

## Amendments to the Directive on control of acquisition and possession of firearms

### **Amendment 1**

#### **Recital 9**

Some semi-automatic firearms can easily be converted to automatic firearms, thus posing a threat to security. Even in the absence of such conversion, certain semi-automatic firearms may be very dangerous when their capacity regarding the number of rounds is high. Therefore, semi-automatic firearms with a fixed loading device allowing to fire a high number of rounds, as well as semi-automatic firearms in combination with a removable loading device with a high number of rounds should be prohibited for civilian use. The mere possibility of fitting a loading device with the capacity over 10 rounds for long firearms and 20 rounds for short firearms does not determine the categorization of the firearm.

*Justification: Amendment to the recital 9 reflects proposal to remove category A7.*

### **Amendment 2**

#### **Recital 9 – alternative proposal**

Some semi-automatic firearms can easily be converted to automatic firearms, thus posing a threat to security. Even in the absence of such conversion, certain semi-automatic firearms may be very dangerous when their capacity regarding the number of rounds is high. Therefore, semi-automatic firearms with a fixed loading device allowing to fire a high number of rounds, as well as semi-automatic firearms in combination with a removable loading device with a high number of rounds should be prohibited for civilian use. The mere possibility of fitting a loading device with the capacity over 10 32 rounds for long firearms and 20 rounds for short firearms does not determine the categorization of the firearm.

*Justification: Amendment to the recital 9 reflecting proposal to raise limit on rounds for firearms in category A7.*

### **Amendment 3**

#### **Recital 13b**

Where Member States have national laws addressing antiques or reproduction of front loading models, these weapons are not subject to the requirements of the Directive. Reproductions of antique firearms do not however have the same historical importance or interest attached to them and may be constructed using modern techniques which can improve their durability and accuracy. As such, those reproduction firearms should be brought within the scope of the Directive and be subject to its provisions. Other items, such as airsoft devices, paintball devices, fall outside of the definition of a firearm and are not regulated elsewhere in the Directive, so the provisions of this Directive are not applicable

*Justification: Amendment to the recital 13b reflects proposal on how to classify historic weapons and their reproduction. Paintball devices are inserted among those devices outside of scope of the Directive.*

#### **Amendment 4**

##### **Article 5, para 3 – deletion**

~~3. Member States shall ensure that an authorisation to acquire and an authorisation to possess a firearm classified in category (...) B of Annex I shall be withdrawn if the person who was granted the authorisation is found to be in the possession of a loading device apt to be fitted to centre-fire semi-automatic firearms or repeating firearms with one of the following characteristics:~~

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

~~b) loading devices for long firearms which can hold more than 10 rounds, unless that person was granted an authorisation under Article 6 or Article 7(4a).~~

**Deleted**

*Justification: This article is highly problematic with regards to its implementation and enforcement (no registration of magazines), it is disproportionate when it comes to the sanctions.*

#### **Amendment 5**

##### **Article 6, para 2**

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

*Justification: There should be a better definition for exemptions for category A firearms. There should be a link to public interest to guide Member States authorities. At the same time, a broader group of people can be involved under this provision. Reservists under military or Polices forces could be included.*

#### **Amendment 6**

##### **Article 6, para 3c**

3c. Member States may authorise target shooters to acquire and possess semi-automatic firearms classified in categories A.6, **A.7** and **A.78** of Annex I, subject to the following conditions:

- a) a satisfactory (...) assessment *of relevant information arising from the application of* provisions set out in Article 5(2);
- b) provision of proof that the target shooter is *actively practising for or* participating in shooting competitions recognised by an official shooting sport organisation of that Member State or by an internationally established and officially recognised shooting sport federation; and  
**Deleted**
- c) a certificate from an officially recognized shooting sport organisation confirming that:
  - i. the target shooter is a member of a shooting club and, has been regularly practising target shooting in it for at least twelve months, and
  - ii. the firearm *fulfils the specifications required* for a shooting discipline recognised by an internationally established and officially recognised shooting sport *organisation* federation.
- d) As regards firearms classified in category A6, Member States *applying a military system based on general conscription and having in place over the last fifty years a system of may choose to authorize* transfer of military firearms to *individual persons having undergone official army training* leaving the army after fulfilling their military duties may grant an authorisation to such persons in their quality as target shooter, to keep one firearm used during the mandatory military period. These firearms shall be transformed into semi-automatic firearms by the public authority which shall periodically check that the persons using such firearms do not represent a risk for public security. The provisions under a), b) and c) shall apply.

*Justification: Amendments remove provisions asking target shooters to provide certificate confirming their active participation in sport shooting activities. This provision is considered superfluous as this obligation is already stated in point c) of the article. Point d) sets general rules, instead of individual exemption for a non-EU Member State, for people who passed a military training and can keep their firearm.*

## ***Amendment 7***

### ***Article 7, para 4***

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

"4a. Member States may *decide to confirm* authorisations *for semi-automatic* firearms classified *in point 6, 7 and 78 of category A including the permission to hold respective loading devices,* for a firearm which was classified in category B *and C* set out in Annex I of the Directive, as amended by Directive 2008/51/EC, *and legally acquired and registered before [date of entry into force expiry of transposition period], and to renew or prolong those authorisations, subject to the other conditions laid down in this Directive, and may also allow such firearms to be acquired by other persons authorised by Member States in accordance with this amending Directive. This provision is without prejudice to the possibility of repairs of the semi-automatic firearms or replacement of essential parts where necessary due to tear and wear of the semi-automatic firearm.*"

*Justification: Grandfathering clause in the article 7(4) should also cover magazines and other loading devices related to respective categories of firearms. This clause should also include tear and wear of the firearms and repairs related to it. Finally, blank firing weapons should be covered by this article.*

#### **Amendment 8**

##### **Article 10, para 1**

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

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 semi-automatic centre-fire firearms which can hold more than 20 rounds or more than 10 30 rounds for long firearms shall only be permitted for those persons who are granted an authorisation under Article 6 or Article 7(4a).~~

**Deleted**

*Justification: Amendment relates to the proposal to remove category A7.*

#### **Amendment 9**

##### **Article 10, para 1 – alternative proposal**

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

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 semi-automatic centre-fire firearms which can hold more than 20 rounds or more than 10 32 rounds for long firearms shall only be permitted for those persons who are granted an authorisation under Article 6 or Article 7(4a).

*Justification: Amendment relates to the proposal to raise limits for rounds with respect of weapons in category A7.*

#### **Amendment 10**

##### **Article 10b, para 2**

The Commission shall adopt no later than by [the date of entry into force on this Directive] 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).

*Justification: It is essential that the European Commission adopts first amending implementing regulation on deactivation. Only then this Directive should enter into force.*

#### **Amendment 11**

##### **Article 10b, para 2 – alternative proposal**

The Commission shall adopt **no later than by 31 December 2017** 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).

*Justification: Amendment sets clear deadline, in accordance with proposed article 10c, for the Commission to adopt amending implementing regulation on deactivation of firearms.*

#### **Amendment 12**

##### **Article 10b, para 4**

- 4. Member States may notify to the Commission within ~~two~~ twelve months [after the entry into force of this directive] their national standards and techniques applied before 8 April 2016 and justify for which reasons those national standards and techniques are equivalent to the ones set out in Commission implementing regulation EU 2015/2403 as applicable on 8 April 2016.**

*Justification: The deadline proposed originally is way too short for the Member States authorities.*

#### **Amendment 13**

##### **Article 10c, new text**

##### **Article 10c (new)**

- 2. The Commission shall adopt delegated acts in accordance with Article 13a in order to supplement this Directive by establishing technical specifications to ensure that semi-automatic firearms which have been converted from originally automatic firearms cannot be reconverted into automatic firearms. The Commission shall adopt the first such delegated act by 31 December 2017."**

*Justification: This amendment is fully in line with the report voted in the IMCO report. Newly introduced provision requests adoption of harmonized standards for conversion of semi-automatic weapons from automatic ones. If a weapon comply with such standards, it will remain in category B.*

**Amendment 14**  
**Article 12, para 2**

Notwithstanding paragraph 1, hunters, in respect of category C, historical re-enactors, in respect of category B and C and collectors and target shooters, in respect of categories A, B and C for which an authorisation has been granted ~~exceptionally~~ under Article 6(3c) or for which the authorisation has been renewed under Article 7(4a), may, without prior authorisation, 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 they are in possession of a European firearms pass listing such firearm or firearms and provided that 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.

*Justification: The authorisations granted under this paragraph should not be only on exceptional basis. They should be applicable to all individuals who comply with the requirements set.*

**Amendment 15**  
**Article 13, para 4**

- "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 defined in Article 7 or withdrawals thereof on grounds of security or relating to reliability of the person concerned.

*Justification: The Member States should be also able to exchange information concerning withdrawal of firearms authorization.*

**Amendment 16**  
**Annex I, part II, bod a) i)**

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

- "6. Automatic firearms which have been converted into semi-automatic firearms unless the firearms comply with the technical specifications adopted by the Commission under Article 10c without prejudice to Article 7(4a);

*Justification: Amendment based on the IMCO report. In case a converted weapon fulfils harmonized standards adopted by the Commission, it cannot be considered category A weapon. It will remain in category B.*

#### **Amendment 17**

**Annex I, part II, point a) i), new text**

**6a. Devices such as drop in kits, trigger mechanisms packs and other devices that are specifically designed to convert semi-automatic firearms into firearms with automatic mode of operation;**

*Justification: Category A should include parts or other items which can be used to convert semi-automatic weapon into an automatic one.*

#### **Amendment 18**

**Annex I, part II, point a) i) – deletion**

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

**a) — short firearms which allow the firing of more than 21 rounds without reloading, if a loading device with a capacity exceeding 20 rounds is part of the firearm or ~~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 30 rounds without reloading, if a loading device with a capacity exceeding 10 30 rounds is part of the firearm or ~~a detachable loading device with a capacity exceeding 10 30 rounds~~ is inserted into it;**

**Deleted**

*Justification: Amendment removes category A7. It is a very problematic part, firearms are considered banned only when a relevant magazine with over-limit number of rounds is inserted. This category is mainly used by target shooters, these firearms should continue to be included in category B.*

#### **Amendment 19**

**Annex I, part II, point a) i) – alternative proposal**

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

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

b) long firearms which allow the firing of more than 41 32 rounds without reloading, if a loading device with a capacity exceeding 40 32 rounds is part of the firearm or **a detachable loading device with a capacity exceeding 40 32 rounds** is inserted into it;

*Justification: Amendment to increase top limit of rounds which could be used in the firearm without re-loading. The limit goes from 10 to 30 for long firearms as most of weapons are sold with magazines containing 30 rounds.*

#### **Amendment 20**

##### **Annex I, part II, point a) i) – deletion**

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

**Deleted**

*Justification: Amendment to remove newly proposed category A8. Stock can be modified freely by the holder, the enforcement part of this provision remains very unclear.*

#### **Amendment 21**

##### **Annex I, part II, point a) ii)**

7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms other than those listed under point 6, 7 or 8 of category A.

*Justification: The proposal reflects previous amendments on removing categories A7 and A8.*

#### **Amendment 22**

##### **Annex I, part II, point a) iii) – deletion**

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

**Deleted**

5. (...) Any firearm after it has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon;

*Justification: The deactivated firearms should not be classified as category C (same level as hunting firearms). If the firearm is deactivated properly, it is only a piece of metal and cannot be used as a firearm anymore.*



### Amendment 23

#### Annex I, part III, point a) new

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

**2. Matchlock, flintlock and caplock firearms, as well as functional reproductions of antique weapons, provided that those original antique weapons were designed before 1870. Reproductions of antique firearms with matchlock, wheellock, flintlock or caplock mechanisms.**

*Justification: Deactivated firearms, historical weapons and their reproductions or blank firing weapons should not be included in the scope of the Directive as they cannot be considered as firearms posing a serious threat to security. Status quo should be respected here.*

### Amendment 24

#### Recital 7a

**(7a) Regarding the obligation of Member States to have a monitoring system in place in order to ensure that the conditions for a firearms authorisation are met, Member States should decide whether or not the assessment involves a prior medical or psychological test. Member States should ensure that medical, and if considered necessary also psychological, assessment take places before granting the firearms authorisation.**

*Justification: Amendment clarifying obligation for medical, or if necessary psychological assessment to provide before granting firearms authorization.*

### Amendment 25

#### Article 5, para 2

2. Member States shall **have a monitoring system, which they may operate on a continuous or non-continuous basis, to ensure the conditions of authorisation set by national law are met for 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 those conditions are no longer met, Member States shall withdraw the respective authorisation, including medical, and if considered necessary also psychological, assessment taking place before granting the firearms authorisation.**

*Justification: Amendment clarifying obligation for medical, or if necessary psychological assessment to provide before granting firearms authorization.*

## **Amendment 26**

### **Article 6, para 2a – deletion**

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

*Justification: Collectors do not need a special treatment such as register, they are all registered in the same way as any other firearms holder.*

## **Amendment 27**

### **Article 4, para 1**

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

- "1. With respect to the firearms manufactured or imported into the Union after [insert date of Article 2(1)], Member States shall ensure that any **firearm or** essential component of a firearm **placed on the market**<sup>1</sup> has been:

*Justification: Clarification of the term „placed on the market“ based on the current EU rules related to products on the EU market.*

## **Amendment 28**

### **Article 4, para 2 (second part)**

The marking requirements for a firearm **or essential components** that **are** of particular historical importance shall be determined **in accordance with** national law. **The marking requirement shall be applicable only if those firearms or essential components thereof are placed on the market.**

*Justification: Clarification of the term „placed on the market“ based on the current EU rules related to products on the EU market.*

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<sup>1</sup>

2016/C272/01, the ‘Blue guide on the implementation of EU products rules’, as published in the Official Journal of the European Union, C272/18, on July, 26, 2016

**Amendment 29**

**Article 6, para 3d**

Authorisations under this Article shall be reviewed periodically at intervals not exceeding five years, **unless the Member State has a monitoring system operated on a continuous basis, which ensures that the conditions for authorisation set by national law are met for the duration of the authorisation.**

Justification: Same provision applies to the general authorisation as set by Article 5 of this Directive, the amendment aligns the regimes for both general authorisation together with the regime of exceptions.