

EU strengthens control of the acquisition and possession of firearms

On 25 April 2017, the Council adopted a directive on control of the acquisition and possession of weapons, which revises and complements existing directive 91/477/ECC.

“The new Firearms Directive provides for more rigorous controls on the acquisition and possession of firearms, in particular so that legitimate channels and regulatory set-ups for the acquisition and possession of firearms are not abused by criminal groups or terrorists. The directive is therefore an important step forward, particularly since it balances security concerns with the need to preserve legitimate activities. It is however, vital for the EU and its member states to continue working towards shutting off illegal channels for the acquisition of firearms by criminal groups and terrorists.”

Carmelo Abela, Maltese Minister for Home Affairs and National Security

The amendments address risks for public safety and security, and focus on:

Enhanced traceability of firearms

The revision strengthens the rules on the marking of firearms, by including, among other things, a new obligation to mark also all their essential components. Harmonizing the rules for the marking of firearms and establishing the mutual recognition of marks between member states will improve the traceability of firearms used in criminal activities, including those which have been assembled from components acquired separately.

This information also has to be recorded in national data-filing systems. For this to happen, member states will now have to ensure that dealers and brokers register any transaction of firearms electronically and without any undue delay.

Measures on deactivation and reactivation or conversion of firearms

The rules on the deactivation of firearms have been strengthened, not least through a provision requiring the classification of deactivated firearms under category C (firearms subject to declaration). Until now, deactivated firearms have not been subject to the requirements set by the directive.

The revision also includes a new category of salute and acoustic weapons, which were not covered by the original directive. These are live firearms that have been converted to blank firing ones, for example, for use in theatres or television. In the absence of more stringent national provisions, such firearms could be purchased freely. This posed a risk, given that their reconversion to live ones was often possible with limited efforts (they were for example used in the Paris terrorist attacks). The new wording of the directive ensures that these weapons remain registered under the same category as the firearm from which they have been converted.

Stricter rules for the acquisition and possession of the most dangerous firearms

The most dangerous firearms, classified in category A, can only be acquired and possessed on the basis of an exemption granted by the relevant member state. The rules for granting such exemptions have now been significantly strengthened. Possible grounds for exemption, such as national defence or the protection of critical infrastructure, are now set out in a limited list and exemptions may only be granted where there is no risk to public security or public order.

When a firearm of category A is required for sport-shooting, it can only be acquired according to strict rules which include proven practice recognised by an official shooting sport federation.

Article 7 para 4a provides the possibility of confirming authorisations for semi-automatic firearms (new point 6, 7 or 8 of category A) legally acquired and registered before the directive comes into force.

Banning civilian use of the most dangerous semi-automatic firearms

Some dangerous semi-automatic firearms have now been added to category A and are therefore prohibited for civilian use. This is the case for short semi-automatic firearms with loading devices over 20 rounds and long semi-automatic firearms with loading devices over 10 rounds. Similarly, long firearms that can be easily concealed, for example by means of a folding or telescopic stock, are also now prohibited.

Improving the exchange of relevant information between member states

The new rules enable the Commission to propose the establishment of a system for the exchange of information electronically between member states. The information would cover cases where the transfer of a firearm to another member state has been authorised as well as where the acquisition and possession of a firearm has been refused.

The directive sets out minimum rules and does not prevent member states from adopting and applying stricter rules.

Next steps

The Council and the European Parliament now need to sign the adopted directive. The signed text will be published in the EU Official Journal and will enter into force 20 days later.

Background

Council directive 91/477/EEC on control of the acquisition and possession of weapons was originally designed as a measure to balance internal market objectives and security imperatives regarding "civil" firearms.

The amending proposal was submitted by the European Commission on 18 November 2015 against the backdrop of a series of terrorist acts that took place in Europe and which revealed gaps in the implementation of the directive. The current review is a continuation of the 2008 revision and also aligns EU legislation with the provisions on the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms.

- [Directive amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons](#)

Press office - General Secretariat of the Council

Rue de la Loi 175 - B-1048 BRUSSELS - Tel.: +32 (0)2 281 6319
press.office@consilium.europa.eu - www.consilium.europa.eu/press