing catalysts in polyurethane production should also be prohibited as from 1 January 2018.
- (18) The production of alcoholates involving the use of mercury as an electrode should be phased out and such manufacturing processes should be replaced by feasible mercury-free manufacturing processes as soon as possible. In the absence of relevant available mercury-free manufacturing processes, operating conditions for the production of sodium or potassium methylate or ethylate involving the use of mercury should be laid down. Measures should be taken to reduce the use of mercury so as to phase out its use in such production as soon as possible and in any event before 1 January 2028.
- (19) The manufacturing and placing on the market of new mercury-added products and the use of new manufacturing processes involving the use of mercury or mercury compounds would increase the use of mercury and of mercury compounds, and mercury emissions within the Union. Such new activities should therefore be prohibited unless an assessment demonstrates that the new mercury-added product or new manufacturing process would provide significant environmental or health benefits and pose no significant risks either to the environment or to human health, and that no technically practicable mercury-free alternatives providing such benefits are available.
- (20) The use of mercury and mercury compounds in artisanal and small-scale gold mining and processing accounts for a significant share of mercury use and emissions worldwide with negative effects both for local communities and at a global level. Such use of mercury and mercury compounds should therefore be prohibited under this Regulation and regulated at international level. Without prejudice to the prohibition of such use and in addition to the implementation of effective, proportionate and dissuasive penalties by Member States in respect of infringements of this Regulation, it is also appropriate to provide for a national plan in the event of there being more than isolated cases of non-compliance with that prohibition, in order to tackle the problem of artisanal and small-scale gold mining and processing in which mercury amalgamation is used to extract gold from ore.
- (21) The use of mercury in dental amalgam is the largest use of mercury in the Union and a significant source of pollution. The use of dental amalgam should therefore be phased down in accordance with the Convention and with national plans based, in particular, upon the measures listed in Part II of Annex A to the Convention. The Commission should assess and report on the feasibility of a phase out of the use of dental amalgam in the long term, and preferably by 2030, taking into account the national plans required by this Regulation and whilst fully respecting Member States' competence for the organisation and delivery of health services and medical care. Furthermore, particular preventive health protection measures should be taken for vulnerable members of the population, such as children and pregnant or breastfeeding women.
- (22) Only pre-dosed encapsulated dental amalgam should be allowed for use, and the use of amalgam separators in dental facilities in which dental amalgam is used or dental amalgam fillings or teeth containing such fillings are removed should be made mandatory, in order to protect dental practitioners and patients from mercury exposure and to ensure that the resulting waste is collected and disposed of in accordance with sound waste management and under no circumstances released into the environment. In this respect, the use of mercury in bulk form by dental practitioners should be prohibited. Amalgam capsules such as those described in European standards EN ISO 13897:2004 and EN ISO 24234:2015 are considered to be suitable for use by dental practitioners. Furthermore, a minimum level of retention efficiency for amalgam separators should be set. Compliance of amalgam separators should be based on relevant standards, such as European standard EN ISO 11143:2008. Given the size of economic operators in the dentistry sector affected by the introduction of those requirements, it is appropriate to provide sufficient time to adapt to the new requirements.

<sup>(1)</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

- (23) The training of dentistry students and dental practitioners on the use of mercury-free alternatives, in particular for vulnerable members of the population such as children and pregnant or breastfeeding women, as well as the carrying out of oral health research and innovation in order to improve knowledge of existing materials and restoration techniques, and to develop new materials, can help in reducing the use of mercury.
- (24) Over 6 000 metric tonnes of liquid mercury waste will have been generated in the Union by the end of 2017, mainly as a result of the mandatory decommissioning of mercury cells in the chlor-alkali industry in accordance with Commission Implementing Decision 2013/732/EU <sup>(1)</sup>. Given the limited available capacity for undertaking the conversion of liquid mercury waste, the temporary storage of liquid mercury waste should still be allowed under this Regulation for a period of time sufficient for ensuring the conversion and, if applicable, solidification of all such waste produced. Such storage should be carried out in accordance with the requirements set out in Council Directive 1999/31/EC <sup>(2)</sup>.
- (25) Given that mercury is an extremely hazardous substance in its liquid form, the permanent storage without pre-treatment of mercury waste should be prohibited owing to the risks that such disposal poses. Therefore, mercury waste should undergo appropriate conversion, and if applicable, solidification operations prior to permanent storage. For that purpose and in order to reduce the associated risks, Member States should take into account the technical guidelines on mercury of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.
- (26) In order to ensure that the provisions on waste of this Regulation are properly implemented, measures should be taken to ensure an effective traceability system throughout the whole mercury waste management chain whereby the producers of mercury waste and the operators of waste management facilities that store and treat such waste are required to establish an information register, as part of the record-keeping required under Directive 2008/98/EC of the European Parliament and of the Council <sup>(3)</sup>.
- (27) The Convention requires Parties to endeavour to develop appropriate strategies for identifying and assessing sites contaminated by mercury or mercury compounds. Directive 2010/75/EU of the European Parliament and of the Council <sup>(4)</sup> requires operators of industrial installations to address soil contamination. Furthermore, Directive 2000/60/EC of the European Parliament and of the Council <sup>(5)</sup> requires Member States to address soil contamination where it adversely affects the status of a water body. Therefore, an exchange of information between the Commission and the Member States should take place to share experiences on the initiatives and measures taken at national level.
- (28) In order to reflect the current scientific understanding of the risks posed by methylmercury, the Commission should, when undertaking the review of this Regulation, evaluate the current health-based intakes and should establish new mercury health benchmarks.
- (29) In order to align Union legislation with decisions of the Conference of the Parties to the Convention supported by the Union by means of a Council decision adopted in accordance with Article 218(9) TFEU, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the annexes to this Regulation and in respect of an extension of the period allowed for the temporary storage of mercury waste. 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 of 13 April 2016 on Better Law-Making <sup>(6)</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

<sup>(1)</sup> Commission Implementing Decision 2013/732/EU of 9 December 2013 establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, for the production of chlor-alkali (OJ L 332, 11.12.2013, p. 34).

<sup>(2)</sup> Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

<sup>(3)</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

<sup>(4)</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

<sup>(5)</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

<sup>(6)</sup> OJ L 123, 12.5.2016, p. 1.

- (30) In order to ensure uniform conditions for the implementation of this Regulation with regard to specifying forms for import and export, setting out technical requirements for environmentally sound interim storage of mercury, mercury compounds and mixtures of mercury, prohibiting or authorising new mercury-added products and new manufacturing processes involving the use of mercury or mercury compounds and specifying reporting obligations, 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 Council <sup>(1)</sup>.
- (31) Member States should lay down rules on penalties applicable to infringements of this Regulation and should ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.
- (32) Given the nature and extent of the modifications which need to be made to Regulation (EC) No 1102/2008, and to enhance legal certainty, clarity, transparency and legislative simplification, that Regulation should be repealed.
- (33) In order to allow the competent authorities of the Member States and the economic operators affected by this Regulation sufficient time to adapt to the new regime laid down by this Regulation, it should apply from 1 January 2018.
- (34) Since the objective of this Regulation, namely to ensure a high level of protection of human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds, by means, inter alia, of a mercury and mercury-added product export and import prohibition, of restrictions on mercury use in manufacturing processes, products, artisanal and small-scale gold mining and processing and in dental amalgam, and of obligations applicable to mercury waste, cannot be sufficiently achieved by Member States, but can rather, by reason of the transboundary nature of mercury pollution and the nature of the measures to be taken, 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 Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

#### CHAPTER I

#### GENERAL PROVISIONS

##### *Article 1*

#### **Subject matter and objective**

This Regulation establishes measures and conditions concerning the use and storage of and trade in mercury, mercury compounds and mixtures of mercury, and the manufacture and use of and trade in mercury-added products, and the management of mercury waste, in order to ensure a high level of protection of human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.

Member States may, where appropriate, apply stricter requirements than those laid down in this Regulation, in accordance with the TFEU.

##### *Article 2*

#### **Definitions**

For the purposes of this Regulation, the following definitions apply:

- (1) 'mercury' means metallic mercury (Hg, CAS RN 7439-97-6);
- (2) 'mercury compound' means any substance consisting of atoms of mercury and one or more atoms of other chemical elements that can be separated into different components only by chemical reactions;

<sup>(1)</sup> 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).

- (3) 'mixture' means a mixture or solution composed of two or more substances;
- (4) 'mercury-added product' means a product or product component that contains mercury or a mercury compound that was intentionally added;
- (5) 'mercury waste' means metallic mercury that qualifies as waste as defined in point (1) of Article 3 of Directive 2008/98/EC;
- (6) 'export' means any of the following:
  - (a) the permanent or temporary export of mercury, mercury compounds, mixtures of mercury and mercury-added products meeting the conditions of Article 28(2) TFEU;
  - (b) the re-export of mercury, mercury compounds, mixtures of mercury and mercury-added products not meeting the conditions of Article 28(2) TFEU which are placed under a customs procedure other than the external Union transit procedure for movement of goods through the customs territory of the Union;
- (7) 'import' means the physical introduction into the customs territory of the Union of mercury, mercury compounds, mixtures of mercury and mercury-added products that are placed under a customs procedure other than the external Union transit procedure for movement of goods through the customs territory of the Union;
- (8) 'disposal' means disposal as defined in point (19) of Article 3 of Directive 2008/98/EC;
- (9) 'primary mercury mining' means mining in which the principal material sought is mercury;
- (10) 'conversion' means the chemical transformation of the physical state of mercury from a liquid state to mercury sulfide or a comparable chemical compound that is equally or more stable and equally or less soluble in water and that presents no greater environmental or health hazard than mercury sulfide;
- (11) 'placing on the market' means supplying or making available, whether in return for payment or free of charge, to a third party. Import shall be deemed to be placing on the market.

## CHAPTER II

### TRADE AND MANUFACTURING RESTRICTIONS CONCERNING MERCURY, MERCURY COMPOUNDS, MIXTURES OF MERCURY AND MERCURY-ADDED PRODUCTS

#### Article 3

##### **Export restrictions**

1. The export of mercury shall be prohibited.
2. The export of the mercury compounds and of the mixtures of mercury listed in Annex I shall be prohibited as from the dates set out therein.
3. By way of derogation from paragraph 2, the export of the mercury compounds listed in Annex I for the purposes of laboratory-scale research or laboratory analysis shall be allowed.
4. The export, for the purpose of reclaiming mercury, of mercury compounds and of mixtures of mercury that are not subject to the prohibition laid down in paragraph 2 shall be prohibited.

#### Article 4

##### **Import restrictions**

1. The import of mercury and the import of the mixtures of mercury listed in Annex I, including mercury waste from any of the large sources referred to in points (a) to (d) of Article 11, for purposes other than disposal as waste shall be prohibited. Such import for disposal as waste shall only be allowed where the exporting country has no access to available conversion capacity within its own territory.



Without prejudice to Article 11 and by way of derogation from the first subparagraph of this paragraph, the import of mercury and the import of the mixtures of mercury listed in Annex I for a use allowed in a Member State shall be allowed where the importing Member State has granted written consent to such import in either of the following circumstances:

- (a) the exporting country is a Party to the Convention and the exported mercury is not from primary mercury mining that is prohibited under Article 3(3) and (4) of the Convention; or
- (b) the exporting country not being a Party to the Convention has provided certification that the mercury is not from primary mercury mining.

Without prejudice to any national measures adopted in accordance with the TFEU, a use allowed pursuant to Union legislation shall be deemed to be a use allowed in a Member State for the purposes of this paragraph.

2. The import of mixtures of mercury that do not fall under paragraph 1 and of mercury compounds, for the purpose of reclaiming mercury, shall be prohibited.
3. The import of mercury for use in artisanal and small-scale gold mining and processing shall be prohibited.
4. Where the import of mercury waste is allowed in accordance with this Article, Regulation (EC) No 1013/2006 shall continue to apply in addition to the requirements of this Regulation.

#### *Article 5*

### **Export, import and manufacturing of mercury-added products**

1. Without prejudice to stricter requirements set out in other applicable Union legislation, the export, import and manufacturing in the Union of the mercury-added products set out in Annex II shall be prohibited as from the dates set out therein.
2. The prohibition laid down in paragraph 1 shall not apply to any of the following mercury-added products:
  - (a) products that are essential for civil protection and military uses;
  - (b) products for research, for calibration of instrumentation, or for use as a reference standard.

#### *Article 6*

### **Forms for import and export**

The Commission shall adopt decisions, by means of implementing acts, to specify forms to be used for the purpose of implementing Articles 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).

#### CHAPTER III

### **RESTRICTIONS ON USE AND STORAGE OF MERCURY, MERCURY COMPOUNDS AND MIXTURES OF MERCURY**

#### *Article 7*

### **Industrial activities**

1. The use of mercury and mercury compounds in the manufacturing processes listed in Part I of Annex III shall be prohibited as from the dates set out therein.
2. The use of mercury and mercury compounds in the manufacturing processes listed in Part II of Annex III shall only be allowed subject to the conditions set out therein.
3. Interim storage of mercury and of the mercury compounds and mixtures of mercury listed in Annex I to this Regulation shall be carried out in an environmentally sound manner, in accordance with the thresholds and requirements set out in Directive 2012/18/EU of the European Parliament and of the Council <sup>(1)</sup> and in Directive 2010/75/EU.

<sup>(1)</sup> Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).

In order to ensure the uniform application of the obligation laid down in the first subparagraph of this paragraph, the Commission may adopt implementing acts setting out technical requirements for environmentally sound interim storage of mercury, mercury compounds and mixtures of mercury in line with decisions adopted by the Conference of the Parties to the Convention in accordance with Article 10(3) and Article 27 of the Convention, provided that the Union has supported the decision concerned by means of a Council decision adopted in accordance with Article 218(9) TFEU. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2) of this Regulation.

#### Article 8

##### **New mercury-added products and new manufacturing processes**

1. Economic operators shall not manufacture or place on the market mercury-added products that were not being manufactured prior to 1 January 2018 ('new mercury-added products') unless authorised to do so by means of a decision taken pursuant to paragraph 6 of this Article or allowed to do so under Directive 2011/65/EU of the European Parliament and of the Council <sup>(1)</sup>.

The first subparagraph shall not apply to any of the following:

- (a) equipment which is necessary for the protection of the essential interests of the security of Member States, including arms, munitions and war material intended for specifically military purposes;
- (b) equipment designed to be sent into space;
- (c) technical improvements made to or the redesign of mercury-added products that were being manufactured prior to 1 January 2018 provided that such improvements or redesign lead to less mercury being used in those products.

2. Economic operators shall not use manufacturing processes involving the use of mercury or mercury compounds that were not processes used prior to 1 January 2018 ('new manufacturing processes') unless authorised to do so by means of a decision taken pursuant to paragraph 6.

The first subparagraph of this paragraph shall not apply to processes manufacturing or using mercury-added products other than those subject to the prohibition laid down in paragraph 1.

3. Where an economic operator intends to apply for a decision pursuant to paragraph 6 in order to manufacture or place on the market a new mercury-added product, or to use a new manufacturing process, that would provide significant environmental or health benefits and pose no significant risks either to the environment or to human health, and where no technically practicable mercury-free alternatives providing such benefits are available, that economic operator shall notify the competent authorities of the Member State concerned. That notification shall include the following information:

- (a) a technical description of the product or process concerned;
- (b) an assessment of its environmental and health benefits and risks;
- (c) evidence demonstrating the absence of technically practicable mercury-free alternatives providing significant environmental or health benefits;
- (d) a detailed explanation of the manner in which the process is to be operated or the product is to be manufactured, used and disposed of as waste after use, in order to ensure a high level of protection of the environment and of human health.

4. The Member State concerned shall forward to the Commission the notification received from the economic operator if it considers on the basis of its own assessment of the information provided therein that the criteria referred to in the first subparagraph of paragraph 6 are fulfilled.

The Member State concerned shall inform the Commission of cases in which it considers that the criteria referred to in the first subparagraph of paragraph 6 were not fulfilled.

5. Where the Member State forwards a notification pursuant to the first subparagraph of paragraph 4 of this Article, the Commission shall immediately make the notification available to the committee referred to in Article 22(1).

<sup>(1)</sup> Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).

6. The Commission shall examine the notification received and assess whether it has been demonstrated that the new mercury-added product or new manufacturing process would provide significant environmental or health benefits and pose no significant risks either to the environment or to human health, and that no technically practicable mercury-free alternatives providing such benefits are available.

The Commission shall inform the Member States of the outcome of the assessment.

The Commission shall adopt decisions, by means of implementing acts, specifying whether the relevant new mercury-added product or new manufacturing process is authorised. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).

7. By 30 June 2018, the Commission shall make publicly available on the internet an inventory of manufacturing processes involving the use of mercury or mercury-compounds that were processes used prior to 1 January 2018 and of mercury-added products that were being manufactured prior to 1 January 2018 and of any applicable marketing restrictions.

#### *Article 9*

### **Artisanal and small-scale gold mining and processing**

1. Artisanal and small-scale gold mining and processing in which mercury amalgamation is used to extract gold from ore shall be prohibited.
2. Without prejudice to paragraph 1 of this Article and to Article 16, where there is evidence of there being more than isolated cases of non-compliance with the prohibition laid down in paragraph 1 of this Article, the competent authority of the Member State concerned shall develop and implement a national plan in accordance with Annex IV.

#### *Article 10*

### **Dental amalgam**

1. From 1 January 2019, dental amalgam shall only be used in pre-dosed encapsulated form. The use of mercury in bulk form by dental practitioners shall be prohibited.
2. From 1 July 2018, dental amalgam shall not be used for dental treatment of deciduous teeth, of children under 15 years and of pregnant or breastfeeding women, except when deemed strictly necessary by the dental practitioner based on the specific medical needs of the patient.
3. By 1 July 2019, each Member State shall set out a national plan concerning the measures it intends to implement to phase down the use of dental amalgam.

Member States shall make their national plans publicly available on the internet and shall transmit them to the Commission within one month of their adoption.

4. From 1 January 2019, operators of dental facilities in which dental amalgam is used or dental amalgam fillings or teeth containing such fillings are removed, shall ensure that their facilities are equipped with amalgam separators for the retention and collection of amalgam particles, including those contained in used water.

Such operators shall ensure that:

- (a) amalgam separators put into service from 1 January 2018 provide a retention level of at least 95 % of amalgam particles;
- (b) from 1 January 2021, all amalgam separators in use provide the retention level specified in point (a).

Amalgam separators shall be maintained in accordance with the manufacturer's instructions to ensure the highest practicable level of retention.

5. Capsules and amalgam separators complying with European standards, or with other national or international standards that provide an equivalent level of quality and retention, shall be presumed to satisfy the requirements set out in paragraphs 1 and 4.

6. Dental practitioners shall ensure that their amalgam waste, including amalgam residues, particles and fillings, and teeth, or parts thereof, contaminated by dental amalgam, is handled and collected by an authorised waste management establishment or undertaking.

Dental practitioners shall not release directly or indirectly such amalgam waste into the environment under any circumstances.

## CHAPTER IV

**DISPOSAL OF WASTE AND MERCURY WASTE***Article 11***Waste**

Without prejudice to point (5) of Article 2 of this Regulation, mercury and mercury compounds, whether in pure form or in mixtures, from any of the following large sources shall be considered to be waste within the meaning of Directive 2008/98/EC and be disposed of without endangering human health or harming the environment, in accordance with that Directive:

- (a) the chlor-alkali industry;
- (b) the cleaning of natural gas;
- (c) non-ferrous mining and smelting operations;
- (d) extraction from cinnabar ore in the Union.

Such disposal shall not lead to any form of reclamation of mercury.

*Article 12***Reporting on large sources**

1. Economic operators within the industry sectors referred to in points (a), (b) and (c) of Article 11 shall send, each year by 31 May, the following to the competent authorities of the Member States concerned:

- (a) data on the total amount of mercury waste stored in each of their installations;
- (b) data on the total amount of mercury waste sent to individual facilities undertaking the temporary storage, the conversion and, if applicable, solidification of mercury waste, or the permanent storage of mercury waste that underwent conversion and, if applicable, solidification;
- (c) the location and contact details of each facility referred to in point (b);
- (d) a copy of the certificate provided by the operator of the facility undertaking the temporary storage of mercury waste, in accordance with Article 14(1);
- (e) a copy of the certificate provided by the operator of the facility undertaking the conversion and, if applicable, the solidification of mercury waste, in accordance with Article 14(2);
- (f) a copy of the certificate provided by the operator of the facility undertaking the permanent storage of mercury waste that underwent conversion and, if applicable, solidification, in accordance with Article 14(3).

2. The data referred to in points (a) and (b) of paragraph 1 shall be expressed using the codes laid down in Regulation (EC) No 2150/2002 of the European Parliament and of the Council <sup>(1)</sup>.

3. The obligations laid down in paragraphs 1 and 2 shall cease to apply to an economic operator of chlor-alkali installations from one year after the date that all mercury cells operated by the economic operator have been decommissioned in accordance with Implementing Decision 2013/732/EU and all mercury has been handed over to waste management facilities.

*Article 13***Storage of mercury waste**

1. By way of derogation from point (a) of Article 5(3) of Directive 1999/31/EC, mercury waste may be temporarily stored in liquid form provided that the specific requirements for the temporary storage of mercury waste as laid down in Annexes I, II and III to that Directive are complied with and that such storage occurs in above-ground facilities dedicated to and equipped for the temporary storage of mercury waste.

The derogation set out in the first subparagraph shall cease to apply as from 1 January 2023.

2. The Commission is empowered to adopt delegated acts in accordance with Article 21 in order to amend this Regulation by extending the period allowed for temporary storage of mercury waste referred to in paragraph 1 of this Article by up to three years.

<sup>(1)</sup> Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics (OJ L 332, 9.12.2002, p. 1).

3. Prior to being permanently disposed of, mercury waste shall undergo conversion and, where intended to be disposed of in above-ground facilities, conversion and solidification.

Mercury waste that underwent conversion and, if applicable, solidification shall only be permanently disposed of in the following permanent storage facilities licensed for disposal of hazardous waste:

- (a) salt mines that are adapted for the permanent storage of mercury waste that underwent conversion, or deep underground hard rock formations providing a level of safety and confinement equivalent to or higher than that of such salt mines; or
- (b) above-ground facilities dedicated to and equipped for the permanent storage of mercury waste that underwent conversion and solidification and that provide a level of safety and confinement equivalent to or higher than that of the facilities referred to in point (a).

Operators of permanent storage facilities shall ensure that mercury waste that underwent conversion and, if applicable, solidification is stored separately from other waste and in disposal batches in a storage chamber that is sealed. Those operators shall further ensure that the requirements set out in Directive 1999/31/EC, including the specific requirements for the temporary storage of mercury waste established in the third and fifth indents of Section 8 of Annex I and in Annex II to that Directive, are complied with in relation to the permanent storage facilities.

#### Article 14

#### Traceability

1. Operators of facilities undertaking the temporary storage of mercury waste shall establish a register including the following:

- (a) for each shipment of mercury waste received:
  - (i) the origin and amount of that waste;
  - (ii) the name and contact details of the supplier and the owner of that waste;
- (b) for each shipment of mercury waste leaving the facility:
  - (i) the amount of that waste and its mercury content;
  - (ii) the destination and intended disposal operation of that waste;
  - (iii) a copy of the certificate provided by the operator of the facility undertaking the conversion and, if applicable, the solidification of that waste, as referred to in paragraph 2;
  - (iv) a copy of the certificate provided by the operator of the facility undertaking the permanent storage of the mercury waste that underwent conversion and, if applicable, solidification, as referred to in paragraph 3;
- (c) the amount of mercury waste stored at the facility at the end of each month.

Operators of facilities undertaking the temporary storage of mercury waste shall, as soon as the mercury waste is taken out of temporary storage, issue a certificate confirming that the mercury waste was sent to a facility undertaking disposal operations covered by this Article.

Once a certificate as referred to in the second subparagraph of this paragraph is issued, a copy thereof shall be transmitted without delay to the economic operators concerned referred to in Article 12.

2. Operators of facilities undertaking the conversion and, if applicable, the solidification of mercury waste shall establish a register including the following:

- (a) for each shipment of mercury waste received:
  - (i) the origin and amount of that waste;
  - (ii) the name and contact details of the supplier and the owner of that waste;

- (b) for each shipment of mercury waste that underwent conversion and, if applicable, solidification leaving the facility:
- (i) the amount of that waste and its mercury content;
  - (ii) the destination and intended disposal operation of that waste;
  - (iii) a copy of the certificate provided by the operator of the facility undertaking the permanent storage of that waste, as referred to in paragraph 3;
- (c) the amount of mercury waste stored at the facility at the end of each month.

Operators of facilities undertaking the conversion and, if applicable, the solidification of mercury waste shall, as soon as the conversion and, if applicable, the solidification operation of the entire shipment is completed, issue a certificate confirming that the entire shipment of mercury waste has been converted and, if applicable, solidified.

Once a certificate as referred to in the second subparagraph of this paragraph is issued, a copy thereof shall be transmitted without delay to the operators of the facilities referred to in paragraph 1 of this Article and to the economic operators concerned referred to in Article 12.

3. Operators of facilities undertaking the permanent storage of mercury waste that underwent conversion and, if applicable, solidification shall, as soon as the disposal operation of the entire shipment is completed, issue a certificate confirming that the entire shipment of mercury waste that underwent conversion and, if applicable, solidification has been placed into permanent storage in compliance with Directive 1999/31/EC, including information on the storage location.

Once a certificate as referred to in the first subparagraph of this paragraph is issued, a copy thereof shall be transmitted without delay to the operators of the facilities referred to in paragraphs 1 and 2 of this Article as well as to the economic operators concerned referred to in Article 12.

4. Each year by 31 January, the operators of the facilities referred to in paragraphs 1 and 2 shall transmit the register for the previous calendar year to the competent authorities of the Member States concerned. The competent authorities of the Member States concerned shall annually communicate each transmitted register to the Commission.

#### *Article 15*

### **Contaminated sites**

1. The Commission shall organise an exchange of information with the Member States regarding the measures taken at national level to identify and assess sites contaminated by mercury and mercury compounds and to address the significant risks such contamination may pose to human health and the environment.
2. By 1 January 2021, the Commission shall make the information gathered pursuant to paragraph 1, including an inventory of sites contaminated by mercury and mercury compounds, publicly available on the internet.

#### CHAPTER V

### **PENALTIES, COMPETENT AUTHORITIES AND REPORTING**

#### *Article 16*

### **Penalties**

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by the respective dates of application of the relevant provisions of this Regulation, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

#### *Article 17*

### **Competent authorities**

Member States shall designate the competent authorities responsible for carrying out obligations arising from this Regulation.

*Article 18***Report**

1. By 1 January 2020 and at appropriate intervals thereafter, Member States shall prepare, provide to the Commission and make publicly available on the internet a report with the following:

- (a) information concerning the implementation of this Regulation;
- (b) information needed for the fulfilment by the Union of its reporting obligation under Article 21 of the Convention;
- (c) a summary of the information gathered in accordance with Article 12 of this Regulation;
- (d) information regarding mercury located in their territories:
  - (i) a list of sites where stocks of more than 50 metric tonnes of mercury other than mercury waste are located as well as the amount of mercury at each site;
  - (ii) a list of sites where more than 50 metric tonnes of mercury waste is accumulated as well as the amount of mercury waste at each site; and
- (e) a list of sources supplying more than 10 metric tonnes of mercury per year, where Member States are made aware of such sources.

Member States may decide not to make any of the information referred to in the first subparagraph publicly available on any of the grounds mentioned in Article 4(1) and (2) of Directive 2003/4/EC of the European Parliament and of the Council <sup>(1)</sup>, subject to the second subparagraph of Article 4(2) of that Directive.

2. For the purposes of the report referred to in paragraph 1, the Commission shall make an electronic reporting tool available to the Member States.

The Commission shall adopt implementing acts to establish appropriate questionnaires in order to specify the content, the information and the key performance indicators needed to meet the requirements under paragraph 1 as well as the format and the frequency of the report referred to in paragraph 1. Those questionnaires shall not duplicate reporting obligations of the Parties to the Convention. The implementing acts referred to in this paragraph shall be adopted in accordance with the examination procedure referred to in Article 22(2).

3. The Member States shall, without delay, make available to the Commission reports they provide to the Secretariat of the Convention.

*Article 19***Review**

1. By 30 June 2020, the Commission shall report to the European Parliament and to the Council on the outcome of its assessment regarding:

- (a) the need for the Union to regulate emissions of mercury and mercury compounds from crematoria;
- (b) the feasibility of a phase out of the use of dental amalgam in the long term, and preferably by 2030, taking into account the national plans referred to in Article 10(3) and whilst fully respecting Member States' competence for the organisation and delivery of health services and medical care; and
- (c) the environmental benefits and the feasibility of a further alignment of Annex II with relevant Union legislation regulating the placing on the market of mercury-added products.

2. By 31 December 2024, the Commission shall report to the European Parliament and to the Council on the implementation and the review of this Regulation, *inter alia*, in the light of the effectiveness evaluation undertaken by the Conference of the Parties to the Convention and of the reports provided by the Member States in accordance with Article 18 of this Regulation and Article 21 of the Convention.

3. The Commission shall, if appropriate, present a legislative proposal together with its reports referred to in paragraphs 1 and 2.

<sup>(1)</sup> Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

## CHAPTER VI

**DELEGATED AND IMPLEMENTING POWERS***Article 20***Amendment of Annexes**

The Commission is empowered to adopt delegated acts in accordance with Article 21 of this Regulation in order to amend its Annexes I, II, III and IV to align them with decisions adopted by the Conference of the Parties to the Convention in accordance with Article 27 of the Convention, provided that the Union has supported the decision concerned by means of a Council decision adopted in accordance with Article 218(9) TFEU.

*Article 21***Exercise of the delegation**

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(2) and Article 20 shall be conferred on the Commission for a period of five years from 13 June 2017. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 13(2) and Article 20 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.
4. 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 of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 13(2) and Article 20 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two 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 two months at the initiative of the European Parliament or of the Council.

*Article 22***Committee procedure**

1. For the adoption of forms for import and export under Article 6, of technical requirements for environmentally sound interim storage of mercury, mercury compounds or mixtures of mercury under Article 7(3), of a decision under Article 8(6), and of questionnaires under Article 18(2), the Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

## CHAPTER VII

**FINAL PROVISIONS***Article 23***Repeal**

Regulation (EC) No 1102/2008 is repealed with effect from 1 January 2018.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.



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*Article 24***Entry into force**

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

It shall apply from 1 January 2018.

However, point (d) of Part I of Annex III shall apply from 11 December 2017.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 17 May 2017.

*For the European Parliament*

*The President*

A. TAJANI

*For the Council*

*The President*

C. ABELA

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## ANNEX I

**Mercury compounds subject to Article 3(2) and (3) and Article 7(3) and mixtures of mercury subject to Article 3(2), Article 4(1) and Article 7(3)**

Mercury compounds prohibited for export from 1 January 2018:

- Mercury (I) chloride ( $\text{Hg}_2\text{Cl}_2$ , CAS RN 10112-91-1)
- Mercury (II) oxide ( $\text{HgO}$ , CAS RN 21908-53-2)
- Cinnabar ore
- Mercury sulfide ( $\text{HgS}$ , CAS RN 1344-48-5)

Mercury compounds prohibited for export from 1 January 2020:

- Mercury (II) sulphate ( $\text{HgSO}_4$ , CAS RN 7783-35-9)
- Mercury (II) nitrate ( $\text{Hg}(\text{NO}_3)_2$ , CAS RN 10045-94-0)

Mixtures of mercury prohibited for export and import from 1 January 2018:

- Mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 % by weight.

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## ANNEX II

**Mercury-added products referred to in Article 5**

## Part A — Mercury-added products

Mercury-added products	Date from which the export, import and manufacturing of the mercury-added products are prohibited
1. Batteries or accumulators that contain more than 0,0005 % of mercury by weight.	31.12.2020
2. Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay.	31.12.2020
3. Compact fluorescent lamps (CFLs) for general lighting purposes: (a) CFL.i $\leq$ 30 watts with a mercury content exceeding 2,5 mg per lamp burner; (b) CFL.ni $\leq$ 30 watts with a mercury content exceeding 3,5 mg per lamp burner.	31.12.2018
4. The following linear fluorescent lamps (LFLs) for general lighting purposes: (a) Triband phosphor $<$ 60 watts with a mercury content exceeding 5 mg per lamp; (b) Halophosphate phosphor $\leq$ 40 watts with a mercury content exceeding 10 mg per lamp.	31.12.2018
5. High pressure mercury vapour lamps (HPMV) for general lighting purposes.	31.12.2018
6. The following mercury-added cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFLs and EEFLs) for electronic displays: (a) short length ( $\leq$ 500 mm) with mercury content exceeding 3,5 mg per lamp; (b) medium length ( $>$ 500 mm and $\leq$ 1 500 mm) with mercury content exceeding 5 mg per lamp; (c) long length ( $>$ 1 500 mm) with mercury content exceeding 13 mg per lamp.	31.12.2018
7. Cosmetics with mercury and mercury compounds, except those special cases included in entries 16 and 17 of Annex V to Regulation (EC) No 1223/2009 of the European Parliament and of the Council <sup>(1)</sup> .	31.12.2020
8. Pesticides, biocides and topical antiseptics.	31.12.2020
9. The following non-electronic measuring devices: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers and other non-electrical thermometric applications; (e) sphygmomanometers; (f) strain gauges to be used with plethysmographs;	31.12.2020

Mercury-added products	Date from which the export, import and manufacturing of the mercury-added products are prohibited
(g) mercury pycnometers; (h) mercury metering devices for determination of the softening point. This entry does not cover the following measuring devices: <ul style="list-style-type: none"> <li>— non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement where no suitable mercury-free alternative is available;</li> <li>— measuring devices more than 50 years old on 3 October 2007;</li> <li>— measuring devices which are to be displayed in public exhibitions for cultural and historical purposes.</li> </ul>	
(1) Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).	

Part B — Additional products excluded from the list in Part A of this Annex

Switches and relays, cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFLs and EEFLs) for electronic displays and measuring devices, when they are used to replace a component of larger equipment and provided that no feasible mercury-free alternative for that component is available, in accordance with Directive 2000/53/EC of the European Parliament and of the Council (1) and Directive 2011/65/EU.

(1) Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).

## ANNEX III

**Mercury-related requirements applicable to manufacturing processes referred to in Article 7(1) and (2)**

Part I: Prohibited use of mercury or mercury compounds, whether in pure form or in mixtures, in manufacturing processes

- (a) from 1 January 2018: manufacturing processes in which mercury or mercury compounds are used as a catalyst;
- (b) by way of derogation from point (a), the production of vinyl chloride monomer shall be prohibited from 1 January 2022;
- (c) from 1 January 2022: manufacturing processes in which mercury is used as an electrode;
- (d) by way of derogation from point (c), from 11 December 2017: chlor-alkali production in which mercury is used as an electrode;
- (e) by way of derogation from point (c), the production of sodium or potassium methylate or ethylate shall be prohibited from 1 January 2028;
- (f) from 1 January 2018: the production of polyurethane, to the extent not already restricted or prohibited in accordance with entry 62 of Annex XVII to Regulation (EC) No 1907/2006.

Part II: Manufacturing processes subject to restrictions on use and releases of mercury and mercury compounds

Production of sodium or potassium methylate or ethylate

The production of sodium or potassium methylate or ethylate shall be carried out in accordance with point (e) of Part I and subject to the following conditions:

- (a) no use of mercury from primary mercury mining;
  - (b) reduction of direct and indirect release of mercury and of mercury compounds into air, water and land in terms of per unit production by 50 % by 2020 as compared to 2010;
  - (c) supporting research and development in respect of mercury-free manufacturing processes; and
  - (d) as from 13 June 2017, the capacity of installations using mercury and mercury compounds for the production of sodium or potassium methylate or ethylate that were in operation before that date shall not be increased and no new installations shall be allowed.
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## ANNEX IV

**Content of the national plan on artisanal and small-scale gold mining and processing referred to in Article 9**

The national plan shall include the following information:

- (a) national objectives and reduction targets to eliminate the use of mercury and mercury compounds;
  - (b) actions to eliminate:
    - (i) whole ore amalgamation;
    - (ii) open burning of amalgam or processed amalgam;
    - (iii) burning of amalgam in residential areas; and
    - (iv) cyanide leaching in sediment, ore or tailings to which mercury has been added without first removing the mercury;
  - (c) steps to facilitate the formalization or regulation of the artisanal and small-scale gold mining and processing sector;
  - (d) baseline estimates of the quantities of mercury used and the practices employed in artisanal and small-scale gold mining and processing within its territory;
  - (e) strategies for promoting the reduction of emissions and releases of, and exposure to, mercury in artisanal and small-scale gold mining and processing, including mercury-free methods;
  - (f) strategies for managing trade and preventing the diversion of mercury and mercury compounds from both foreign and domestic sources to use in artisanal and small-scale gold mining and processing;
  - (g) strategies for involving stakeholders in the implementation and continuing development of the national plan;
  - (h) a public health strategy on the exposure of artisanal and small-scale gold miners and their communities to mercury which shall include, inter alia, the gathering of health data, training for health-care workers and awareness-raising through health facilities;
  - (i) strategies to prevent the exposure of vulnerable populations, particularly children and women of child-bearing age, especially pregnant women, to mercury used in artisanal and small-scale gold mining and processing;
  - (j) strategies for providing information to artisanal and small-scale gold miners and affected communities; and
  - (k) a schedule for the implementation of the national plan.
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## ANNEX V

**Correlation table**

Regulation (EC) No 1102/2008	This Regulation
Article 1(1)	Article 3(1) and (2)
Article 1(2)	Article 3(3)
Article 1(3)	Article 3(4)
Article 2	Article 11
Article 3(1)(a)	Article 13(3)(a)
Article 3(1)(b)	Article 13(1)
Article 3(1), second subparagraph	Article 13(1), first subparagraph and Article 13(3), third subparagraph
Article 3(2)	—
Article 4(1)	Article 13(1)
Article 4(2)	Article 13(1)
Article 4(3)	—
Article 5(1)	—
Article 5(2)	—
Article 5(3)	—
Article 6(1)(a)	—
Article 6(1)(b)	Article 12(1)(a)
Article 6(1)(c)	Article 12(1)(b) and (c)
Article 6(2)(a)	Article 12(1)(a)
Article 6(2)(b)	Article 12(1)(b) and (c)
Article 6(3)	Article 12(1)
Article 6(4)	—
Article 7	Article 16
Article 8(1)	—
Article 8(2)	—
Article 8(3)	—
Article 8(4)	—
Article 8(5)	—
Article 9	—

# DIRECTIVES

**DIRECTIVE (EU) 2017/853 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 17 May 2017**  
**amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons**  
**(Text with EEA relevance)**

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 <sup>(1)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Council Directive 91/477/EEC <sup>(3)</sup> established an accompanying measure for the internal market. It created a balance between, on the one hand, the commitment to ensure a certain freedom of movement for some firearms and their essential components within the Union, and, on the other hand, the need to control that freedom using security guarantees suited to those products.
- (2) Certain aspects of Directive 91/477/EEC need to be further improved in a proportionate way, in order to address the misuse of firearms for criminal purposes, and considering recent terrorist acts. In this context, the Commission called in its communication of 28 April 2015 on the European Agenda on Security, for the revision of that Directive and for a common approach on the deactivation of firearms to prevent their reactivation and use by criminals.
- (3) Once firearms are lawfully acquired and possessed in accordance with Directive 91/477/EEC, national provisions concerning the carrying of weapons, hunting or target shooting should apply.
- (4) For the purposes of Directive 91/477/EEC, the definition of a broker should cover any natural or legal person, including partnerships, and the term 'supply' should be deemed to include lending and leasing. Since brokers provide services similar to those supplied by dealers, they should also be covered by Directive 91/477/EEC in respect of those obligations of dealers that are relevant to brokers' activities, to the extent that they are in a position to fulfil those obligations and in so far as these are not fulfilled by a dealer as regards the same underlying transaction.
- (5) The activities of a dealer include not only the manufacturing but also the modification or conversion of firearms, essential components and ammunition, such as the shortening of a complete firearm, leading to a change in their category or subcategory. Purely private, non-commercial activities, such as hand-loading and reloading of ammunition from ammunition components for own use or modifications of firearms or essential components owned by the person concerned, such as changes to the stock or sight or maintenance to address wear and tear of essential components, should not be considered to be activities that only a dealer would be permitted to undertake.

<sup>(1)</sup> OJ C 264, 20.7.2016, p. 77.

<sup>(2)</sup> Position of the European Parliament of 14 March 2017 (not yet published in the Official Journal) and decision of the Council of 25 April 2017.

<sup>(3)</sup> 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).



- (6) In order to increase the traceability of all firearms and essential components and to facilitate their free movement, all firearms or their essential components should be marked with a clear, permanent and unique marking and registered in the data-filing systems of the Member States.
- (7) The records held in the data-filing systems should contain all information allowing a firearm to be linked to its owner and should record the name of the manufacturer or brand, the country or place of manufacture, the type, make, model, calibre and serial number of the firearm or any unique marking applied to the frame or receiver of the firearm. Essential components other than the frame or receiver should be recorded in the data-filing systems under the record relating to the firearm to which they are to be fitted.
- (8) To prevent markings from being easily erased and to clarify which essential components the marking should be affixed to, common Union rules on marking should be introduced. Those rules should apply only to firearms or essential components that are manufactured or imported into the Union on or after 14 September 2018, when they are placed on the market, while firearms and parts manufactured or imported into the Union before that date should remain covered by the marking and registration requirements under Directive 91/477/EEC that are applicable until that date.
- (9) In view of the dangerous nature and durability of firearms and essential components, in order to ensure that competent authorities are able to trace firearms and essential components for the purpose of administrative and criminal proceedings and taking into account national procedural law, it is necessary that records in the data-filing systems be retained for a period of 30 years after the destruction of the firearms or essential components concerned. Access to those records and all related personal data should be restricted to competent authorities and should be permitted only up until 10 years after the destruction of the firearm or essential components concerned for the purpose of granting or withdrawing authorisations or for customs proceedings, including the possible imposition of administrative penalties, and up until 30 years after the destruction of the firearm or essential components concerned where that access is necessary for the enforcement of criminal law.
- (10) The efficient sharing of information between dealers and brokers, on the one hand, and national competent authorities, on the other, is important for the effective operation of the data-filing systems. Dealers and brokers should therefore provide information without undue delay to the national competent authorities. To facilitate that, national competent authorities should establish a means of electronic connection accessible to dealers and brokers, which can include submission of the information by email or directly through a database or other registry.
- (11) As regards Member States' obligation to have a monitoring system in place in order to ensure that the conditions for a firearms authorisation are met throughout its duration, Member States should decide whether or not the assessment is to involve a prior medical or psychological test.
- (12) Without prejudice to national laws addressing professional liability, the assessment of relevant medical or psychological information should not be presumed to assign any liability to the medical professional or other persons providing such information where firearms possessed in accordance with Directive 91/477/EEC are misused.
- (13) Firearms and ammunition should be stored in a secure manner when not immediately supervised. If stored otherwise than in a safe, firearms and ammunition should be stored separately from each other. When the firearm and ammunition are to be handed over to a carrier for transport, that carrier should be responsible for proper supervision and storage. Criteria for proper storage and for safe transportation should be defined by national law, taking into account the number and category of the firearms and ammunition concerned.
- (14) Directive 91/477/EEC should not affect Member States' rules which allow lawful transactions involving firearms, essential components and ammunition to be arranged by means of mail order, the internet or distance contracts as defined in Directive 2011/83/EU of the European Parliament and of the Council <sup>(1)</sup>, for example by way of online auction catalogues or classified advertisements, telephone or email. However, it is essential that the identities of parties to such transactions and their lawful ability to enter into such transactions be capable of being checked and actually checked. As regards purchasers, it is therefore appropriate to ensure that their identity

<sup>(1)</sup> 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, p. 64).

and, where relevant, the fact of their authorisation to acquire a firearm, essential components or ammunition be checked by a licensed or authorised dealer or broker, or by a public authority or a representative of such authority, prior to, or at the latest upon, delivery.

- (15) For the most dangerous firearms, stricter rules should be introduced in Directive 91/477/EEC in order to ensure that those firearms are, with some limited and duly reasoned exceptions, not allowed to be acquired, possessed or traded. Where those rules are not respected, Member States should take all appropriate measures, which might include the impounding of those firearms.
- (16) Member States should, however, have the possibility to authorise the acquisition and possession of firearms, essential components and ammunition classified in category A when necessary for educational, cultural, including film and theatre, research or historical purposes. Authorised persons could include, inter alia, armourers, proof houses, manufacturers, certified experts, forensic scientists and, in certain cases, those involved in film or television recordings. Member States should also be allowed to authorise individuals to acquire and possess firearms, essential components and ammunition classified in category A for national defence, such as in the context of voluntary military training provided under national law.
- (17) Member States should be able to choose to grant authorisations to recognised museums and collectors for the acquisition and possession of firearms, essential components and ammunition classified in category A when necessary for historical, cultural, scientific, technical, educational or heritage purposes, provided that such museums and collectors demonstrate, prior to being granted such an authorisation, that they have taken the necessary measures to address any risks to public security or public order, including by way of proper storage. Any such authorisation should take into account and reflect the specific situation, including the nature of the collection and its purposes, and Member States should ensure that a system is in place for monitoring collectors and collections.
- (18) Dealers and brokers should not be prevented from handling firearms, essential components and ammunition classified in category A in cases where the acquisition and possession of such firearms, essential components and ammunition is exceptionally allowed, where their handling is necessary for the purposes of deactivation or conversion, or whenever otherwise permitted under Directive 91/477/EEC, as amended by this Directive. Nor should dealers and brokers be prevented from handling such firearms, essential components and ammunition in cases not covered by Directive 91/477/EEC, as amended by this Directive, such as firearms, essential components and ammunition to be exported outside the Union or weapons to be acquired by the armed forces, the police or the public authorities.
- (19) Dealers and brokers should be able to refuse to complete any suspicious transaction for the acquisition of complete rounds of ammunition or live primer components of ammunition. A transaction may be considered suspicious if, for example, it involves quantities uncommon for the envisaged private use, if the purchaser appears unfamiliar with the use of the ammunition or if the purchaser insists on paying in cash while being unwilling to provide proof of his or her identity. Dealers and brokers should also be able to report such suspicious transactions to the competent authorities.
- (20) The risk of acoustic weapons and other types of blank-firing weapons being converted into real firearms is high. It is therefore essential to address the problem of such converted firearms being used in the commission of criminal offences, in particular by including them within the scope of Directive 91/477/EEC. Furthermore, to avoid the risk of alarm and signal weapons being manufactured in such a way that they are capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant, the Commission should adopt technical specifications in order to ensure that they cannot be so converted.
- (21) Taking into consideration the high risk of reactivating improperly deactivated firearms and in order to enhance security across the Union, such firearms should be covered by Directive 91/477/EEC. A definition of deactivated firearms should be given that reflects the general principles of deactivation of firearms as provided for by the Protocol against the Illicit Manufacturing of and Trafficking of Firearms, their Parts and Components and Ammunition, attached to Council Decision 2014/164/EU <sup>(1)</sup>, which transposes that Protocol into the Union legal framework.

<sup>(1)</sup> Council Decision 2014/164/EU 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 L 89, 25.3.2014, p. 7).

- (22) Firearms designed for military use, such as AK47 and M16, and which are equipped to operate on the basis of selective fire, where they may be manually adjusted between automatic and semi-automatic firing modes, should be classified as category A firearms and should therefore be prohibited for civilian use. If converted into semi-automatic firearms, they should be classified in point 6 of category A.
- (23) 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 might be very dangerous when their capacity, in terms of the number of rounds, is high. Therefore, semi-automatic firearms with a fixed loading device allowing a high number of rounds to be fired, as well as semi-automatic firearms in combination with a detachable loading device having a high capacity, should be prohibited for civilian use. The mere possibility of fitting a loading device with a capacity exceeding 10 rounds for long firearms and 20 rounds for short firearms does not determine the classification of the firearm in a specific category.
- (24) Without prejudice to the renewal of authorisations in accordance with Directive 91/477/EEC, semi-automatic firearms which use rimfire percussion, including those with a calibre of .22 or smaller, should not be classified in category A unless they have been converted from automatic firearms.
- (25) The provisions of Directive 91/477/EEC relating to the European firearms pass as the main document needed for their respective activities by target shooters and other persons authorised in accordance with that Directive should be improved by including in the relevant provisions thereof a reference to firearms classified in category A, without prejudice to Member States' right to choose to apply more stringent rules.
- (26) Objects which have the physical appearance of a firearm ('replica'), but which are manufactured in such a way that they cannot be converted to expel a shot, bullet or projectile by the action of a combustible propellant, should not be covered by Directive 91/477/EEC.
- (27) Where Member States have national laws regulating antique weapons, such weapons are not subject to Directive 91/477/EEC. However, reproductions of antique weapons do not have the same historical importance or interest attached to them and may be constructed using modern techniques which can improve their durability and accuracy. Therefore, such reproductions should be brought within the scope of Directive 91/477/EEC. Directive 91/477/EEC is not applicable to other items, such as airsoft devices, which do not correspond to the definition of a firearm and are therefore not regulated by that Directive.
- (28) In order to improve the functioning of the exchange of information between Member States, it would be helpful if the Commission could 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, including the feasibility of enabling each Member State to access such a system. That system may use a module of the internal market information system ('IMI') established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council <sup>(1)</sup> specifically customised for firearms. Such exchange of information between Member States should take place in compliance with the rules on data protection laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council <sup>(2)</sup>. Where a competent authority needs to have access to the criminal records of a person applying for an authorisation to acquire or possess a firearm, that authority should be able to obtain that information under Council Framework Decision 2009/315/JHA <sup>(3)</sup>. The Commission's assessment could be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.
- (29) In order to ensure appropriate exchange of information by electronic means between Member States concerning authorisations granted for the transfer of firearms to another Member State and on refusals to grant

<sup>(1)</sup> Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).

<sup>(2)</sup> 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, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>(3)</sup> Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93, 7.4.2009, p. 23).

authorisations to acquire or possess a firearm, 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 establishing provisions enabling the Member States to create such a system of exchange of information. 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 of 13 April 2016 on Better Law-Making <sup>(1)</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

- (30) 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 Council <sup>(2)</sup>.
- (31) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.
- (32) Regulation (EU) 2016/679 should apply to the processing of personal data within the framework of Directive 91/477/EEC. Where personal data collected under Directive 91/477/EEC are processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, the authorities processing those data should comply with rules adopted pursuant to Directive (EU) 2016/680 of the European Parliament and of the Council <sup>(3)</sup>.
- (33) 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.
- (34) Directive 91/477/EEC should therefore be amended accordingly.
- (35) As regards Iceland and Norway, this Directive and 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* <sup>(4)</sup> which fall within the areas referred to in Article 1 of Council Decision 1999/437/EC <sup>(5)</sup>.
- (36) As regards Switzerland, this Directive and 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* <sup>(6)</sup> which fall within the areas referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC <sup>(7)</sup>.

<sup>(1)</sup> OJ L 123, 12.5.2016, p. 1.

<sup>(2)</sup> 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).

<sup>(3)</sup> 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, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

<sup>(4)</sup> OJ L 176, 10.7.1999, p. 36.

<sup>(5)</sup> Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

<sup>(6)</sup> OJ L 53, 27.2.2008, p. 52.

<sup>(7)</sup> Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, 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* (OJ L 53, 27.2.2008, p. 1).

- (37) As regards Liechtenstein, this Directive and 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* <sup>(1)</sup> which fall within the areas referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU <sup>(2)</sup>,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 91/477/EEC is amended as follows:

- (1) Article 1 is replaced by the following:

*Article 1*

1. For the purposes of this Directive, the following definitions apply:

- (1) "firearm" means any portable barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant, unless it is excluded from that definition for one of the reasons listed in Part III of Annex I. Firearms are classified in Part II of Annex I.

An object shall be considered to be capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if:

- (a) it has the appearance of a firearm; and
- (b) as a result of its construction or the material from which it is made, it can be so converted;
- (2) "essential component" means the barrel, the frame, the receiver, including both upper and lower receivers, where applicable, the slide, the cylinder, the bolt or the breech block, which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;
- (3) "ammunition" means the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorisation in the Member State concerned;
- (4) "alarm and signal weapons" means devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant;
- (5) "salute and acoustic weapons" means firearms specifically converted for 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;
- (6) "deactivated firearms" means firearms that have been rendered permanently unfit for use by deactivation, ensuring that all essential components of the firearm in question 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;
- (7) "museum" means a permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches and exhibits firearms, essential components or ammunition for historical, cultural, scientific, technical, educational, heritage or recreational purposes, and recognised as such by the Member State concerned;

<sup>(1)</sup> OJ L 160, 18.6.2011, p. 21.

<sup>(2)</sup> Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, 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*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

- (8) “collector” means any natural or legal person dedicated to the gathering and conservation of firearms, essential components or ammunition for historical, cultural, scientific, technical, educational or heritage purposes, and recognised as such by the Member State concerned;
- (9) “dealer” means any natural or legal person whose trade or business consists wholly or partly of either of the following:
- (a) the manufacture, trade, exchange, hiring out, repair, modification or conversion of firearms or essential components;
  - (b) the manufacture, trade, exchange, modification or conversion of ammunition;
- (10) “broker” means any natural or legal person, other than a dealer, whose trade or business consists wholly or partly of either of the following:
- (a) the negotiation or arrangement of transactions for the purchase, sale or supply of firearms, essential components or ammunition;
  - (b) arranging the transfer of firearms, essential components or ammunition 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;
- (11) “illicit manufacturing” means the manufacturing or assembly of firearms, their essential components and ammunition:
- (a) from any essential component of such firearms illicitly trafficked;
  - (b) without an authorisation issued in accordance with Article 4 by a competent authority of the Member State where the manufacture or assembly takes place; or
  - (c) without marking firearms at the time of manufacture in accordance with Article 4;
- (12) “illicit trafficking” means the acquisition, sale, delivery, movement or transfer of firearms, their essential components or ammunition from or through 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 this Directive or if the firearms, essential components or ammunition are not marked in accordance with Article 4;
- (13) “tracing” means the systematic tracking of firearms and, where possible, their essential components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and illicit trafficking.

2. For the purposes of this Directive, a person shall be considered to be a resident of the country indicated by the address appearing on an official document showing his or her place of residence, such as a passport or a national identity card, which, on a check on acquisition or on possession, is submitted to the competent authorities of a Member State or to a dealer or broker. If a person’s address does not appear on his or her passport or national identity card, his or her country of residence shall be determined on the basis of any other official proof of residence recognised by the Member State concerned.

3. A “European firearms pass” shall be issued on request by the competent authorities of a Member State to a person lawfully entering into possession of and using a firearm. It shall be valid for a maximum period of 5 years, which may be extended, and shall contain the information set out in Annex II. It shall be non-transferable and shall record the firearm or firearms possessed and used by the holder of the pass. It must always be in the possession of the person using the firearm and any change in the possession or characteristics of the firearm, as well as the loss or theft thereof, shall be indicated on the pass.’;

- (2) Article 2 is replaced by the following:

*‘Article 2*

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. Nor shall it apply to transfers regulated by Directive 2009/43/EC of the European Parliament and of the Council (\*).

(\* ) 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, 10.6.2009, p. 1).;

(3) Article 4 is amended as follows:

(a) paragraphs 1, 2 and 3 are replaced by the following:

1. With respect to firearms manufactured or imported into the Union on or after 14 September 2018, Member States shall ensure that any such firearm, or any essential component, placed on the market has been:

(a) provided with a clear, permanent and unique marking without delay after manufacture and at the latest before its placement on the market, or without delay after importation into the Union; and

(b) registered in compliance with this Directive without delay after manufacture and at the latest before its placement on the market, or without delay after importation into the Union.

2. The unique marking referred to in point (a) of paragraph 1 shall include the name of the manufacturer or brand, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number, and the model where feasible. This shall be without prejudice to the affixing of the manufacturer's trademark. Where an essential component is too small to be marked in compliance with this Article, it shall be marked at least with a serial number or an alphanumeric or digital code.

The marking requirements for firearms or essential components that are of particular historical importance shall be determined in accordance with national law.

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

For the purposes of paragraph 1 and this paragraph, Member States may choose to apply the provisions of the Convention for the Reciprocal Recognition of Proof Marks on Small Arms of 1 July 1969.

Furthermore, Member States shall ensure, at the time of transfer of a firearm or its essential components from government stocks to permanent civilian use, the unique marking, as provided for under paragraph 1, permitting identification of the transferring entity.

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

3. Each Member State shall establish a system for the regulation of the activities of dealers and brokers. Such systems shall include at least the following measures:

(a) the registration of dealers and brokers operating within the territory of that Member State;

(b) the licensing or authorisation of the activities of dealers and brokers within the territory of that Member State; and

(c) a check of the private and professional integrity and of the relevant abilities of the dealer or broker concerned. In the case of a legal person, the check shall be both on the legal person and on the natural person or persons directing the undertaking.;

(b) paragraph 4 is amended as follows:

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

‘That data-filing system shall record all information relating to firearms which is needed in order to trace and identify those firearms, including:

- (a) the type, make, model, calibre and serial number of each firearm and the mark applied to its frame or receiver as a unique marking in accordance with paragraph 1, which shall serve as the unique identifier of each firearm;
- (b) the serial number or unique marking applied to the essential components, where that differs from the marking on the frame or receiver of each firearm;
- (c) the names and addresses of the suppliers and of the persons acquiring or possessing the firearm, together with the relevant date or dates; and
- (d) any conversions or modifications to a firearm leading to a change in its category or subcategory, including its certified deactivation or destruction and the relevant date or dates.

Member States shall ensure that the record of firearms and the essential components, including the related personal data, is retained in the data-filing systems by the competent authorities for a period of 30 years after the destruction of the firearms or essential components in question.

The records of firearms and essential components referred to in the first subparagraph of this paragraph and the related personal data shall be capable of being accessed:

- (a) by the authorities competent to grant or withdraw authorisations referred to in Article 6 or 7 or by the authorities competent for customs proceedings, for a period of 10 years after the destruction of the firearm or the essential components in question; and
- (b) by the authorities competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, for a period of 30 years after the destruction of the firearm or the essential components in question.

Member States shall ensure that the personal data are deleted from the data-filing systems upon expiry of the periods specified in the second and third subparagraphs. This is without prejudice to cases in which 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 that specific context, or to other authorities competent for a compatible purpose provided for by national law. In those cases, the processing of such data by the competent authorities shall be regulated by the national law of the Member State concerned, in full compliance with Union law, in particular on data protection.’;

(ii) 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 subject to this Directive that is received or disposed of by them shall be recorded, together with particulars enabling the firearm or essential component concerned to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the suppliers and of the persons acquiring it.

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

Member States shall ensure that dealers and brokers established in their territory report transactions involving firearms or essential components without undue delay to the national competent authorities, that dealers and brokers have an electronic connection to those authorities for such reporting purposes and that the data-filing systems are updated immediately upon receipt of information concerning such transactions.’;



(c) paragraph 5 is replaced by the following:

‘5. Member States shall ensure that all firearms may be linked to their owner at any moment.’;

(4) Article 4a is replaced by the following:

*Article 4a*

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 firearms classified in category C, who are specifically permitted to acquire and possess such firearms in accordance with national law.’;

(5) Article 4b is deleted;

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

*Article 5*

1. Without prejudice to Article 3, Member States shall permit 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, and the parent, or an adult with a valid firearms or hunting licence, assumes responsibility for proper storage pursuant to Article 5a; and

(b) are not likely to be a danger to themselves or others, to public order or to public safety; the fact of having been convicted of a violent intentional crime shall be considered as indicative of such danger.

2. Member States shall have in place a monitoring system, which they may operate on a continuous or non-continuous basis, to ensure that the conditions of authorisation set by national law are met throughout the duration of the authorisation and, inter alia, relevant medical and psychological information is assessed. The specific arrangements shall be determined in accordance with national law.

Where any of the conditions of authorisation is no longer met, Member States shall withdraw the respective authorisation.

Member States may 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 B shall be withdrawn if the person who was granted that authorisation is found to be in possession of a loading device apt to be fitted to centre-fire semi-automatic firearms or repeating firearms, which:

(a) can hold more than 20 rounds; or

(b) in the case of long firearms, can hold more than 10 rounds,

unless that person has been granted an authorisation under Article 6 or an authorisation which has been confirmed, renewed or prolonged under Article 7(4a).

*Article 5a*

In order to minimise the risk of firearms and ammunition being accessed by unauthorised persons, Member States shall establish rules on the proper supervision of firearms and ammunition and rules on their proper storage in a secure manner. Firearms and their ammunition shall not be readily accessible together. Proper supervision shall mean that the person lawfully possessing the firearm or the ammunition concerned has control over it during its transportation and use. The level of scrutiny of such proper storage arrangements shall reflect the number and category of the firearms and ammunition concerned.

*Article 5b*

Member States shall ensure that, in cases involving the acquisition and selling of firearms, essential components or ammunition classified in category A, B or C by means of distance contracts as defined in point (7) of Article 2 of Directive 2011/83/EU of the European Parliament and of the Council (\*), the identity, and where required, the authorisation of the purchaser of the firearm, essential components or ammunition are checked prior to, or at the latest upon, delivery thereof to that person, by:

- (a) a licensed or authorised dealer or broker; or
- (b) a public authority or a representative of that authority.

(\*) 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, p. 64).

*Article 6*

1. Without prejudice to Article 2(2), Member States shall take all appropriate measures to prohibit the acquisition and possession of the firearms, the essential components and the ammunition classified in category A. They shall ensure that those firearms, essential components and ammunition unlawfully held in contravention of that prohibition are impounded.

2. For the protection of the security of critical infrastructure, commercial shipping, high-value convoys and sensitive premises, as well as for national defence, educational, cultural, research and historical purposes, and without prejudice to paragraph 1, the national competent authorities may grant, in individual cases, exceptionally and in a duly reasoned manner, authorisations for firearms, essential components and ammunition classified in category A where this is not contrary to public security or public order.

3. Member States may choose to grant to collectors, in individual special cases, exceptionally and in a duly reasoned manner, authorisations to acquire and possess firearms, essential components and ammunition classified in category A, subject to strict conditions on security, including the demonstration to the national competent authorities that measures are in place to address any risks to public security or public order and that the firearms, essential components or ammunition concerned are stored with a level of security proportionate to the risks associated with unauthorised access to such items.

Member States shall ensure that collectors authorised under the first subparagraph of this paragraph are identifiable within the data-filing systems referred to in Article 4. Such authorised collectors shall be obliged to maintain a register of all firearms in their possession classified in category A, which shall be accessible to the national competent authorities. Member States shall establish an appropriate monitoring system with respect to such authorised collectors, taking all relevant factors into account.

4. Member States may authorise dealers or brokers, in their respective professional capacities, to acquire, manufacture, deactivate, repair, supply, transfer and possess firearms, essential components and ammunition classified in category A, subject to strict conditions regarding security.

5. Member States may authorise museums to acquire and possess firearms, essential components and ammunition classified in category A, subject to strict conditions regarding security.

6. Member States may authorise target shooters to acquire and possess semi-automatic firearms classified in point 6 or 7 of category A, subject to the following conditions:

- (a) a satisfactory assessment of relevant information arising from the application of Article 5(2);
- (b) provision of proof that the target shooter concerned is actively practising for or participating in shooting competitions recognised by an officially recognised shooting sports organisation of the Member State concerned or by an internationally established and officially recognised shooting sport federation; and

- (c) provision of a certificate from an officially recognised shooting sports 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 12 months; and
  - (ii) the firearm in question fulfils the specifications required for a shooting discipline recognised by an internationally established and officially recognised shooting sport federation.

As regards firearms classified in point 6 of category A, Member States applying a military system based on general conscription and having in place over the last 50 years a system of transfer of military firearms to persons leaving the army after fulfilling their military duties may grant to those persons, in their capacity as a target shooter, an authorisation to keep one firearm used during the mandatory military period. The relevant public authority shall transform those firearms into semi-automatic firearms and shall periodically check that the persons using such firearms do not represent a risk to public security. The provisions set out in points (a), (b) and (c) of the first subparagraph shall apply.

7. Authorisations granted under this Article shall be reviewed periodically at intervals not exceeding 5 years.;

(7) Article 7 is amended as follows:

(a) in paragraph 4, the following subparagraph is added:

'Authorisations for possession of firearms shall be reviewed periodically, at intervals not exceeding 5 years. An authorisation may be renewed or prolonged if the conditions on the basis of which it was granted are still fulfilled.;

(b) the following paragraph is inserted:

'4a. Member States may decide to confirm, renew or prolong authorisations for semi-automatic firearms classified in point 6, 7 or 8 of category A in respect of a firearm which was classified in category B, and lawfully acquired and registered, before 13 June 2017, subject to the other conditions laid down in this Directive. Furthermore, Member States may allow such firearms to be acquired by other persons authorised by Member States in accordance with this Directive, as amended by Directive (EU) 2017/853 of the European Parliament and of the Council (\*).

(\* Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons (OJ L 137, 24.5.2017, p. 22).;

(8) in Article 8, paragraph 3 is replaced by the following:

'3. 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).;

(9) Article 10 is replaced by the following:

*Article 10*

1. The arrangements for the acquisition and possession of ammunition shall be the same as those for the possession of the firearms for which the ammunition is intended.

The acquisition of loading devices for centre-fire semi-automatic firearms which can hold more than 20 rounds or more than 10 rounds in the case of long firearms shall be permitted only for persons who are granted an authorisation under Article 6 or an authorisation which has been confirmed, renewed or prolonged under Article 7(4a).

2. Dealers and brokers may refuse to complete any transaction for the acquisition of complete rounds of ammunition, or components of ammunition, which they reasonably consider to be suspicious owing to its nature or scale, and shall report any such attempted transaction to the competent authorities.;

(10) the following Articles are inserted:

*Article 10a*

1. Member States shall take measures to ensure that devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.
2. Member States shall classify as firearms devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.
3. The Commission shall adopt implementing acts laying down technical specifications for alarm and signal weapons manufactured or imported into the Union on or after 14 September 2018 to ensure that they are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2). The Commission shall adopt the first such implementing act by 14 September 2018.

*Article 10b*

1. 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 all its essential components permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way. Member States shall, in the context of that 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.
2. The Commission shall adopt implementing acts laying down deactivation standards and techniques to ensure that all essential components of a firearm are rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).
3. The implementing acts referred to in paragraph 2 shall not apply to firearms deactivated prior to the date of application of those implementing acts unless those firearms are transferred to another Member State or placed on the market subsequent to that date.
4. Member States may notify to the Commission within 2 months after 13 June 2017 their national deactivation standards and techniques applied before 8 April 2016, justifying the reasons for which the level of security ensured by those national deactivation standards and techniques is equivalent to that ensured by the technical specifications for deactivation of firearms set out in Annex I to Commission Implementing Regulation (EU) 2015/2403 (\*) as applicable on 8 April 2016.
5. When Member States notify the Commission in accordance with paragraph 4 of this Article, the Commission shall, at the latest 12 months after notification, adopt implementing acts deciding whether the national deactivation standards and techniques thus notified ensured that firearms were deactivated with a level of security equivalent to that ensured by the technical specifications for deactivation of firearms set out in Annex I to Implementing Regulation (EU) 2015/2403 as applicable on 8 April 2016. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).
6. Until the date of application of the implementing acts referred to in paragraph 5, any firearm deactivated in accordance with the national deactivation standards and techniques applied before 8 April 2016 shall, when transferred to another Member State or placed on the market, comply with the technical specifications for deactivation of firearms set out in Annex I to Implementing Regulation (EU) 2015/2403.
7. Firearms deactivated before 8 April 2016 in accordance with the national deactivation standards and techniques that have been found to ensure a level of security equivalent to that ensured by the technical specifications for deactivation of firearms set out in Annex I to Implementing Regulation (EU) 2015/2403 as applicable

on 8 April 2016 shall be considered to be deactivated firearms, including when they are transferred to another Member State or placed on the market after the date of application of the implementing acts referred to in paragraph 5.

(\*) 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, 19.12.2015, p. 62).;

(11) in the title of Chapter 3, the word 'Community' is replaced by the word 'Union';

(12) in Article 11, paragraph 1 is replaced by the following:

'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 this Article. That procedure shall also apply in respect of transfers of firearms following a sale by means of a distance contract as defined in point (7) of Article 2 of Directive 2011/83/EU.;

(13) Article 12, paragraph 2 is amended as follows:

(a) the first subparagraph is replaced by the following:

'Notwithstanding paragraph 1, hunters and historical re-enactors, in respect of firearms classified in category C, and target shooters, in respect of firearms classified in category B or C and firearms classified in category A for which an authorisation has been granted under Article 6(6) or for which the authorisation has been confirmed, renewed or prolonged under Article 7(4a), may, without the prior authorisation referred to in Article 11(2), be in possession of one or more firearms during a journey through two or more Member States with a view to engaging in their activities, provided that:

(a) they are in possession of a European firearms pass listing such firearm or firearms; and

(b) they are able to substantiate the reasons for their journey, in particular by producing an invitation or other proof of their hunting, target shooting or historical re-enactment activities in the Member State of destination.;

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

'However, this derogation shall not apply to journeys to a Member State that, pursuant to Article 8(3), either prohibits the acquisition and possession of the firearm in question or makes it subject to authorisation. In that case, an express statement to that effect shall be entered on the European firearms pass. Member States may also refuse the application of this derogation in the case of firearms classified in category A for which an authorisation has been granted under Article 6(6) or for which the authorisation has been confirmed, renewed or prolonged under Article 7(4a).;

(14) in Article 13, the following paragraphs are added:

'4. The competent authorities of the Member States shall exchange, by electronic means, information on the authorisations granted for the transfer of firearms to another Member State and information with regard to refusals to grant authorisations as provided for in Articles 6 and 7 on grounds of security or relating to the reliability of the person concerned.

5. The Commission shall provide for a system for the exchange of information mentioned in this Article.

The Commission shall adopt delegated acts in accordance with Article 13a in order to supplement this Directive by laying down the detailed arrangements for the systematic exchange of information by electronic means. The Commission shall adopt the first such delegated act by 14 September 2018.;

(15) 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(5) shall be conferred on the Commission for an indeterminate period of time from 13 June 2017.

3. The delegation of power referred to in Article 13(5) 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.

4. 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 of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 13(5) shall enter into force only if no objection has been expressed either by the European Parliament or by 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 of the Council.;

(16) the following Article 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).;

(17) in Article 15, paragraph 1, the word 'Community' is replaced by the word 'Union';

(18) Article 17 is replaced by the following:

*Article 17*

By 14 September 2020, and every 5 years thereafter, the Commission shall submit to the European Parliament and to the Council a report on the application of this Directive, including a fitness check of its provisions, accompanied, if appropriate, by legislative proposals concerning, in particular, the categories of firearms in Annex I and issues related to the implementation of the system for the European firearms pass, to marking and the impacts of new technologies such as 3D printing, the use of QR code and the use of radio-frequency identification (RFID).;

(19) Annex I is amended as follows:

(1) Part II is amended as follows:

(a) the introductory part is replaced by the following:

'For the purposes of this Directive, firearms are classified in the following categories:';

(b) point A is amended as follows:

(i) the introductory part is deleted;

(ii) in category A, the following points are added:

'6. Automatic firearms which have been converted into semi-automatic firearms, without prejudice to Article 7(4a).

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:
      - (i) a loading device with a capacity exceeding 20 rounds is part of that firearm; or
      - (ii) a detachable loading device with a capacity exceeding 20 rounds is inserted into it;
    - (b) long firearms which allow the firing of more than 11 rounds without reloading, if:
      - (i) a loading device with a capacity exceeding 10 rounds is part of that firearm; or
      - (ii) a detachable loading device with a capacity exceeding 10 rounds 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 60 cm without losing functionality by means of a folding or telescoping stock or by a stock that can be removed without using tools.
  9. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.;
- (iii) category B is replaced by the following:

‘Category B — Firearms subject to authorisation

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 centre-fire firearms.
5. Semi-automatic short firearms other than those listed under point 7(a) of category A.
6. Semi-automatic long firearms listed under point 7(b) of category A whose loading device and chamber cannot together hold more than three rounds, where the loading device is detachable 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.
7. Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length.
8. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.
9. 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.;

(iv) category C is replaced by the following:

‘Category C — Firearms and weapons subject to declaration

1. Repeating long firearms other than those listed in point 7 of category B.
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. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.
  6. Firearms classified in category A or B or this category that have been deactivated in accordance with Implementing Regulation (EU) 2015/2403.
  7. Single-shot long firearms with smooth-bore barrels placed on the market on or after 14 September 2018.;
- (v) category D is deleted;
- (c) point B is deleted;
- (2) Part III is replaced by the following:
- ‘III. For the purposes of this Annex, objects which correspond to the definition of a “firearm” shall not be included in that definition if they:
- (a) are designed for alarm, signalling, life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only;
  - (b) are regarded as antique weapons where these have not been included in the categories set out in Part II and are subject to national laws.
- Pending coordination throughout the Union, Member States may apply their national laws to the firearms listed in this Part’;

(20) in Annex II, point (f) is replaced by the following:

‘(f) the statements:

“The right to travel to another Member State with one or more of the firearms classified in category A, B or C mentioned in this pass shall be subject to one or more prior corresponding authorisations from the Member State visited. Such authorisations may be recorded on the pass.

The prior authorisation referred to above is not in principle necessary in order to travel with a firearm classified in category C with a view to engaging in hunting or historical re-enactment activities or with a firearm classified in category A, B or C for the purpose of taking part in target shooting, on condition that the traveller is in possession of the firearms pass and can establish the reason for the journey.”

Where a Member State has informed the other Member States, in accordance with Article 8(3), that the possession of certain firearms classified in category B or C is prohibited or subject to authorisation, one of the following statements shall be added:

“A journey to ... (State(s) concerned) with the firearm ... (identification) shall be prohibited.”

“A journey to ... (State(s) concerned) with the firearm ... (identification) shall be subject to authorisation.”.

## Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 14 September 2018. They shall immediately inform the Commission thereof.
2. By way of derogation from paragraph 1 of this Article, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3) and Article 4(4) of Directive 91/477/EEC, as amended by this Directive, by 14 December 2019. They shall immediately inform the Commission thereof.
3. When Member States adopt the measures under paragraphs 1 and 2, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.



4. Notwithstanding paragraph 1, Member States may, as regards firearms acquired before 14 September 2018, suspend the requirement to declare firearms classified in point 5, 6 or 7 of category C until 14 March 2021.
5. Member States shall communicate to the Commission the text of the main measures 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 Strasbourg, 17 May 2017.

*For the European Parliament*  
*The President*  
A. TAJANI

*For the Council*  
*The President*  
C. ABELA

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## CORRIGENDA

**Corrigendum to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)**

(Official Journal of the European Union L 95 of 7 April 2017)

Throughout the text of this Regulation:

for: '(EU) 2017/...',

read: '(EU) 2017/625';

for: 'OJ L ..., p. ...',

read: 'OJ L 95, 7.4.2017, p. 1'.

On page 95, in Article 135:

for: '1. Directive 95/46/EC and Regulation (EC) No 45/2001 of the European Parliament and of the Council (\*) shall apply to the extent that the information processed through the IMSOC contains personal data as defined in point (a) of Article 2 of Directive 95/46/EC and in point (a) of Article 2 of Regulation (EC) No 45/2001.

[...]

(\*) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).',

read: '1. Directive 95/46/EC and Regulation (EC) No 45/2001 of the European Parliament and of the Council (!) shall apply to the extent that the information processed through the IMSOC contains personal data as defined in point (a) of Article 2 of Directive 95/46/EC and in point (a) of Article 2 of Regulation (EC) No 45/2001.

[...]

(!) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).',

On page 113, signatory:

for: 'For the Council

The President

...',

read: 'For the Council

The President

I. BORG';

for: 'For the European Parliament

The President

...',

read:

*'For the European Parliament*

*The President*

A. TAJANI.

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