

Amendments for the Firearms Directive

This is a comparison between the Firearms Directive [91/477/ECC](#), its amended version [2008/51/EC](#), Commission's Proposal [2015/0269](#) and the [847 Amendments made by IMCO MEPs](#).

Text proposed to be deleted from the 1991 version is **highlighted in red** as is text that the Commission wants to add to introduce disproportionate measures affecting legal gun owners that have no benefit to improving public security. Text which in our opinion represents a sensible solution is **marked in blue** as is our opinion and justification,

The position of FIREARMS UNITED is that only those measures covered by the two impact assessment studies published in July 2014 (rules on deactivation, marking procedures, regulation of alarm devices and options for combating illicit firearms trafficking) should be taken on board.

All the other additional and disproportionate measures should be rejected outright.

In the event that a majority of votes to reject the additional proposals is not achievable, the next preferred option is to support the text which we have **highlighted in blue**. We also added our opinion.

Conditions for authorisation

Article 5 – paragraph 1 – introductory part	
1991 Without prejudice to Article 3, Member States shall allow the acquisition and possession of firearms classified in category B only by persons who have good cause and who:	
2008 Without prejudice to Article 3, Member States shall permit the acquisition and possession of firearms only by persons who have good cause and who:	<i>Text proposed by the Commission</i> Without prejudice to Article 3, Member States shall authorise the acquisition and possession of firearms only by persons who have good cause and who:
Delete amendment	Amendment 42 508: Jiří Maštálka, Kateřina Konečná 509: Gesine Meissner, Dita Charanzová 510: Dita Charanzová, Marian Harkin, Fredrick Federley, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek 511: Marian Harkin, Dita Charanzová 512: Olga Sehnalová, Pavel Poc, Miroslav Poche 513: Boris Zala <i>Justification</i> <i>The Commission has not provided for an explanation of its proposal to change the wording of this provision by deleting "permit" and adding "authorise". The proposal is unmotivated and unclear. Moreover, it creates legal uncertainty because the concept of "authorisation" is reserved for category B firearms in Directive 91/477. It is unclear whether the Commission proposes to create an additional authorisation or wishes to add new requirements to the existing category of firearms subject to authorisation.</i>

Article 5 – paragraph 1 – point a	
1991: are 18 years old or more, except for hunting or target shooting;	
2008: 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 licenced or otherwise approved training centre ; and	<i>Text proposed by the Commission</i> are at least 18 years of age, except in relation to the 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 licenced or otherwise approved training centre;
Delete amendement	Amendment 43 519: Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Dita Charanzová, Timothy Kirkhope 520: Marian Harkin, Dita Charanzová <i>Justification</i> <i>Reverting to the current wording of the Directive is necessary both for the training of young sport shooters as well as for educational purposes (e.g. forestry schools).</i>

Article 5 – paragraph 1 – point b	
1991: are not likely to be a danger to themselves, to public order or to public safety.	
2008 are not likely to be a danger to themselves, to public order or to public safety. Having been convicted of a violent intentional crime shall be considered as indicative of such danger.	<i>Text proposed by the Commission</i> are not likely to be a danger to themselves, to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.
are not likely to be a danger to themselves or others , to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger.	Amendment 44

Medical Tests

Article 5 – paragraph 1 – rest	
<p>1991</p> <p>Without prejudice to Article 3, Member States shall allow the possession of firearms classified in categories C and D only by persons satisfying the conditions in point (a) of the first paragraph.</p> <p>Member States may withdraw authorization for possession of the firearm if any of the conditions in point (b) of the first paragraph is no longer satisfied. Member States may not prohibit persons resident within their territories from possessing a weapon acquired in another Member State unless they prohibit the acquisition of the same weapon within their own territories</p>	
<p>2008</p> <p>Member States may withdraw authorisation for possession of a firearm if any of the conditions on the basis of which it was granted are no longer satisfied. Member States may not prohibit persons resident within their territory from possessing a weapon acquired in another Member State unless they prohibit the acquisition of the same weapon within their own territory.’;</p>	<p><i>Text proposed by the Commission</i></p> <p>2. Member States shall provide for standard medical tests for issuing or renewing authorisations as referred to in paragraph 1 and shall withdraw authorisations if any of the conditions on the basis of which it was granted is no longer met. Member States may not prohibit persons resident within their territory from possessing a weapon acquired in another Member State unless they prohibit the acquisition of the same weapon within their own territory.</p>
<p>Member States shall establish a monitoring system including medical checks, which may be on a continuous or periodic basis, for the acquisition and possession of firearms, and shall withdraw authorisations if any of the conditions on</p> <p>552: Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Biljana Borzan, Marc Tarabella, Pina Picierno, Sergio Gutiérrez Prieto, Nicola Danti, Lucy Anderson, Maria Grapini, Josef Weidenholzer</p> <p>555: Pascal Durand</p>	<p>Delete 31 sure, more maybe</p> <p>547: Fredrick Federley 548: Marian Harkin 549: Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Daniel Dalton, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope 550: Karl-Heinz Florenz, Bendt Bendtsen, Annie Schreijer-Pierik, Angelika Niebler, James Nicholson, Dieter-Lebrecht Koch, Markus Ferber, Boris Zala, Markus Pieper</p> <p><i>Maybe:</i> 551: Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet 553: Anneli Jäätteenmäki, Hannu Takkula, Nils Torvalds, Paavo Väyrynen, Jasenko Selimovic 554: Marlene Mizzi, Alfred Sant 558: Andreas Schwab, Sabine Verheyen, Angelika Niebler, Markus Pieper, Peter Liese 560: Othmar Karas, Claudia Schmidt, Paul Rübig, Heinz K. Becker 561: Gesine Meissner 552: Anna Maria Corazza Bildt, Petri Sarvamaa, Ildikó Gáll-Pelcz, Eva Paunova, Othmar Karas, Lambert van Nistelrooij, Annie Schreijer-Pierik, Stefano Maullu</p>

	<p>563: Henna Virkkunen 556: Philippe Juvin, Brice Hortefeux</p> <p><i>Justification</i></p> <p><i>Different Member States has different systems of checking if persons are fit to possess firearms also from a medical perspective. Significantly changing well functioning systems would not add significantly to security.</i></p> <p><i>Standardised medical and psychological tests are not helpful in screening for risk of personal violence.</i> Health services actions are limited to the assessment of whether the general health and functional capacity of the applicant renders them fit to carry a firearm. Assessment of psychological, psychiatric and other medical contraindications to the carrying of a firearm are limited to poor vision and clinically significant memory problems, even in a thorough medical check-up. The same apply to standard psychological examinations. <i>Information on earlier violent behaviour and other criminality are the most reliable risk factors.</i> According to leading experts in criminal psychiatry, specially trained police officers with unlimited access to comprehensive police registers have the best chance of making valid assessments of future risk of violence.</p>
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Renewal Period

Article 1 – point 7.4	
1991 : --	
<p>2008</p> <p>Member States may consider granting persons who satisfy the conditions for the granting of an authorisation for a firearm a multiannual licence for the acquisition and possession of all firearms subject to authorisation, without prejudice to: (a) the obligation to notify the competent authorities of transfers; (b) the periodic verification that those persons continue to satisfy the conditions; and (c) the maximum limits for possession laid down in national law.</p>	<p><i>Text proposed by the Commission</i></p> <p>In Article 7, the following subparagraph is added to paragraph 4:</p> <p>"The maximum limits shall not exceed five years. The authorisation may be renewed if the conditions on the basis of which it was granted are still fulfilled."</p>
<p>The maximum <i>duration of an authorisation</i> shall not exceed five years, <i>unless Member States have implemented a system of continuous monitoring referred to in the first subparagraph of Article 5(2).</i> The authorisation may be renewed if the conditions on the basis of which it was granted are still fulfilled."</p> <p>662: Anneli Jäätteenmäki, Hannu Takkula, Nils Torvalds, Paavo Väyrynen, Gesine Meissner 663: Boris Zala 664: Pascal Durand</p>	<p>Deleted</p> <p>654: Christofer Fjellner 655: Mylène Troszczynski, Franz Obermayr, Harald Villinsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet 656: Nuno Melo 657: Anna Maria Corazza Bildt, Petri Sarvamaa, Elisabetta Gardini, Lara Comi, Othmar Karas 658: Karl-Heinz Florenz, Bendt Bendtsen, Angelika Niebler, James Nicholson, Dieter-Lebrecht Koch, Othmar Karas, Markus Ferber 659: Fredrick Federley</p>

<p>665: Andreas Schwab, Sabine Verheyen, Angelika Niebler, Markus Pieper, Peter Liese</p> <p>666: Henna Virkkunen</p> <p>667: Anna Hedh ?</p>	<p>660: Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope</p> <p>661: Robert Jarosław Iwaszkiewicz</p> <p>668: Ildikó Gáll-Pelcz</p> <p>669: Igor Šoltes</p> <p><i>Justification</i></p> <p><i>It is in the competence of the Member States to decide upon the periodicity of authorisations. There is no benefit of a European regulation, so that the principle of subsidiarity should be respected; instead it is bureaucratic, burdensome and costly for hunters and sport shooters, as well as for licence issuing authorities. The current legal framework provides for an adequate system of control and for the possibility for Member States to “withdraw authorisations for possession of a firearm if any of the conditions on the basis of which it was granted are no longer satisfied”.</i></p>
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Safe Storage

<u>Article 5a (new)</u>	
None before, no text from Commission	
Member States shall ensure that persons possessing a firearm appropriately store their firearms, their essential components and ammunition, including when under transport, ensuring a level of security proportionate to the risk of unauthorised access and to the nature and category of the firearms concerned.	<p>Supported by</p> <p>537: Boris Zala</p> <p>538: Anna Maria Corazza Bildt, Roberta Metsola, Henna Virkkunen, Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik, Antonio López-Istúriz White, Stefano Maullu</p> <p>539: Olga Sehnalová, Pavel Poc, Miroslav Poche</p> <p>540: Dita Charanzová, Marian Harkin, Kaja Kallas, Antanas Guoga, Petr Ježek</p> <p>541: Jiří Pospíšil, Michaela Šojdrová,</p> <p>542: Jiří Maštálka, Kateřina Konečná</p> <p>543: Marlene Mizzi, Alfred Sant</p> <p>544: Pascal Durand</p> <p>545: Louis Michel, Gérard Deprez, Frédérique Ries</p> <p>546: Birgit Collin-Langen</p> <p>573: Marc Tarabella</p> <p>699: Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Biljana Borzan, Marc Tarabella, Pina Picierno, Sergio Gutiérrez Prieto, Nicola Danti, Christel Schaldemose, Maria Grapini, Josef Weidenholzer</p> <p><i>Justification</i></p> <p><i>Safe storage of firearms is important to ensure that firearms are not ending up in the wrong hands.</i></p>

The theft of legally-held firearms in the EU is clearly not an issue, especially in their transport between one MS and another. This matter is the domain of MS who should legislate on safe storage in their territory and based on their circumstances. Principle of subsidiarity!

Marking

Article 4 – paragraph 1	
1991	
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2008 Member States shall ensure either that any firearm or part placed on the market has been marked and registered in compliance with this Directive, or that it has been deactivated.	<i>Text proposed by the Commission</i> Member States shall ensure that any firearm or part placed on the market has been marked and registered in compliance with this Directive.
Compromise by IMCO: Member States shall ensure that any <i>assembled firearm or, separately sold essential component</i> placed on the market has been marked, <i>in the case of essential components where feasible</i> , and registered in compliance with this Directive, <i>or that it has been deactivated in accordance with the provisions implementing Article 10b and registered in compliance with this Directive.</i>	Amendment 419: Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Biljana Borzan, Pina Picierno, Sergio Gutiérrez Prieto, Christel Schaldemose, Maria Grapini, Josef Weidenholzer Amendment 421: Jiří Pospíšil Amendment 439-440: Vicky Ford, Anna Maria Corazza Bildt, Dita Charanzová, Boris Zala Amendment 442-445: Vicky Ford, Karl-Heinz Florenz, Bendt Bendtsen, Annie Schreijer-Pierik, Angelika Niebler, James Nicholson, Dieter-Lebrecht Koch, Markus Ferber, Boris Zala Jiří Maštálka, Kateřina Konečná, Andreas Schwab, Sabine Verheyen, Angelika Niebler, Peter Liese <i>Justification</i> <i>The firearm as well as the essential component needs to be marked. The serial number contains already all relevant information so that it is sufficient for essential components (also due to a possible lack of space) to only contain the serial number. The marking requirements shall not be applicable retro-active but only for firearms and essential components that are put on the market after the entering into force of the directive</i>

Article 4 – paragraph 2 – point a and b	
1991:	
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2008: For the purpose of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm, either: a require a unique marking, including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture (if not part of the serial number). This shall be without prejudice to the affixing of the manufacturer's trademark. For these purposes, the Member States may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal	<i>Text proposed by the Commission</i> For the purposes of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm or at the time of import to the Union , require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.

<p>Recognition of Proofmarks on Small Arms; OR</p> <p>b maintain any alternative unique user-friendly marking with a number or alphanumeric code, permitting ready identification by all States of the country of manufacture.</p>	
<p>For the purposes of identifying and tracing each assembled firearm <i>and each separately sold essential component</i>, Member States shall <i>either</i> at the time of manufacture of each firearm <i>and each essential component intended for sale separately</i>, or <i>without delay after imported into</i> the Union, require a <i>clear, permanent and</i> unique marking, <i>in the case of essential components where feasible</i>, including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number.</p> <p>This shall be without prejudice to the affixing of the manufacturer's trademark <i>and shall not apply to firearms or essential components either considered as antiques under national law, provided they bear original markings permitting full traceability.</i></p> <p><i>This requirement shall not apply to firearms or separately sold essential components manufactured before the entry into force of this Directive.</i></p>	<p>Amendment 447-455: Dita Charanzová, Fredrick Federley, Antanas Guoga, Petr Ježek, Gesine Meissner, Olga Sehnalová, Pavel Poc, Miroslav Poche, Jiří Pospíšil, Pascal Durand, Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope, Lucy Anderson, Catherine Stihler, Antonio López-Istúriz White, Henna Virkkunen</p> <p><i>Justification</i></p> <p><i>The firearms and essential components thereof should be marked upon manufacture or import, but not at every instance of their placing on the market which can include situations where retrospective marking would be problematic and inefficient (such as inheritance or lending). It may not always be possible or practical to mark the firearms exactly at the moment of crossing borders.</i></p>

“Antiques” are outside the scope of the Directive and should not even be mentioned here. Moreover a few but significantly rare and/or historical firearms, such as prototypes, may not bear any markings whatsoever but are nevertheless identifiable. For these reasons we proposes the following change in the last para:

For the purposes of identifying and tracing each assembled firearm and each separately sold essential component, Member States shall either at the time of manufacture of each firearm and each essential component intended for sale separately, or without delay after importation into the Union, require a clear, permanent and unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. Where a separately sold essential component is too small to be practicably marked with all of this information, it shall be marked at least with a serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.

The marking requirement shall not apply to firearms or separately sold essential components manufactured before the entry into force of this directive, nor shall it apply to firearms considered to be of particular historic or other significance as determined by national law.

Article 4 – paragraph 2	
1991: --	
2008 The marking shall be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable.	
<i>Text proposed by the Commission</i> The marking shall be affixed to the receiver of the firearm.	Deleted : Amendment 456: Lucy Anderson Amendment 457 Robert Jarosław Iwaszkiewicz Amendment 457 Robert Jarosław Iwaszkiewicz Amendment 459 Sergio Gaetano Cofferati, Virginie Rozière, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef Weidenholzer Amendment 460 Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope
<i>In the case of an assembled firearm the</i> marking shall be affixed to the receiver <i>or the frame</i> of the firearm. <i>“Essential components must be marked with a serial number.”</i>	Amendment 466 Vicky Ford, Dita Charanzová Amendment 467 Elisabetta Gardini, Lara Comi Amendment 468 Dita Charanzová, Marian Harkin, Fredrick Federley, Antanas Guoga, Petr Ježek Amendment 468 Dita Charanzová, Marian Harkin, Fredrick Federley, Antanas Guoga, Petr Ježek
<i>For those purposes, Member States may have regard to the provisions of the United Nations Convention for the Reciprocal Recognition of Proof Marks on Small Arms of 1 July 1969.</i>	Amendment 470 Dita Charanzová, Marian Harkin, Fredrick Federley, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek Amendment 471 Olga Sehnalová, Pavel Poc, Miroslav Poche Amendment 472 Jiří Maštálka, Kateřina Konečná Amendment 473 Anna Maria Corazza Bildt, Roberta Metsola, Elisabetta Gardini, Lara Comi, Annie Schreijer-Pierik, Antonio López-Istúriz White, Stefano Maullu <i>Justification</i> <i>The Convention on Reciprocal Recognition of Proofmarks on Small Arms provides a valuable international standard that the directive should align to in order to increase traceability.</i>

Article 4 – paragraph	
1991 ---	

2008	<i>Text proposed by the Commission</i>
Member States shall ensure that each elementary package of complete ammunition is marked so as to provide the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition. For these purposes Member States may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms.	Member States shall ensure that each elementary package of complete ammunition is marked so as to provide the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition.
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Article 4 rest	
1991 : --	
2008	<i>Text proposed by the Commission</i>
Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by States of the transferring country .	Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the unique marking permitting identification of the transferring government.
Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification of the transferring government.	Amendment 479 Henna Virkkunen Amendment 480 Anneli Jäätteenmäki, Hannu Takkula, Nils Torvalds, Paavo Väyrynen, Jasenko Selimovic
Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the unique marking permitting identification of the transferring government. <i>Firearms classified in Category A must first have been deactivated in accordance with the provisions implementing Article 10b or permanently converted to semi-automatic firearms in accordance with the provisions implementing Article 10ba (new), save in the case of transfers to persons granted authorisations pursuant to the first or the second subparagraph of Article 6.</i>	Amendment 474 Igor Šoltes Amendment 475 Olga Sehnalová, Pavel Poc, Miroslav Poche Amendment 476 Dita Charanzová, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek Amendment 477 Jiří Maštálka, Kateřina Konečná Amendment 478 Vicky Ford <i>Justification</i> <i>The transfer of firearms from government stocks to permanent civilian use can encompass also different situations.</i>

Original text of 2008 is sufficient, but proposal by COM does not change much.

Brokers and Dealers

Article 1 –paragraph 1e

1991 --	
2008 For the purposes of this Directive, “ broker ” shall mean any natural or legal person, other than a dealer, whose trade or business consists wholly or partly in the buying, selling or arranging the transfer of weapons.’;	<i>Text proposed by the Commission</i> For the purposes of this Directive, "broker" shall mean any natural or legal person, other than a dealer whose trade or business consists wholly or partly in buying, selling or arranging the transfer within a Member State, from one Member State to another Member State or exporting to a third country fully assembled firearms, their parts and ammunition.
Compromise by IMCO: For the purposes of this Directive, "broker" shall mean any natural or legal person, his agents and representatives , other than a dealer, whose trade or business consists wholly or partly in buying, selling, lending, leasing or arranging the transfer within a Member State, from one Member State to another Member State or exporting to a third country or importing into a Member State from a third country fully assembled firearms, their essential components and ammunition.	Include imports 330: Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Daniel Dalton, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Dita Charanzová, Timothy Kirkhope <i>There is no reason not to include the importation of firearms from third countries to a Member State in the scope of activity of a broker.</i> Including agents 332: Anna Maria Corazza Bildt, Ildikó Gáll-Pelcz, Roberta Metsola, Elisabetta Gardini, Lara Comi, Annie Schreijer-Pierik, Stefano Maullu <i>If a dealer has authorisation his agents or representatives should not have to be considered as brokers.</i>

Unlike dealers, brokers do not possess the firearms they seek to sell, transfer or lend. **They arrange business contracts between authorized sellers and buyers by means of advertising (e.g. auction houses, internet sales, auction sites and journals) or by being middlemen through correspondence and providing the necessary licences for transfers.**

Thus it is unclear why a broker should need to have an authorisation similar to a gun dealer. It should be assured that the onerous obligations of a broker, normally associated with transactions for defence purposes, do not impact negatively on these sectors which offer services of a totally different nature.

It is recommended that a dealer licence is only issued to **natural or legal persons who acquire, sell or rent firearms, essential components or ammunition, other than for transportation purposes.** Thus such a licence would also be required by film armourers and shooting range who possess firearms and loan them at the range. However a dealer licence would not be required in the case of persons who carry out this business without actually handling the firearms.

Dealers

Article 1(2)

1991: For the purposes of this Directive ' dealer ' shall mean any natural or legal person whose trade or business consists wholly or partly in the manufacture, trade, exchange, hiring out, repair or conversion of firearms.	
2008: For the purposes of this Directive, "dealer" shall mean any natural or legal person whose trade or business consists wholly or partly in the manufacture, trade, exchange, hiring out, repair or conversion of firearms, parts and ammunition. ';	Text by Commission For the purposes of this Directive, "dealer" shall mean any natural or legal person whose trade or business consists wholly or partly in any of the following: (i) the manufacture, trade, exchange, hiring out, repair or conversion of firearms; (ii) the manufacture, trade, exchange, hiring out, repair or conversion of parts of firearms ; (iii) the manufacture, trade, exchange or conversion of ammunition. "
Compromise: For the purposes of this Directive, "dealer" shall mean any natural or legal person whose trade or business consists wholly or partly in any of the following: (i) the manufacture, including modification, other than minor alterations concerning to private use, or conversion , trade, exchange, hiring out or repair , of firearms; (ii) the manufacture, including modification, other than minor alterations concerning to private use, or conversion , trade, exchange, hiring out or repair , of essential components of firearms; (iii) the manufacture, including modification, other than minor alterations concerning to private use, or conversion, trade or exchange of ammunition.	Stricter rules: 397 : Pascal Durand : loading of ammunition Most amendments exclude non-essential parts and reloading. <i>Justification</i> <i>This requirement should ONLY apply to essential components otherwise individual gun owners would be barred from making minor modifications or repairs to their own firearms.</i> <i>Justification</i> <i>It is important to clarify that individuals have the right to reload their own ammunition for private use.</i>

The important part of this text is "**whose trade or business consists wholly or partly in any of the following**". "than minor alterations concerning to private use" is superfluous as private individuals do not carry out a trade or business which consists wholly or partly in (the following).

It is crucial that a dealer's **license is required only essential components**, not for other parts. Otherwise bureaucratic procedure will spiral beyond control without any gain in security. Those who reload ammunition wholly or partly for business reasons would require a dealer's license to protect their customers.

Article 10

1991 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.	
2008	Text by Commission: "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 arrangements for the acquisition of ammunition and possession of ammunition containing a single projectile shall be the same as those for the firearms for which the ammunition is intended.	
The acquisition of ammunition shall be permitted only for persons who are allowed to possess a firearm of the respective category, or persons authorised pursuant to the second subparagraph of Article 6."	54 + 674 Vicky Ford 675 Dita Charanzová, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek 676 Olga Sehnalová, Pavel Poc, Miroslav Poche 677 Jiří Maštálka, Kateřina Konečná 678 Boris Zala 679 Virginie Rozière, Christine Revault D'Allonnes Bonnefoy, Sylvie Guillaume 680 Marc Tarabella
Brokers and dealers may refuse any transaction for the acquisition of complete rounds of ammunition, or components of ammunition, which they reasonably consider suspicious owing to its nature or scale, and shall report it or any attempted such transaction to the relevant authorities.	55 by Vicky Ford <i>Compare the similar system in Regulation 98/2013 (explosives precursors). Brokers and dealers faced with a suspicious transaction (as elaborated in recital 1j, AM 9) should be able to refuse it without risking accusations of discrimination, and should be placed under a reporting obligation.</i> 681 Pascal Durand 682 Marc Tarabella
Brokers and dealers shall not be permitted to complete a transaction for the acquisition of a firearm where payment is to be made solely in cash.	There are amendments for no cash for distance sales, but nothing said about face to face, but by Durant: 250 +577 Recital by Vicky: <i>a transaction for the acquisition of complete rounds of ammunition or live primer components of ammunition, should be considered suspicious if, for example, it involves quantities uncommon for the envisaged private use, if the buyer insists on unusual payment methods, including large amounts of cash, or if the buyer appears unfamiliar with the use of the ammunition or is unwilling to provide proof of his/her identity</i>

The wording “**containing a single projectile**” implies that shotshells are not included in this measure which we find odd.

The last sentence “**not be permitted ...where payment is to be made solely in cash**” is **not supported** - the proposed measure would be a totally unnecessary and useless burden on both dealers and end users **for face-to-face transactions**.

On the other hand the use of cash in distance sales should clearly be prohibited.

Distance Sales

<p>Article 6 – paragraph 1</p> <p>1991 Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A. In special cases, the competent authorities may grant authorizations for such firearms and ammunition where this is not contrary to public security or public order.</p>	
<p>2008 Member States shall ensure that, except with respect to dealers, the acquisition of firearms and their parts and ammunition by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (*), <u>shall, where authorised, be strictly controlled.</u></p>	<p>Text proposed by the Commission Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to destroy those firearms and ammunition held in violation of this provision and seized. Member States may authorise bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established to keep in their possession firearms classified in category A acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with the provisions that implement Article 10(b). The acquisition of firearms and their parts and ammunition concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(*), shall be authorised only with respect to dealers and brokers and shall be subject to the strict control of the Member States.</p>
<p>The acquisition of firearms, of essential components thereof and of their ammunition concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council, shall be authorised, subject to strict control by the Member States, only with respect to:</p> <p>(a) dealers and brokers;</p> <p>(b) other legal or natural persons, where conditions allow for verification of the identities of the parties and of their right to complete the transaction.</p> <p>Support Commissions directive proposal 632:Nicola Danti, Sergio Gaetano Cofferati, Pina Picierno 633:Sergio Gaetano Cofferati, Virginie Rozière, Liisa Jaakonsaari, Sergio Gutiérrez Prieto, Nicola Danti, Maria Grapini, Josef Weidenholzer, Lucy Anderson 634:Louis Michel, Gérard Deprez, Frédérique Ries</p> <p>Verification of Identification must be ensured in distance sales of weapons and ammunition: 627:Sergio Gutiérrez Prieto</p>	<p>No additional regulation, leave it to MS: 580: Christofer Fjellner 625: Marian Harkin 626: Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet</p> <p><i>Justification</i></p> <p>The Commission has not substantiated its claim that "selling arrangements of firearms and their components by means of distance communication may pose a serious threat to security". On the contrary, the Evaluation of the Firearms Directive of December 2014 which the Commission refers to in the explanatory memorandum to the proposal, clearly states that "new sales channels (e.g. internet) may challenge in the future the scope of the Directive which, for the moment, seems to be adequate to face the current concerns" (p. 4 of the Evaluation). It appears the focus has slipped from the criminal darknet to wider internet use and other distance communication methods.</p> <p>The introduction of a total ban of the use of distance</p>

629:Andreas Schwab, Sabine Verheyen, Angelika Niebler, Markus Pieper, Peter Liese 630:Antonio López-Istúriz White 631:Marlene Mizzi, Alfred Sant 635:Christel Schaldemose 636:Philippe Juvin, Brice Hortefeux 637:Anna Maria Corazza Bildt, Petri Sarvamaa, Roberta Metsola, Elisabetta Gardini, Lara Comi 638:Karl-Heinz Florenz, Bendt Bendtsen, Annie Schreijer-Pierik, Angelika Niebler, James Nicholson, Dieter-Lebrecht Koch, Markus Ferber, Boris Zala 639:Anna Hedh 649:Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik 650:Anneli Jäätteenmäki, Hannu Takkula, Nils Torvalds, Paavo Väyrynen, Jasenko Selimovic, Dita Charanzová, Kaja Kallas, Marian Harkin	<p><i>communication between private persons in relation to the acquisition of firearms goes much further than the prevention of (future) obstacles to trade and affects purely internal issues, such as advertising in local magazines, phone and e-mail messages between inhabitants of a member states, etc.</i></p> <p><i>The EU is not competent to regulate such issues. Finally, a total ban constitutes a disproportionate infringement of the right of property of the legal owners of civilian firearms in the EU, including the right to use and sell such property, which may result in the confiscation and destruction without any compensation of firearms that were purchased and registered by law-abiding citizens in good faith.</i></p>
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The Firearms Directive 1991 harmonised distance sales. **Many firearm dealers restructured their business from a local warehouse to the world-wide sale of specialised products, which is done against authorisation, by importing and exporting to and from MS or Third Countries.**

The Single Market for firearms and their parts followed the same specialisation as other sectors. This is valid for buyers and sellers.

A ban of distance sales would not only hit the buyers who again have to pay higher local prices but much of the 580,000 jobs in this sector who focus their offers for worldwide customers.

Essential Components

Definition of Essential Components	
1991 No regulations.	
2008: For the purposes of this Directive, "essential component" shall mean the <u>breach-closing mechanism</u> , the <u>chamber</u> and the <u>barrel of a firearm</u> which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted. 2010: 'essential components' means the breech-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;	<p><i>Text proposed by the Commission</i></p> <p>For the purposes of this Directive, "essential component" shall mean the <u>barrel</u>, frame, receiver, slide or cylinder, bolt or <u>breach block</u> and any device designed or adapted to diminish the sound caused by firing a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted."</p>

<p><u>Article 1(1f)</u> For the purposes of this Directive, "essential component" shall mean the barrel, frame, body, receiver, slide or cylinder, breech block or bolt <i>... and loader/magazin/loading device</i></p> <p><u>Support Commissions directive proposal or additional restrictions on magazines:</u> 321: Marlene Mizzi, Alfred Sant 323: Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Maria Grapini, Josef Weidenholzer 324: Pascal Durand 326: Louis Michel, Gérard Deprez, Frédérique Ries</p>	<p>Different definition of "essential components", however all agree that sound suppressors should not be listed as essential component: 308: Robert Jarosław Iwaszkiewicz 309: Dita Charanzová, Gesine Meissner, Antanas Guoga, Petr Ježek 310: Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet 311: Jiří Maštálka, Kateřina Konečná 312: Olga Sehnalová, Pavel Poc, Miroslav Poche 313: Marian Harkin 314: Anna Maria Corazza Bildt, Andreas Schwab, Ildikó Gáll-Pelcz, Roberta Metsola, Elisabetta Gardini, Lara Comi, Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik, Stefano Maullu 315: Christofer Fjellner 316: Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Edward Czesak, Anna Elżbieta Fotyga, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Dita Charanzová, Timothy Kirkhope 317: Angel Dzhambazki, Emil Radev 318: Kaja Kallas 319: Karl-Heinz Florenz, Bendt Bendtsen, Annie Schreijer-Pierik, Angelika Niebler, James Nicholson, Dieter-Lebrecht Koch, Markus Ferber, Boris Zala, Markus Pieper 320: Fredrick Federley 322: Ildikó Gáll-Pelcz 325: Vicky Ford</p> <p><i>Justification</i></p> <p><i>Silencers (sound moderators) do not affect the functionality of firearms, thus they should not be classified as essential components. Sound moderators do not eliminate the sound of a gun-shot but merely reduce its peak noise by 15-30 dB so as not to harm the hearing of a shooter or a hunting dog.</i></p>
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Loading devices, including stick or drum magazines, belts and clips, cannot be considered essential components - Any firearm may be made to discharge a shot or shots without them. Moreover any attempt to regulate and control loading devices is bound to fail after it would have exhausted the resource of enforcements. **Other countries have tried and failed. Even the UN Protocol excludes them so why re-invent the wheel?**

Blank firing and alarm weapons

<p>1991 Signal weapons and replicas are not in the scope of the directive.</p>	
<p>2008 Signal weapons and replicas are not in the scope of the directive.</p>	<p>Text proposed by the Commission</p> <p>1f. For the purposes of this Directive, "alarm and signal weapons" shall mean portable devices with a cartridge holder having a gas exit to the front, aside or on the top, which are specifically designed and constructed for the purpose of raising alarm or sending a signal and which are only designed to fire blanks, irritants, other active substances or pyrotechnic ammunition.</p> <p>1g. For the purposes of this Directive, "salute and acoustic weapons" shall mean firearms specifically converted for the sole use of firing blanks, for use in theatre performances, photographic sessions, movies and television recordings.</p> <p>1h. For the purposes of this Directive, "replica firearms" shall mean objects that have the physical appearance of a firearm, but are manufactured in such a way that they cannot be converted to firing a shot or expelling a bullet or projectile by the action of a combustible propellant.</p>
<p><u>Article 1(1f)</u> For the purposes of this Directive, "alarm and signal weapons" shall mean devices with a cartridge holder designed to only fire blanks, irritants, other active substances or pyrotechnic round and which are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.</p> <p><u>Delete Article 1(1g)</u></p> <p><u>Delete Article 1(1h)</u></p> <p><u>Article 10a</u> Member States shall take measures to ensure that alarm and signal weapons cannot be converted into firearms.</p> <p>The Commission shall , by ... [insert date], adopt implementing acts establishing technical specifications for alarm and signal weapons-to ensure they cannot be converted into firearms.</p> <p><u>Annex I - Part II - Category A, point 8</u> Any firearm under points 1 to 3 and 6 to 7 after having been converted to firing blanks, irritants, other active substances or pyrotechnical rounds</p>	<p>Amendments to define "alarm and signal weapons"</p> <p>346: Vicky Ford, Dita Charanzová</p> <p>347: Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik</p> <p>348: Andreas Schwab, Sabine Verheyen, Angelika Niebler, Peter Liese</p> <p>Do not include alarm and signal weapons into directive:</p> <p>351: Jiří Maštálka, Kateřina Konečná</p> <p>352: Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet</p> <p>353: Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik</p> <p>358: Louis Michel, Gérard Deprez, Frédérique Ries</p> <p>359: Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet</p> <p>360: Dita Charanzová, Marian Harkin, Fredrick Federley, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek</p> <p>361: Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Daniel Dalton, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope</p> <p>362: Olga Sehnalová, Pavel Poc, Miroslav Poche</p> <p>363: Jiří Maštálka, Kateřina Konečná</p> <p>364: Robert Jarosław Iwaszkiewicz</p>

Annex I - Part II - Category B, point 10

Any firearm under points 1 to 9 after having been converted to firing blanks, irritants, other active substances or pyrotechnic rounds.

Annex I - Part II - Category C, point 5

Any firearm under points 1 to 4 after having been converted to firing blanks, irritants, other active substances or pyrotechnic rounds.

Annex I - Part II - Category D

Single-shot long firearms with smooth-bore barrels, ***including after having been converted to firing blanks, irritants, other active substances or pyrotechnic rounds.***

Annex I - Part 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:

...

(b) are designed for **alarm, signalling, life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes, or to only be capable of expelling a shot, bullet or projectile by the action of compressed air or other gas not generated by the action of a combusted propellant, or are designed as airsoft devices or airgun devices of any description from which only a small missile with limited energy can be discharged,** provided that they can be used for the stated purpose only and are not capable of being converted in such a way as to render them capable of expelling a shot, bullet or projectile by the action of a combusted propellant;

Make alarm and replica weapons category C firearms:

815: Louis Michel, Gérard Deprez, Frédérique Ries

816: Sergio Gaetano Cofferati, Virginie Rozière, Evelynne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef Weidenholzer

817: Robert Jarosław Iwaszkiewicz (note: Robert removes "replicas" from this scope.)

808: Jiří Maštálka, Kateřina Konečná

809: Jiří Maštálka, Kateřina Konečná

810: Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno

Member States shall take measures to ensure that alarm and signal weapons cannot be converted into firearms:

685: Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet

686: Robert Jarosław Iwaszkiewicz

Keep firearms converted to blank firing guns in original categories – or in category C:

803: Olga Sehnalová, Pavel Poc, Miroslav Poche

804: Dita Charanzová, Fredrick Federley, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek

805: Sergio Gaetano Cofferati, Virginie Rozière, Evelynne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef Weidenholzer

810: Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno

811: Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Daniel Dalton, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope

812 Olga Sehnalová, Pavel Poc, Miroslav Poche

813 Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik

814 Dita Charanzová, Fredrick Federley, Hilde

Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek

818 Sergio Gaetano Cofferati, Virginie Rozière, Evelynne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Biljana Borzan, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef

Weidenholzer

Justification:

A definition of a replica referring to objects having the external appearance of a firearm but cannot be converted to expel a bullet refers to an object which is not a firearm and thus has no place in the Firearms Directive and should not be covered by it. There is no need in the Directive for provisions covering toys, decorative items etc. Furthermore, the imprecise criterion of external appearance makes it difficult to distinguish between replicas and other objects.

We approve that blank firing firearms and replica stay out of the scope of the directive if those have not been converted and cannot be converted with ordinary tools and skills.

Data filing records and information exchange

<p>1991 Not in scope of original directive</p>	
<p>2008 Member States shall, by 31 December 2014, ensure the establishment and maintenance of a computerised datafiling system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data-filing systems in which each firearm subject to this Directive shall be recorded. This filing system shall record and maintain for not less than 20 years each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm.</p> <p>Throughout their period of activity, dealers shall be required to maintain a register in which all firearms subject to this Directive and which are received or disposed of by them shall be recorded, together with such particulars as enable the firearm to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the persons supplying and acquiring it.</p> <p>Upon the cessation of his activities, the dealer shall deliver the register to the national authority responsible for the filing system provided for in subparagraph 1.</p>	<p><i>Text proposed by the Commission</i> Member States shall, by 31 December 2014, ensure the establishment and maintenance of a computerised datafiling system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data-filing systems in which each firearm subject to this Directive shall be recorded. This filing system shall record each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm.</p> <p>The record of firearms, including deactivated firearms, shall be maintained until destruction of the firearm has been certified by the competent authorities.</p> <p>Throughout their period of activity, dealers and brokers shall be required to maintain a register in which all firearms subject to this Directive and which are received or disposed of by them shall be recorded, together with such particulars as enable the firearm to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the persons supplying and acquiring it.</p> <p>Upon the cessation of his activities, the dealer or broker shall deliver the register to the national authority responsible for the filing system provided for in the first subparagraph. Each Member State shall ensure that the registries of the dealers and brokers established in their territory are connected to the computerised data-filing system of firearms.</p>

Article 4(4), first subparagraph

"**That data**-filing system shall record **all information relating to firearms which is needed in order to trace and identify those firearms. That information shall include** each firearm's type, make, model, calibre and serial number, **and any conversions or modifications, other than minor modifications for personal use, to a firearm, including its certified deactivation or destruction and the date thereof**, as well as the names and addresses of the supplier and **of each** person acquiring or possessing the firearm, **including the dates of acquisition and, where applicable, the end of possession or transfer to another person unless such transfer concerns a firearm which has been registered as deactivated. The current records relating to each firearm and the person possessing it shall be accessible to all authorised authorities. All records relating to** firearm **shall be maintained in an electronically retrievable format for an indefinite period.**"

Article 4(4), second subparagraph

"Throughout their period of activity, dealers and brokers shall be required to maintain a register in which all firearms subject to this Directive and which are received or disposed of by them shall be recorded, together with such particulars as enable the firearm to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the persons supplying and acquiring it.

Upon the cessation of his activities, the dealer or broker shall deliver the register to the national authority responsible for the filing system provided for in the first subparagraph.

Each Member State shall ensure that dealers and brokers established in their territory **report transactions involving firearms and essential components** to the **national competent authority within a period of time which shall not exceed 10 days.**"

Article 13(4)

Member States shall **ensure the efficient** exchange of information **by electronic means, in accordance with applicable data protection rules, either directly or through single points of contact**, on the authorisations granted for the **transfer** of firearms to another Member State as well as information with regard to refusals to grant authorisations as **provided for** in Article 7.

Article 13(5)

The Commission shall be empowered to adopt delegated acts in accordance with Article 13a concerning the modalities of exchange of information

Single point of contact, ie sensible improvements, accessible for all AUTHORIZED authorities:

484: Diane Dodds

485: Boris Zala

489: Louis Michel, Gérard Deprez, Frédérique Ries

712: Vicky Ford, Anna Maria Corazza Bildt

713: Louis Michel, Gérard Deprez, Frédérique Ries

Class B permit holders should be listed in database

653: Louis Michel, Gérard Deprez, Frédérique Ries

Exclude deactivated firearms:

492: Anna Maria Corazza Bildt, Elisabetta Gardini, Lara Comi, Annie Schreijer-Pierik, Stefano Maullu

Also include weapons seized by authorities, since they might re-enter circulation

493: Nuno Melo

Exchange of data between MS by initiated request only – no need for huge complete database (which would be bad, should the information leak out):

706: Dita Charanzová, Marian Harkin, Fredrick

Federley, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek

707: Olga Sehnalová, Pavel Poc, Miroslav Poche

708: Jiří Pospíšil

709: Jiří Maštálka, Kateřina Konečná

711: Marcus Pretzell

716: Olga Sehnalová, Pavel Poc, Miroslav Poche

Delete "comission is empowered to" and add "comission shall adopt delegated acts":

717: Dita Charanzová, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek

718: Jiří Maštálka, Kateřina Konečná

719: Jiří Pospíšil

Immediate access for all authorities or huge International database available

486: Pascal Durand

488: Sergio Gaetano Cofferati, Virginie Rozière, Liisa Jaakonsaari, Catherine Stihler, Biljana Borzan, Marc Tarabella, Pina Picierno, Sergio Gutiérrez Prieto, Nicola Danti, Lucy Anderson, Christel Schaldemose, Maria Grapini, Josef Weidenholzer

710: Sergio Gaetano Cofferati, Virginie Rozière, Evelyn Gebhardt, Sylvia-Yvonne Kaufmann, Marlene Mizzi, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Pina Picierno, Sergio Gutiérrez Prieto, Nicola Danti, Lucy Anderson, Christel Schaldemose, Maria Grapini, Josef Weidenholzer

on authorisations granted *or refused for the transfer of firearms to another Member State. The Commission shall adopt such delegated acts by ... [insert date]...*"

The Member State shall, upon request by another Member State, exchange information relevant to an assessment of the criminal history, if any, of persons who apply for or who have been granted exceptions pursuant to Article 6 or authorisations pursuant to Article 7.

That information shall include the entire text of the corresponding judicial decision or decision of a relevant public authority."

Immediate access for all authorities of a massive international database may have disastrous consequences if it could be also accessed by undesirable persons. Hacking of official databases is not a rare occurrence and delicate information may end up in the wrong hands.

The more data is saved (including local address and name of owners) and the more people get access, the higher is the **risk of corruption and misuse.**

Less than 150 legally-owned firearms are misused annually in fatal violent crimes and less than 200 parts and firearms which have been lost or stolen annually are found on crime scenes or confiscated from criminals. Are the costs and risk of a **massive international database** justified?

Let us learn from the experience with explosives. All legally-held explosive is traceable 24/7 following the introduction of the amendment in 2012. This IT database and the marking with individual serial numbers costs 30 million Euro annually. It did not prevent the Brussels and Paris bombings as the terrorists did not use legally-manufactured explosives.

Review and entry into force

<p>1991</p> <p>Within five years from the date of transposition of this Directive into national law, the Commission shall submit a report to the European Parliament and to the Council on the situation resulting from the application of this Directive, accompanied, if appropriate, by proposals.</p>	
<p>2008</p> <p>Within five years from the date of transposition of this Directive into national law, the Commission shall submit a report to the European Parliament and to the Council on the situation resulting from the application of this Directive, accompanied, if appropriate, by proposals.</p>	<p>Text proposed by the Commission</p> <p>The Commission shall submit every five years a report to the European Parliament and the Council on the application of this Directive, accompanied, if appropriate, by proposals in particular as regards the categories of firearms of Annex I and the issues related to new technologies such as 3D printing. The first report shall be submitted two years after the entry into force of this Directive.'</p> <p>The Commission shall, by [date], assess the necessary elements of a system for the exchange of information contained in the computerised data-filing systems referred to in Article 4(4) between the Member States. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.</p>
<p><u>Article 17</u></p> <p>The Commission shall every five years submit a report to the European Parliament and the Council on the application of this Directive, including a fitness check of the provisions, accompanied, if appropriate, by proposals in particular as regards the categories of firearms of Annex I and the issues related to the implementation of the system for the European firearms pass, marking and to new technologies such as impacts of 3D printing. The first report shall be submitted by [two years after the date of entry into force of this Amending Directive]."</p> <p>The Commission shall, by [date], assess the necessary elements of a system for the exchange of information contained in the computerised data-filing systems referred to in Article 4(4) between the Member States. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information."</p> <p>Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive 18 months after publication to the OJ. They shall forthwith communicate to the Commission the text of those provisions.</p>	<p>Proposes fitness check of the provisions:</p> <p>730:Vicky Ford, Anna Maria Corazza Bildt, Dita Charanzová</p> <p>731: Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Dita Charanzová, Timothy Kirkhope</p> <p>733:Robert Jarosław Iwaszkiewicz</p> <p>Amendments regarding Entry into force:</p> <p>3 years:</p> <p>843:Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Angel Dzhambazki, Branislav Škripek, Bernd Lucke, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil</p> <p>24 months:</p> <p>845:Andreas Schwab, Sabine Verheyen, Angelika Niebler, Peter Liese, Markus Pieper</p> <p>12 months:</p> <p>844:Dita Charanzová, Fredrick Federley, Marian Harkin, Hilde Vautmans, Antanas Guoga, Petr Ježek</p> <p>6 months:</p> <p>846:Maria Grapini</p>

	<p>Arguments regarding 3d-printing and QR-technologies: 729:Pascal Durand 732:Bendt Bendtsen 736:Philippe Juvin, Brice Hortefeux, Rachida Dati</p> <p><i>Justification</i></p> <p><i>Fitness check should be carried out in order to attest the necessity of the new provisions, taking into account the lack of a prior impact assessment.</i></p> <p><i>The fitness check should include looking into the gun crime in the Member States with legal (licenced) firearms, including number of crimes committed, number of firearms reported stolen or missing and number of firearms converted to an automatic action, relative to the situation prior to the adoption of the new provisions.</i></p>
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National Defense and Collectors

<p>1991: 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, the public authorities or by collectors and bodies concerned with the cultural and historical aspects of weapons and recognized as such by the Member State in whose territory they are established. Nor shall it apply to commercial transfers of weapons and ammunition of war</p>	
<p>2008: (unchanged from 1991) This Directive shall not apply to the acquisition or possession of weapons and ammunition, <u>in accordance with national law, by the armed forces, the police, the public authorities or by collectors and bodies concerned with the cultural and historical aspects of weapons and recognized as such by the Member State in whose territory they are established.</u> Nor shall it apply to commercial transfers of weapons and ammunition of war.</p>	<p><i>Text proposed by the Commission</i> This Directive shall not apply to the acquisition or possession of weapons and ammunition, <u>in accordance with national law, by the armed forces, the police, the public authorities.</u> Nor shall it apply to commercial transfers of weapons and ammunition of war .This means collectors and museums, deactivated and antique firearms would not be excluded anymore.</p>

Article 2(2)

This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the ***national defence*** forces, ***encompassing all units, reservists and other persons under their command including the military***, the police, ***or other*** public authorities ***or bodies***. Nor shall it apply to commercial transfers of weapons and ammunition of war.

Support Commissions directive proposal and further restrictions to collectors, museums and members of military reservists:

413: Lucy Anderson, Catherine Stihler

416: Pascal Durand

Delete Commissions proposed change:

403: Fredrick Federley

Collectors should be excluded, and the proposal should be changed to take into account reservists and defense solutions of MS that are based on conscription and large reserve.

402: Herbert Dorfmann

404: Othmar Karas, Herbert Dorfmann, Claudia Schmidt, Paul Rübig, Heinz K. Becker

405: Angel Dzhambazki, Emil Radev

406: Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope

407: Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet

408: Dita Charanzová, Hilde Vautmans, Antanas Guoga, Petr Ježek

409: Jiří Maštálka, Kateřina Konečná

410: Olga Sehnalová, Pavel Poc, Miroslav Poche

411: Vicky Ford

412: Jiří Pospíšil

414: Robert Jarosław Iwaszkiewicz

415: Anneli Jäätteenmäki, Hannu Takkula, Nils Torvalds, Paavo Väyrynen, Marian Harkin, Jasenko Selimovic, Kaja Kallas

Justification

This proposal aims to allow for exceptional authorization for these bodies, rather than leaving them out of the scope of the Directive, as it is provided for in the current Directive. In the last sentence, we suggest replacing the vague and undefined “weapons and ammunition of war” with the term “products of the defence industry”, which is defined in the Directive 2009/43/EC and which is associated with a complex system of controls and oversight. The derogation, if tied to that Directive’s regime, would serve as a safeguard against any theoretical abuse of that derogation. Given that Directive 2009/43/EC is of a later date than the most recent amendment of the Firearms Directive, this could also be viewed as simple adaptation of the Firearms Directive to later legislation.

Exception possibility for category A

<p>1991: Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A. <u>In special cases, the competent authorities may grant authorizations for such firearms and ammunition where this is not contrary to public security or public order.</u></p>	<p><i>Text proposed by the Commission</i> Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A <u>and to destroy those firearms and ammunition held in violation of this provision and seized. Member States may authorise bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established to keep in their possession firearms classified in category A acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with the provisions that implement Article 10(b). The acquisition of firearms and their parts and ammunition concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(*), shall be authorised only with respect to dealers and brokers and shall be subject to the strict control of the Member States.</u></p>
<p>Article 6 Without prejudice to Article 2(2), Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to destroy or deactivate those firearms and ammunition held in violation of this provision and seized. <i>In exceptional and duly reasoned cases, the competent authorities may grant authorisation for such firearms and ammunition provided that such authorisation is not contrary to public security, public order or national defence.</i></p> <p>Support Commissions directive proposal – no exceptions or weapons should be deactivated: 583: Marlene Mizzi, Alfred Sant 585: Sergio Gaetano Cofferati, Evelyne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Marlene Mizzi, Catherine Stihler, Marc Tarabella, Maria Grapini, Josef Weidenholzer</p>	<p>Memberstates should be able to grant authorizations to category A firearms when it is not against public security and there is a valid reason for requiring category A firearm:</p> <p>581: Dita Charanzová, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek 582: Olga Sehnalová, Pavel Poc, Miroslav Poche 584: Diane Dodds 586: Fredrick Federley 587: Jiří Pospíšil, Michaela Šojdrová 588: Jiří Maštálka, Kateřina Konečná 589: Andreas Schwab, Sabine Verheyen, Angelika Niebler, Markus Pieper, Anna Maria Corazza Bildt, Peter Liese 590: Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope 592: Nuno Melo 593: Robert Jarosław Iwaszkiewicz 598: Marcus Pretzell</p> <p><i>Justification</i></p> <p><i>It should be up to the competent authorities of each Member State to decide in each individual case if an exception should be granted, taking into account the public security and public order. Examples of bodies and persons who should be in duly reasoned cases allowed to acquire and possess category A firearms include forensic experts and forensic institutes, private</i></p>

	<p><i>security businesses and firearms producers.</i></p> <p><i>Furthermore, an unequivocal requirement to destroy illegally held firearms and even ammunition after their seizure would in certain cases lead to the destruction of item of cultural or historical value or ones useful for legitimate (e.g. law enforcement) purposes. There is, in particular, absolutely no point for destroying perfectly good ammunition just because it had been held illegally.</i></p>
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Collectors and Museums

<p>1991</p> <p>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, the public authorities or by collectors and bodies concerned with the cultural and historical aspects of weapons and recognized as such by the Member State in whose territory they are established. Nor shall it apply to commercial transfers of weapons and ammunition of war.</p> <p>be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.</p> <p>2008 : --</p>	<p><i>Text proposed by the Commission</i></p> <p>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, the public authorities. Nor shall it apply to commercial transfers of weapons and ammunition of war.</p>
<p>Article 2(2), second subparagraph</p> <p><i>This Directive shall not apply to collectors and bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established;</i></p>	<p><u>Collectors should not be in scope of the directive / Collectors should be permitted to acquire and keep Category A firearms as at present:</u></p> <p>417: Marlene Mizzi, Alfred Sant, Roberta Metsola 599: Fredrick Federley 600: Marlene Mizzi, Alfred Sant 601: Othmar Karas, Herbert Dorfmann, Claudia Schmidt, Paul Rübig, Heinz K. Becker 602: Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik 603: Gesine Meissner, Dita Charanzová 604: Dita Charanzová, Hilde Vautmans, Antanas Guoga, Petr Ježek 605: Jiří Pospíšil, Michaela Šojdrová 606: Olga Sehnalová, Pavel Poc, Miroslav Poche 607: Jiří Maštálka, Kateřina Konečná 608: Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Nicola Danti, Lucy Anderson, Christel Schaldemose, Maria Grapini, Josef Weidenholzer 611: Nuno Melo 612: Marian Harkin 616: Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet</p>

	<p>617:Karl-Heinz Florenz, Bendt Bendtsen, Annie Schreijer-Pierik, Angelika Niebler, James Nicholson, Dieter-Lebrecht Koch, Markus Ferber, Boris Zala</p> <p><i>Justification</i></p> <p><i>Including museums and collectors (recognized by the Member States) in the scope could jeopardize important parts of the European cultural heritage without adding significantly to security.</i></p>
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We fully support this option as it consistent with the Rapporteur’s significant recommendation for “maintaining the status quo wherever there is insufficient evidence to justify changing it.” The Commission has failed to provide any evidence whatsoever that recognised collectors may be a possible source of trafficking of firearms (Recital 5) even challenged to do so. It turns out that the Commission quoted selectively from an Interpol report which goes on to state that there is no evidence of such a link between collectors and trafficking. Hence museums AND collectors should remain outside the scope of the Directive provided that they are regulated in their MS.

<p><u>Article 6, second subparagraph</u></p> <p>Member States may <i>choose to grant authorisations to legal or natural persons dedicated to the gathering, study and conservation of firearms and associated artefacts for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes</i> recognised as such by the Member State in whose territory they are <i>for</i> firearms <i>and ammunition</i> classified in category A provided <i>that such persons demonstrate that measures are in place to address any risks to public security or public order and that the firearm or firearms concerned are stored with a level of security proportionate to the risks associated with unauthorised access to such firearms.</i></p> <p><u>Member States shall establish a register of all such authorised persons. Such authorised persons shall be required to maintain a register of all firearms in their possession classified in Category A, which shall be accessible to authorised authorities.</u></p>	<p><u>Generic Possibility for MS to grant authorisation to Category A firearms:</u></p> <p>618: Henna Virkkunen 619: Anneli Jäätteenmäki, Hannu Takkula, Nils Torvalds, Paavo Väyrynen, Kaja Kallas 620: Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhabazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope 621: Angel Dzhabazki, Emil Radev 623: Philippe Juvin, Brice Hortefeux 624: Pascal Durand</p> <p><u>Following amendments clarify the definition of collector:</u></p> <p>335:Marlene Mizzi, Alfred Sant, Roberta Metsola 336:Birgit Collin-Langen 337:Igor Šoltés 338:Louis Michel, Gérard Deprez, Frédérique Ries 339:Philippe Juvin, Brice Hortefeux, Rachida Dati 340: Pascal Durand 341:Maria Grapini 342:Marlene Mizzi, Alfred Sant 343:Birgit Collin-Langen 344:Philippe Juvin, Brice Hortefeux, Rachida Dati</p>
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This is the second best option provided the text is corrected as underlined below:

“Member States may choose to grant authorisations to legal or natural persons dedicated to the gathering, study and conservation of firearms and associated artefacts for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes, recognised as such by the Member State in whose territory they are established, for the acquisition and possession of firearms, essential components and ammunition classified in category A provided that such persons demonstrate that measures are in place to address any risks to public security or public order and that the firearm or firearms concerned are stored with a level of security proportionate to the risks associated with unauthorised access to such firearms. Member States shall establish a register of all such authorised persons. Such authorised persons shall be required to maintain a register of all firearms in their possession classified in Category A, which shall be accessible to authorised authorities.”

<p><u>Allow museums only – remove right from collectors:</u> 609: Philippe Juvin, Rachida Dati, Brice Hortefeux 610: Pascal Durand 613: Marcus Pretzell 614: Louis Michel, Gérard Deprez, Frédérique Ries 615: Robert Rochefort</p> <p><u>Only allow deactivated Cat A firearms:</u> 622: Nicola Danti, Pina Picierno</p>	
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We are totally opposed to this draconian option!

Annex I - Part II - 10 ba and Categories

Article 10 ba new

1. Member States shall take measures to ensure that automatic firearms that have been converted into semi-automatic firearms cannot be reconverted into automatic firearms.	701 : Vicky Ford, Dita Charanzová
2. The Commission shall adopt delegated acts in accordance with Article 13a establishing technical specifications to ensure that semi-automatic firearms which have been converted from originally automatic firearms cannot be reconverted into automatic firearms.	700: Karl-Heinz Florenz, Bendt Bendtsen, Annie Schreijer-Pierik, Anna Maria Corazza Bildt, Angelika Niebler, James Nicholson, Dieter-Lebrecht Koch, Markus Ferber 701: Vicky Ford, Dita Charanzová

	<p><i>Justification</i></p> <p><i>This measure addresses one of the main loopholes in the current legislative framework: the illegal conversion of firearms into prohibited automatic firearms. The focus should be on conversions that change the category of the firearm in order to make sure that it remains correctly registered and traceable also after conversion.</i></p>
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We fully support 10ba if Amendment 725 and 727 are voted for on article 13a

Category A - Prohibited firearms

<p>1991</p> <p>1. Explosive military missiles and launchers.</p> <p>2. Automatic firearms.</p> <p>3. Firearms disguised as other objects.</p> <p>4. Ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition.</p> <p>5. Pistol and revolver ammunition with expanding projectiles and the projectiles for such ammunition, except in the case of weapons for hunting or for target shooting, for persons entitled to use them.</p> <p>2008 --</p>	<p>Text by Commission</p> <p>6. Automatic firearms which have been converted into semi-automatic firearms;</p> <p>7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms</p> <p>8. Firearms under points 1 to 7 after having been deactivated';</p>
<p>Point 6/7/8 deleted</p>	<p>741 Nuno Melo</p> <p>742 Mylène Troszczyński, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet</p> <p><i>Justification</i></p> <p><i>Category B firearms must remain in category B. No change in categorization is necessary. Legal owners of such firearms are numerous within the European territories. Confiscation of their property is impossible to implement considering the huge amount of those firearms. Moreover, prohibiting these category B firearms are forcing them to enter illegal market; illegal market that should actually be the only target of the European Commission in their fight against terrorism</i></p>
<p>Delete 6. Automatic firearms which have been converted into semi-automatic firearms;</p>	<p>743 Angel Dzhambazki, Emil Radev</p> <p>744 Robert Jarosław Iwaszkiewicz</p> <p>745 Igor Šoltes</p> <p>746 Jiří Maštálka, Kateřina Konečná</p> <p>747 Marian Harkin</p> <p>748 Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd</p>

	<p>Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope</p> <p><i>Justification</i></p> <p><i>The mere fact that a firearm has been converted does not have any relation to the risk of it being reverse – converted into an automatic one. Much rather, a ban should be aimed at equipment.</i></p>
Automatic firearms which have been converted into semi-automatic firearms; dependent upon Article 10ba “which do not satisfy the requirements on conversion set out in Article 10ba”	<p>751 Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope</p> <p>752 Michaela Šojdová</p> <p>753 Robert Jarosław Iwaszkiewicz</p> <p>756 Vicky Ford</p> <p><i>Justification</i></p> <p><i>The signatories believe that the point 6 of the Annex I, part II, point A, Category A of the Commission’s proposal shall be deleted and refused in its entirety and it is one of the crucial amendments of the signatories for this proposal. However, in order to achieve a compromise acceptable within the EP plenum, the signatories propose two acceptable options, this being one of them.</i></p>
Automatic firearms which have been converted into semi-automatic firearms; and provided that the converted firearm in question was inspected and marked”	<p>749 Dita Charanzová, Anneli Jäätteenmäki, Hilde Vautmans, Kaja Kallas, Hannu Takkula, Antanas Guoga, Nils Torvalds, Paavo Väyrynen, Petr Ježek</p> <p>750 Olga Sehnalová, Pavel Poc, Miroslav Poche</p> <p>754 Jiří Pospíšil</p> <p><i>The category “A6” newly proposed by the Commission should differentiate between different levels of these conversions. The conversion can be made in a poor way, however, it can be also thorough and hardly reconvertible. In fact, if the conversion is made in proper way those converted firearms are more complicated to change back to automatic firearms than any other semi-automatic weapon. However, a strict obligation of Member States to secure that any technology of conversion is authorised by a competent authority (a Proof House, police, armed forces etc.) which will also inspect and mark every such converted firearm before it is placed on the market.</i></p>
<p><u>point 6b (new)</u></p> <p>Parts such as auto sears, drop in kits, trigger mechanisms and other parts that are designed to convert semi-automatic firearms into firearms with automatic mode of operation;</p>	<p>755 Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope</p>

	<p>757 Vicky Ford</p> <p><i>Justification</i></p> <p><i>The signatories believe that the point 6 of the Annex I, part II, point A, Category A of the Commission's proposal shall be deleted and refused in its entirety and it is one of the crucial amendments of the signatories for this proposal. However, in order to achieve a compromise acceptable within the EP plenum, the signatories propose two acceptable options, this being one of them.</i></p>
<p><u>point 6c (new)</u> Semi-automatic firearms which have been converted into automatic firearms;</p>	<p>771 Andreas Schwab, Sabine Verheyen, Angelika Niebler, Markus Pieper, Peter Liese 772 Olga Sehnalová, Pavel Poc, Miroslav Poche 773 Henna Virkkunen 774 Dita Charanzová, Marian Harkin, Fredrick Federley, Anneli Jäätteenmäki, Hilde Vautmans, Kaja Kallas, Hannu Takkula, Antanas Guoga, Nils Torvalds, Paavo Väyrynen, Petr Ježek</p>
<p><u>point 7</u> Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms;</p>	<p>759 Robert Jarosław Iwaszkiewicz 760 Angel Dzhambazki, Emil Radev 761 Jiří Maštálka, Kateřina Konečná 762 Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope 763 Marian Harkin, Dita Charanzová 764 Karl-Heinz Florenz, Bendt Bendtsen, Annie Schreijer-Pierik, Angelika Niebler, Dieter-Lebrecht Koch, Othmar Karas, Markus Ferber 765 Anna Maria Corazza Bildt, Eva Paunova, Roberta Metsola, Lara Comi, Elisabetta Gardini, Othmar Karas, Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik, Bendt Bendtsen, Antonio López-Istúriz White, Petri Sarvamaa 766 Louis Michel, Gérard Deprez, Frédérique Ries 767 Anna Hedh</p> <p><i>Justification</i></p> <p><i>The outside appearance of a firearm bears no relation to its functioning, may to a large extent be modified by the user and is too vague a criterion, incompatible with the principle of legal certainty.</i> <i>This change would result in a sudden and immediate ban of a whole sub-category 14 of firearms, which have been obtained and registered in full compliance with the legal requirements for possession, including a thorough authorisation procedure. The criterion of "resemblance" is subjective and very much dependent on the person who has to make this judgement. Decisions will mostly be made afterwards and with hindsight, resulting in legal uncertainty. Category B7 and the proposed A6 firearms possess the same technical specifications as any other category B firearm. They are therefore not "more dangerous",</i></p>

	<p><i>which is the logic and technical rationale for firearms categorisation. To justify a total ban of a certain category of firearms solely based on the unclear and subjective criterion of their "resemblance" with automatic weapons is not only disproportional, but also leads to legal uncertainty and the unequal treatment of citizens. Finally, the consequential confiscations and destruction of the firearms in question would constitute an unjustified infringement of the fundamental right of property of legal owners, who acquired these firearms in compliance with the law and in good faith and who now will be confronted with a considerable loss.</i></p>
<p><u>point 7new</u> Semi-automatic long firearms (i.e. firearms that are originally intended to be fired from the shoulder) with centrefire percussion 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.</p>	<p>758 Vicky Ford 768 Pascal Durand 769 Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini</p>
<p><u>point 7new</u> Semi-automatic firearms with one or more of the following characteristics:</p> <p><i>(a) equipped or capable of being equipped with a firing capacity exceeding 6/10/20 rounds without reloading;</i></p> <p><i>b) long, but capable of being reduced to a length of less than 60 cm without losing functionality, notably by means of a folding or telescoping stock or by a stock that can be removed without using tools</i></p> <p><i>(c) possessing a rifled barrel firing projectiles the diameter of which exceeds 12.7 mm;</i></p> <p><i>(d) possessing a smooth barrel with a calibre in excess of 8;</i></p> <p><i>e) having a magazine with a capacity exceeding 10 rounds;</i></p>	<p>768 - 6 rounds Pascal Durand 769 - 10 rounds Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini 770 - 20 rounds Marlene Mizzi, Alfred Sant</p>
<p><u>Delete point 8:</u> Firearms under points 1 to 7 after having been deactivated.</p>	<p>775 Louis Michel, Gérard Deprez, Frédérique Ries 776 Robert Jarosław Iwaszkiewicz 777 Angel Dzhambazki, Emil Radev 778 Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope 780 Sergio Gaetano Cofferati, Sylvia Yvonne Kaufmann, Liisa Jaakonsaari, Marlene Mizzi, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef Weidenholzer 781 Marian Harkin</p> <p><i>Justification</i></p>

	<i>Deactivated firearms would in practice be very hard to confiscate as they are not in any register and furthermore, if properly deactivated, pose no appreciable threat to public order and internal security.</i>
8. Any firearm under points 1 to 3 and 6 to 7 after having been converted to firing blanks, irritants, other active substances or pyrotechnical ammunition.	782 Olga Sehnalová, Pavel Poc, Miroslav Poche 783 Dita Charanzová, Fredrick Federley, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek 784 Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik
Any firearm under category A which has been converted into a salute and acoustic weapon.	785 Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef Weidenholzer

Category B

1991 1. Semi-automatic or 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 magazine and chamber can together hold more than three rounds. 5. Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose magazine and chamber can together hold more than three rounds. 6. Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length. 7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms "Any essential component of such firearms: The breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.".	Text by Commission in category B, point 7 is deleted. in point B, the following text is deleted.' 'The breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.'
2008 --	
"4. Semi-automatic long firearms whose magazine and chamber can together hold more than three but fewer than 7/12 rounds."	786 - 12 rounds Sergio Gaetano Cofferati, Virginie Rozière, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef Weidenholzer 787 - 7 rounds Pascal Durand
Delete in category B, point 7 is deleted.	788 Louis Michel, Gérard Deprez, Frédérique Ries Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet 790 Karl-Heinz Florenz, Bendt Bendtsen, Annie Schreijer-Pierik, Angelika Niebler, Dieter-Lebrecht

	<p>Koch, Othmar Karas, Markus Ferber 791 Dita Charanzová, Fredrick Federley, Anneli Jäätteenmäki, Hilde Vautmans, Kaja Kallas, Hannu Takkula, Antanas Guoga, Nils Torvalds, Paavo Väyrynen, Petr Ježek 792 Henna Virkkunen 793 Olga Sehnalová, Pavel Poc, Miroslav Poche 794 Anna Maria Corazza Bildt, Petri Sarvamaa, Eva Paunova, Lara Comi, Elisabetta Gardini, Othmar Karas, Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik, Bendt Bendtsen, Antonio López-Istúriz White 795 Jiří Maštálka, Kateřina Konečná 796 Anna Hedh 797 Robert Jarosław Iwaszkiewicz 798 Marian Harkin 799 Angel Dzhambazki, Emil Radev</p> <p><i>Justification</i></p> <p><i>This is a logical consequence of deleting Annex I part II category A point 7. In order to keep "semi-automatic firearms for civilian use which resemble weapons with automatic mechanism" in Annex I, and especially in Annex I part II category B, the deletion of category B point 7 must be deleted.</i></p> <p><i>So far no convincing rewording or argument for the move of A7 has been put forward to resolve the problems with this very unclear paragraph</i></p>
<p>point 7 is replaced by the following:</p> <p>"7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms and which are not included in category A."</p>	<p>800 Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef Weidenholzer 802 Pascal Durand</p>
<p>in category B, point 7 is replaced by the following:</p> <p>"7. Semi-automatic firearms which have been permanently converted from automatic firearms by appropriate procedures."</p> <p>Or</p> <p>Any firearm previously classified under points 1 to 7 after having been converted to firing blanks, irritants, other active substances or pyrotechnic ammunition."</p>	<p>801 Igor Šoltes 803 Olga Sehnalová, Pavel Poc, Miroslav Poche 804 Dita Charanzová, Fredrick Federley, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek 805 Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef Weidenholzer 806 Pascal Durand</p>
<p>7b. Firearms classified in points 1 to 7 of category A after having been deactivated."</p>	<p>805 Sergio Gaetano Cofferati, Evelyne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef Weidenholzer</p>

Point 6b new regarding parts is the simple solution that has been previously missed and the absence of which gave birth to overly complex and cumbersome 'solutions'.

Point 6c new is entirely superfluous

Point 7 a to e) new. We do not support this addition in its entirety. The definitions apply to firearms (see below) that are NOT a threat to security but which have a legitimate use in sporting and cultural events.

C), d) and e) effectively ban all firearms with detachable magazines. The interpretation that the prohibition applies when semi-automatic firearms are combined with such magazine is a major issue for legislation and enforcement.

a) This covers light artillery and some muzzle-loaders

b) This effectively refers to muzzle-loading cannons;

c), d), e) This covers practically all types of semi-automatic firearms;

Rimfire is included in Point B1 to B7. This appears to favour the UK which prohibits every semi-automatic firearm excluding. We disapprove of this unnecessary distinction. Rimfire can be abused just as much as centre-fire.

Category C

1991 1. Repeating long firearms other than those listed in category B, point 6. 2. Long firearms with single-shot rifled barrels. 3. Semi-automatic long firearms other than those in category B, points 4 to 7. 4. Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm.	Text by Commission In Category C, the following points are added: 5. Alarm and signal weapons, salute and acoustic weapons as well as replicas; 6. Firearms under category B and points 1 to 5 of category C, after having been deactivated’.
2008 -- Delete 5. 5. Alarm and signal weapons, salute and acoustic weapons as well as replicas;	808 Jiří Maštálka, Kateřina Konečná 809 Jiří Maštálka, Kateřina Konečná 810 Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno
5. Firearms under categories A, B and points 1 to 4 of category C, after having been converted to alarm, signal, salute, acoustic, gas, paintball or airsoft, Flobert, or percussion lock weapons.	811 Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Daniel Dalton, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope <i>Justification</i> <i>We see no reason for alarm and signal weapons, salute and acoustic weapons to be included in category C, if they were originally produced as such (i.e. not by conversion from live ammunition). Provided that they have been approved and homologated to enter the market (which typically</i>

	<p>also includes safety checks), they should stay outside of the scope of the Directive.</p> <p><i>Regarding firearms converted to alarm, signal weapons etc., this proposal aims to close the loophole that was probably previously used by terrorists and criminals, who converted them back to live ammunition. Including them in category C acts as a preventive measure from their conversion back to the original state, as making them subject to declaration would make them traceable, and therefore uninteresting for committing crimes.</i></p>
5. Any firearm under points 1 to 4 after having been converted to firing blanks, irritants, other active substances or pyrotechnic ammunition;	<p>812 Olga Sehnalová, Pavel Poc, Miroslav Poche 813 Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik 814 Dita Charanzová, Fredrick Federley, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek 818 Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Biljana Borzan, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef Weidenholzer</p>
5. Alarm and signal weapons <i>and reproduction firearms</i> ;	<p>816 Sergio Gaetano Cofferati, Virginie Rozière, Evelyne Gebhardt, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Maria Grapini, Josef Weidenholzer</p>
Delete 6. Firearms under category B and points 1 to 5 of category C, after having been deactivated.	<p>819 Robert Jarosław Iwaszkiewicz 820 Dita Charanzová, Fredrick Federley, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek 821 Olga Sehnalová, Pavel Poc, Miroslav Poche 822 Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Dita Charanzová, Timothy Kirkhope 823 Jiří Maštálka, Kateřina Konečná</p> <p><i>Justification</i></p> <p><i>As regards deactivated firearms, these pose no appreciable threat to public order and internal security if deactivated properly.</i></p>
6. Firearms under points 1 to 5 of <i>this</i> category, after having been deactivated	<p>824 Pascal Durand</p>

Category D

1991 Single-shot long firearms with smooth-bore barrels.	Text by Commission --
2008 -- "Single-shot long firearms with smooth-bore barrels, including those which have been converted to firing blanks, irritants, other active substances or pyrotechnic ammunition	825 Olga Sehnalová, Pavel Poc, Miroslav Poche 826 Jiří Maštálka, Kateřina Konečná 827 Lambert van Nistelrooij, Jeroen Lenaers, Annie Schreijer-Pierik 828 Dita Charanzová, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek

Part III not in scope

1991 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) have been rendered permanently unfit for use by the application of technical procedures which are guaranteed by an official body or recognized by such a body; (b) 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; (c) are regarded as antique weapons or reproductions of such where these have not been included in the previous categories and are subject to national laws. Pending coordination throughout the Community, Member States may apply their national laws to the firearms listed in this Section.	
2008 -- "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) have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way'; (b) 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; (c) are regarded as antique weapons or reproductions of such where these have not been included in the previous categories and are subject to national laws.	Text by Commission (a) point (a) is deleted; (b) point (b) is replaced by the following: "are designed for life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only; (c) the second subparagraph is deleted.

<p>Pending coordination throughout the Community, Member States may apply their national laws to the firearms listed in this Section."“(a) have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way’;</p> <p>Member States shall make arrangements for the deactivation measures referred to in point (a) to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of this verification, provide for the issuance of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm.</p> <p>The Commission shall, acting in accordance with the procedure referred to in Article 13a(2) of the Directive, issue common guidelines on deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable.’</p>	
<p>Delete point (a) is deleted;</p>	<p>829 Nuno Melo 830 Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Bernd Kölmel, Ulrike Trebesius, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Dita Charanzová, Timothy Kirkhope 831 Robert Jarosław Iwaszkiewicz</p> <p><i>Justification</i></p> <p><i>A reversal to the current wording Directive in accordance with the proposals above. Again, deactivated firearms pose no appreciable threat to public order and internal security if deactivated properly, and should therefore be outside the scope of the Directive. Reversal to the current wording, i.e.:“(a) have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way;”</i></p>
<p>point (a) is replaced by the following:</p> <p>"(a) are deactivated firearms, provided that deactivation has been carried out:</p>	<p>832 Vicky Ford, Dita Charanzová 833 Olga Sehnalová, Pavel Poc, Miroslav Poche 834 Dita Charanzová, Fredrick Federley, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek 835 Jiří Maštálka, Kateřina Konečná</p> <p><i>Justification</i></p>

<p><i>(i) in accordance with the technical specifications set out in Annex III; or</i></p> <p><i>(ii) before [the date of application of Amending Directive] in accordance with the technical specifications set out in</i></p> <p><i>Annex I to Implementing Regulation (EU) 2015/2403; or</i></p> <p><i>(iii) prior to 8 April 2016:</i></p> <ul style="list-style-type: none"> <i>– in accordance with any national deactivation standards and techniques applied by Member States and established by the Commission pursuant to Article 10b(4); or</i> <i>– in accordance with the national deactivation standards and techniques applied by Member States, provided that the deactivated firearm is not transferred to another Member State or placed on the market; or</i> <i>– in accordance with a cut-through-slot procedure, meaning that a slot has been cut through the chamber wall of a minimum of 4mm width and into the barrel along at least 50% of the barrel length and the barrel has been securely pinned or welded to the receiver/frame, and conversion to expel a shot, bullet or projectile by the action of a combustible</i> 	<p><i>The obligation to retrospectively “re-deactivate” firearms deactivated prior to the entry into force of the Regulation 2015/2403 at the moment of placing on the market should be limited to dealers and brokers. If this obligation was applied to any other “non-professional” holders of these firearms it would only lead to an enormous and unnecessary criminalization of these persons because the awareness of the newly introduced (and procedurally and technically complicated) rules would be very limited.</i></p>
<p>Point b)</p> <p>are designed for alarm, signalling, life-saving, animal slaughter or harpoon fishing, for industrial or technical purposes, or to only be capable of expelling a shot, bullet or projectile by the action of compressed air or other gas not generated by the action of a combusted propellant, or are designed as airsoft devices or airgun devices of any description from which only a small missile with limited energy can be discharged, provided that they can be used for the stated purpose only and are not capable of being converted in such a way as to render them capable of expelling a shot, bullet or projectile by the action of a combusted propellant;</p>	<p>836 Dita Charanzová, Fredrick Federley, Hilde Vautmans, Kaja Kallas, Antanas Guoga, Petr Ježek</p> <p>Similair</p> <p>837 Robert Jarosław Iwaszkiewicz</p>
<p>Delete</p> <p>(c) the second subparagraph is deleted.</p>	<p>838 Richard Sulík, Jussi Halla-aho, Tomáš Zdechovský, Ulrike Trebesius, Bernd Kölmel, Joachim Starbatty, Anders Primdahl Vistisen, Jørn Dohrmann, Bernd Lucke, Angel Dzhambazki, Branislav Škripek, Petr Mach, Ivan Štefanec, Eduard Kukan, Anna Elżbieta Fotyga, Edward Czesak, Tomasz Piotr Poręba, Hans-Olaf Henkel, Jan Zahradil, Timothy Kirkhope</p> <p>839 Nuno Melo</p> <p><i>Justification</i></p>

	<i>A reversal to the current wording Directive in accordance with the proposals above, i.e.: "Member States shall make arrangements for the deactivation measures referred to in point (a) to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of this verification, provide for the issuance of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm. The Commission shall, acting in accordance with the procedure referred to in Article 13a(2) of the Directive, issue common guidelines on deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable."</i>
New <i>(ca) the third paragraph is replaced by the following:</i> <i>"The Member States must apply their national laws to the firearms listed in this Part."</i>	840 Mylène Troszczynski, Franz Obermayr, Harald Vilimsky, Lorenzo Fontana, Bruno Gollnisch, Philippe Loiseau, Gilles Lebreton, Marie-Christine Boutonnet

Deactivated Firearms and Empowerment of Commission

Article 1 – paragraph 1i

1991 and 2008: --	Text by Commission: 1i. For the purposes of this Directive, "deactivated firearms" shall mean firearms that have been modified with the purpose of rendering them permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way.
1i. For the purposes of this Directive, " deactivated firearms " shall mean firearms that have been modified with the purpose of rendering them permanently unfit for use by deactivation, ensuring that all essential components of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way.	Amendment 29 Amendment 373 Jiří Maštálka, Kateřina Konečná Amendment 374 Sergio Gaetano Cofferati, Virginie Rozière, Sylvia-Yvonne Kaufmann, Liisa Jaakonsaari, Catherine Stihler, Marc Tarabella, Sergio Gutiérrez Prieto, Nicola Danti, Christel Schaldemose, Maria Grapini, Josef Weidenholzer Amendment 375 Pascal Durand Amendment 376 Christel Schaldemose
<i>Same, but added: in accordance with Implementing Regulation (EU) 2015/2403)</i>	Amendment 371 Lucy Anderson, Catherine Stihler Amendment 372 Andreas Schwab, Sabine Verheyen, Angelika Niebler, Peter Liese
1i. For the purposes of this Directive, "deactivated firearms" shall mean firearms which have been rendered and certified as permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be	Amendment 377 Marlene Mizzi, Alfred Sant

reactivated in any way.	
<p><i>(ca) The following paragraph is added:</i></p> <p><i>"1ia. For the purposes of this Directive, 'antique weapons' shall mean either any firearms manufactured before 1870, or</i></p>	Amendment 378 Pascal Durand

Article 10b new

1991 and 2008: --	<p>Text by Commission:</p> <p>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 it irreversibly inoperable. Member States shall, in the context of this verification, provide for the issuance of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm.</p> <p>2. The Commission shall adopt deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).'</p>
<p>2. By 31 December 2016, the Commission shall review Implementing Regulation (EU) 2015/2403 and, where necessary, adopt implementing acts amending it.</p> <p>The amendments to Implementing Regulation (EU) 2015/2403 shall take into account the need for competent authorities to be able to disassemble a deactivated firearm in order to ensure that it has been rendered permanently unfit for use and inoperable, with particular regard to the obligation to weld components and magazines together.</p> <p>The Commission shall also adopt implementing acts amending Table II of Annex I to Implementing Regulation (EU) 2015/2403 as set out in Annex Ia to this Directive.</p> <p>Implementing acts referred to in this paragraph shall be adopted in accordance with the examination procedure referred to in Article 13b(2).</p>	<p>Amendment 59</p> <p><i>Justification</i></p> <p><i>This AM serves to address concerns of stakeholders regarding the practical implementation of the Regulation by requiring clarification of certain technical aspects, aimed at achieving a more effective, verifiable and uniform standard of deactivation across the Union.</i></p> <p><i>The Rapporteur is aware that further legal consideration could be useful, including with respect to possible delegated acts. Linked to AM 86.</i></p>

Empowerment Article 13a

1991 --	
<p>2008</p> <p>a)</p> <p>1. The Commission shall be assisted by a committee.</p> <p>2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.</p> <p>The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.</p>	<p>Text by Commission</p> <p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p> <p>2. The delegation of power referred to in Article 13 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.</p> <p>3. The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.</p> <p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>5. A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or 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 the Council.'</p>
<p>2. The power to adopt delegated acts referred to in Article 10b(2) and (4), Article 10ba and Article 13(5) shall be conferred on the Commission for an indeterminate period of time from ... <i>[the date of entry into force of this Amending Directive]</i></p>	<p>Amendment 723 Vicky Ford, Dita Charanzová</p>
<p>3. The delegation of power referred to in Article 10b(2) and (4), Article 10ba and 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 <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>	<p>Amendment 724 Vicky Ford, Dita Charanzová</p>
<p>New</p> <p>3a. 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</p>	<p>Amendment 725 Vicky Ford, Dita Charanzová</p>

<i>Agreement on Better Law-Making of 13 April 2016.</i>	
5. The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning the modalities of exchange of information on authorisations granted or refused for the transfer of firearms to another Member State. Those delegated acts shall be adopted by ... [insert date].	Amendment 726 Jiří Maštálka, Kateřina Konečná
5. A delegated act adopted pursuant <i>Article 10b(2) and (4), Article 10ba and Article 13(5)</i> shall enter into force only if no objection has been expressed either by the European Parliament or <i>by</i> the Council within a period of <i>two</i> 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 <i>two</i> months at the initiative of the European Parliament or <i>of</i> the Council	Amendment 727 Vicky Ford, Dita Charanzová

The Commission was asked to close loopholes some years ago. In July 2014 it published two studies on alarm/signal weapons, marking and deactivated firearms and stakeholders were consulted.

However when Commission implemented the 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, it:

- a) violated the principle of Better Law-Making: experts were not consulted re text;
- b) avoided discussion: EP and Council could not object

28 MS had to implement this delegated act into national legislation within 6 months. The poor wording led to a total ban on the movement and sale of deactivated firearms, causing untold harm to business that have always observed the law.