

Unprecedented interest

It is right that we close the current loopholes in EU firearms legislation, but the Commission's proposal has been very poorly drafted, writes **Vicky Ford**



Vicky Ford (ECR, UK) is Parliament's rapporteur on the control of the acquisition and possession of weapons

There has been European legislation on firearms since 1991. After the Paris attacks, it became clear there were loopholes in the law, especially regarding "acoustic weapons". These had been converted from a live firearm and sold as a "blank-firing" firearm. In many European countries, these do not require the owner to have any authorisation licence or permit. Some of the guns used in the Charlie Hebdo attacks were easily reconverted back into their original state, with similar firearms have been found smuggled into the UK.

It is right that we close these loopholes. However, the first draft of the Commission's text was poorly worded and would have had unintended or unnecessary consequences for many different legal owners. Therefore, there is unprecedented interest in this file and MEPs have tabled over 850 amendments.

In the proposed compromises, there are clearer rules on blank firers. If they have been converted from a live firearm, they will continue to be treated as they were before the conversion i.e. depending on the category of the firearm.

Under current EU legislation, people can own many category A "prohibited" firearms, provided they have been deactivated; these are often used by military re-enactors. However, a firearm should

only be considered as deactivated if the process is truly irreversible.

Last November, the Commission and Council proposed a new European regulation on deactivation. However, there are many technical issues with poor or inconsistent drafting, which is causing significant implementation issues in many member states and real problems for legal owners. Amendments have been tabled to ensure that the deactivation regulation is reworded to take these

issues into account. Where member states had standards that achieved permanent deactivation, those standards should be recognised as equivalent to the EU regulation.

The Commission proposal suggested substantial changes to the list of category A firearms that are prohibited for the general public, including a ban on any firearm which "resembles" an automatic firearm. This raised considerable concern as similar language has been used in certain member states in the past and is legally challenging to implement. The Council has instead suggested restrictions on firearms capable of firing more than a fixed number of rounds and on magazine capacity, with member states able to give exemptions for those involved in sports shooting. Each of these items will be put to a separate vote by MEPs.

The Commission's proposal has created uncertainty for national defence, particularly in countries such as Finland, with significant numbers of volunteer reservists. I have proposed amendments and compromises to address this.

Parliament's internal market and consumer protection committee heard from many experts and stakeholders. We were told how important it is for proof houses, ballistics experts, film makers and manufactures and other such organi-



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sations to be able to hold category A firearms under strict conditions. The committee's amendments will give member states the responsibility of granting exemptions.

Under the current directive, museums and collectors are excluded from the scope. The Commission proposal removes this exemption and places restrictive constraints on museums which would, inter alia, prohibit them from adding new items to collections. This has been strongly opposed by MEPs. The committee will vote on whether to once again exempt these organisations from scope or to give member states the ability to grant specific exemptions. This is subject to measures being in place to ensure no risks to public order.

The Commission's proposal also suggested new restrictions on distance sales and mandatory medical tests for those applying for firearms permits. The internal market committee text modifies this so to permit online sales but final transfer must take place face-to-face or be verifiable. The new text also says member states will not need to have a one-size-fits-all approach to medical tests but can apply their own systems.

One benefit of the revisions to the directive will be increases sharing of information between law enforcement authorities, for example on whether an individual has been refused authorisation to hold firearms in the past. This data exchange could happen via single points of contact or via interoperable systems, while continuing to respect data protection and data security.

Several members of the Parliament's internal market committee have tabled different amendments and alternative approaches. It is not clear where the majority views lie on many different issues. Therefore, the voting list is structured to allow MEPs to vote on the different approaches. This will give the Parliament negotiators a clearer mandate in trilogue discussions. ★

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THE ILL-CONCEIVED FIREARMS DIRECTIVE PROPOSALS DESERVE PARLIAMENT'S OUTRIGHT REJECTION, ARGUES

STEPHEN A. PETRONI



THE PARLIAMENT MAGAZINE'S

THOUGHT LEADER

Over the last seven months, MEPs have been attempting to re-write what is arguably one of the most misguided legislative proposals ever presented to the European Parliament. Barely one week after the Paris terrorist attacks that shook Europe, the European Commission published its proposal to amend the Firearms Directive, presenting it as an urgent response to terrorism. In reality, it was a rushed conclusion to a process that was initiated three years earlier. A 2013 public consultation identified the need for proper enforcement in member states as opposed to further changes to the Directive. Two further impact assessment studies covered the possible introduction of rules on deactivation, marking procedures, regulation of alarm devices and options for combatting illicit firearms trafficking. Another study found that the Directive, last revised in 2008, was generally adequate and required minor improvement in areas already identified in the impact assessments. Yet the Commission was also considering additional measures aimed at legal firearm ownership. These were contentious enough to be kept under wraps - until the tragic events of 13 November 2015. Seizing the moment, the Commission unleashed an unprecedented attack on millions of legal firearm owners as well as on the legitimate firearms industry that contributes over €20bn and almost 700,000 jobs to the economy. If that were not enough, it went as far as to propose destroying a wealth of irreplaceable historical heritage in museums and in private collections. These disproportionate measures were presented without a corresponding impact assessment, depriving MEPs of fair judgement on whether the

marginal gain in the fight against terrorism justifies the considerable collateral damage to citizens, heritage and the economy. The proposal disregards the fundamental principles of subsidiarity and proportionality. Our case as recognised collectors merits particular attention: in the absence of supporting evidence, the Commission stated that we may be a, "possible source of trafficking of firearms" in order to justify proposing the confiscation and destruction of important firearms that we acquire legally and conserve and research at great personal sacrifice.

The increase in European citizens' scepticism and mistrust of the EU project is symptomatic of such a misguided approach by the Commission.

"We are urging MEPs to heed the rapporteur's recommendation of "maintaining the status quo wherever there is insufficient evidence to justify changing it"

Firearm collectors have found themselves at the forefront of the defence of legitimate firearm owners, joining organisations representing European sport shooters, hunters, traders, manufacturers as well as a new grassroots movement of individual firearm owners - Firearms United - to form a grand alliance of stakeholders. Thankfully, many MEPs have taken a sensible approach. On 9th May the Civil Liberties committee voted to reject most of the Commission measures. With two days to go before a vote in the Internal Market committee, we appeal to MEPs to reject disproportionate measures that were proposed without an impact assessment.

Stephen A. Petroni is Chair of the Foundation for European Societies of Arms Collectors

The EU Firearms directive - a case of fraudulent labelling

Way back, in October 2001 the EU published "European Governance - a White Paper"

(C 287/1) starting with prophetic sentences like *"Many people are losing confidence in a poorly understood and complex system ... many Europeans feel alienated from the Union's work ... Policies must be effective and timely, delivering what is needed on the basis of clear objectives, an evaluation of future impact and, where available, of past experience."*

Now with Europe still shaken to the core by the outcome of the Brexit referendum, politicians and journalists wonder aloud why so many EU citizens - and not only in Britain - feel totally alienated by the EU's undemocratic decision-making. Alas, for an object lesson in European bureaucracy, one does not need to look further but to the arbitrary proceedings of the disputed DG Home Firearms Directive, its misguided "Task Force" and highly questionable "Expert Group".

It all began in 2012 with a declaration of intent supposedly to comply with the UN Firearms Protocol and aiming to interfere with illegal trafficking "of weapons from the recent Balkan war scenarios" - by itself an honorable goal. But instead of developing measures

to deal with organized crime or the amount of illegal military arms in former conflict regions (such as an EU-financed buy-back program) the new "task force" began immediately to work on new guidelines for the deactivation of obsolete firearms, identifying more types of currently legally-owned firearms to be banned. In lieu of going against criminal or terrorist networks the EU turned on millions of their own law-abiding citizens: Hunters, shooters and arms collectors, private security companies, military reservist associations, historical reenactment groups and museums were to suffer by a plethora of new restraints and restrictive measures. No small wonder that DG Home was faced with an avalanche of protest by concerned citizens and interest groups and even many members of the European Parliament. Although the task force continued to disregard all criticism of their fraudulent statistics and misrepresentations of facts, the Firearms Directive lost steam.

But by the end of 2015, with Europe reeling under the shock of terrorist acts in Paris, Copenhagen and Brussels, it reemerged under a new label. In an unbelievable case of bureaucratic conceit and bogus claim, the EU Firearms Directive now became a frontline force to be used in the fight

against Islamist terrorism. Actually such window dressing is not new: Similar efforts of gun control occurred on a national level during the 1970ties and 1980ties, when Western Europe suffered from the first wave of international terrorism. Banning semi-automatic or dangerously looking firearms from private ownership, curtailing magazine capacities or even registering blank-firing guns - it has all been tried before. It did not work then, and it will not help now. From an administrative point of view, control measures like these are nothing but placebo effects and a waste of finances and manpower. Politically they reveal the cluelessness of those who are politically responsible.



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Protecting the firearms market

The Commission's proposals for new firearms regulations risk penalising law-abiding citizens, when it is criminals we should be going after, writes **Robert Iswaszkiewicz**



Robert Iswaszkiewicz (PL) is the EFDD group shadow rapporteur on the control of the acquisition and possession of weapons

Europe has been struggling with numerous threats; chief among them being terrorism. The recent events in Paris and Brussels clearly showed the large and deadly scale of this problem. Yet in the fight against terrorism, we have started to forget about the personal freedoms that we are slowly losing, all in the name of security. Does being safe really have to mean being defenceless?

The revision of the firearms directive is supposed to improve our security. However, it is based on false assumptions, meaning it could end up being useless. The European Commission has asserted that the best way to combat the illegal firearms market is to enhance control over the legal market by increasing administrative barriers to access to firearms. This is a clear error. Rather than tackling criminals, the executive has launched a battle against shooting sports, hunting, museums and legal owners of firearms.

The Commission has also made the mistake of not preparing an impact assessment, meaning there is no precise data available on the impact of the planned proposals on the market and owners of firearms.

The Commission's proposals on changing firearms categories and

introducing additional restrictions have justifiably been met with criticism and objections from both citizens and shooting organisations. Critics have pointed out the lack of any logical connection or causal link between the tragedy in Paris – where the assailants used guns illegally smuggled into the EU from the countries of former Yugoslavia – and legally owned handguns.

The proposed regulation does nothing to block access to illegal firearms, since it doesn't even address this problem. The illegal arms trade is fought using police, operational techniques, intelligence and coordination among European security services – not by moving firearms categories from one table to another.

Parliament's internal market and consumer protection committee has introduced considerable changes to the text. We have reached an agreement on compulsory medical tests preceding the issuing of a permit to own firearms. This will make it easier to identify people with psychological problems that should not have access to firearms.

At the same time, setting minimum standards will end arbitrary decisions and the exclusion of disabled people, who are currently denied the right to own firearms despite meeting the psychological requirements. →

“Rather than fighting criminals, the executive has launched a fight against shooting sports, hunting, museums and legal owners of firearms”





MEPS CALL FOR A BALANCED APPROACH TO GUN CONTROL

EPP group shadow rapporteur Anna Maria Corazza Bildt on control of the acquisition and possession of weapons, believes the Commission's firearms directive strongly needs to be updated. She wants to see more done on "traceability and cooperation among member states, to prevent legal firearms ending up in the wrong hands." According to Bildt, the Commission's original firearms proposal was "very unclear". She warns that any new directive should not be, "a way of micromanaging citizens every day from Brussels." She also calls for a clear distinction between how legal and illegal firearms are treated, as well as introducing requirements for "safe storage" of weapons. Italian S&D group deputy Maria Grapini believes the report, "is very important for the safety and security of European citizens." Like Bildt, she wants any new proposals to make "clear differences between those who own and purchase firearms legally and terrorists." But the Italian wants to see "stricter conditions for obtaining and maintaining license to purchase or possess firearms," including

annual physical and mental health checks for gun license owners. She backs people under 18 having guns but, "only for target practice shooting [...] not for hunting." She strongly feels that "theft of firearms is the responsibility of the owners." Maltese EPP group deputy Roberta Metsola believes "controls are absolutely necessary," but stresses that guns kept in museums and by genuine collectors and enthusiasts should "not be the target of some half-baked measures [...] without tackling the real issues." Although she agrees with Bildt on traceability and controls on legal firearm purchases, she doesn't want this confused with "our response to acts of terror by coming down on collectors." Metsola believes the "EU doesn't need to re-invent the wheel," since member states already have their own firearms legislation. Instead she wants to see a "balanced approach", similar to Malta's laws. The Maltese deputy backs Vicky Ford's report, saying, "she is doing a very good job [...] and I hope the final compromise agreement will be a satisfactory one."

The college's proposal on distance and online sales has also been improved, with rational solutions having been introduced. Regulations on firearms marking have also been included, even though this is already a norm among producers. These specific regulations concern the elements necessary for marking. In line with the digital revolution, I would like to see marking take the form of a QR code rather than a serial number. Reserve and territorial defence units have been excluded from the directive; such regulations were sought by member states, particularly Finland. The changes introduced considerably improve the directive and respond to social expectations.

However, many regulations remain still incoherent and may lead to the destruction of the legal firearms market. How can a regulation that introduces separate storage of ammunition and firearms be reconciled with the fact that these are meant to be used for self-defence and property protection? This makes it unfeasible to use them in emergency situations.

One dangerous element of the text is the issue of firearm categories. The proposed regulations will lead to a decrease in firearms production in Europe and strike a blow to shooting sports. The text must be revised.

I personally will defend the right of every law-abiding citizen of Europe to own firearms. The possibility of defending oneself as well as one's family and property is one of the foundations of our personal freedoms.

Criminals, murderers and terrorists have a permanent advantage over we law-abiding citizens. They are not bound by directives or morality. In order to neutralise this advantage, it is necessary to relax access to firearms for citizens, so that anyone to whom it occurs to open fire during a concert, in the subway, or in the street is aware that they will be answered by the quick and final reaction of law-abiding citizens. ★

AFEMS and IEACS, representing the majority of European manufacturers of civilian firearms and ammunition, believe that the EC proposal to amend Directive 91/477/EC requires deeper review.

Some measures were proposed by the EC and Council without an impact assessment. Moreover, they were mainly drafted with the aim to give a reply to public opinion. Legal manufacturers, distributors and end users would suffer considerable damage without any benefit for public security.

There is no scientific evidence proving that a reduction in the quantity and type of legal firearms has any effect on crime and terrorism. Official EU sources confirm that the rate of crime committed with legal civilian firearms is exceptionally low even in Member States with the highest per capita rate of firearm ownership.

According to the UN, the EU already has the best regional legislation in place. What is required is uniform enforcement and not unreasonable restrictions on the legal sector.



Photo: Andrea Morini



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Stricter rules on firearms will only widen the gap between citizens and EU Institutions

Against the backdrop of Brexit and terrorism the European Parliament is discussing the EU Firearms Directive

12 million hunters and sport shooters in the European Union legally and responsibly use firearms. They do not pose a danger to society and are among the most intensely controlled and law abiding social groups in the EU. The Commission's proposal to change the conditions to legally obtain firearms and ban certain categories will affect them seriously.

The proposal to review the Firearms Directive was rushed by the European Commission only five days after the tragic Paris events of November 13th.

The Commission has contradicted its own Better Regulation policy by failing to produce an impact assessment, making it difficult to understand the rationale behind its proposals. Confusion has spread

amongst hunters and sport shooters who feel unfairly targeted while terrorists are wreaking havoc with war weapons illegally obtained from the black market.

The European Parliament IMCO and LIBE Committees criticized the Commission and defended the rights of hunters and sport shooters. The parliamentary Intergroup "Biodiversity, Hunting, Countryside" adopted a resolution rejecting the ban of certain semi-automatic rifles.

The British referendum is proof of a widening gap between the EU Institutions and citizens. The Commission's proposal for a revision of the Firearms Directive, if passed, would give yet another argument to the detractors of an integrated and democratic Europe.



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