



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Civil Liberties, Justice and Home Affairs

LIBE_OJ(2016)0215-2

DRAFT AGENDA

Mini-Hearing

The control of the acquisition and possession of weapons and its aspects in relation to security

Monday 15 February 2016, 15.00 - 17.00

European Parliament, Brussels

Room: József Antál (JAN) 4Q2

Order of business

15h00 - 15h05	Opening remarks by Claude MORAES , Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament
15h05 - 15h15	The background of the Directive - European Commission DG Home
15h15 - 15h30	Q&A session

FIRST SESSION

Technical issues

15.30 - 16.10

15h30 - 15.40	Technical issues regarding marking, deactivation, registration, authorisations of firearms Mr. Michael BENSTEIN , German Federal Police Office
15h40 - 16.10	Q&A session

SECOND SESSION

Medical tests

16.10 - 16.50

16h10- 16h20	Expert on licensing and medical tests, Dr Renaud BOUVET , Université de Rennes, Expert on medical tests (MS)
16h20 - 16h50	Q&A session
16.50 - 17.00	Closing remarks by Bodil VALERO , EP Rapporteur on the LIBE opinion on control of the acquisition and possession of weapons and by the IMCO Chair as EP Rapporteur for IMCO, Vicky FORD.

Annex

IMPORTANT NOTICE FOR THOSE WISHING TO ATTEND THE MEETING

This meeting is open to the public. However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain such a pass should contact the secretariat (libe-secretariat@europarl.europa.eu) **before 11 February at noon**. It is essential to provide us with your **last name, first name, date of birth, nationality, type of ID (passport, identity card, driving licence, etc.), number of ID**. Without this information, the Security Service will not provide entry passes.¹

PRACTICAL GUIDELINES FOR THE DEBATE

- During the discussion, so as to make it possible for the highest number of parliamentarians to intervene, speaking time of speakers will be limited to **ten minutes** and speaking time of other participants to **two minutes** per contribution or question.
- Speakers wishing to supplement their speeches may do so in writing by submitting a document (preferably in English or French) in advance to the secretariat (email: libe-secretariat@europarl.europa.eu). These documents will be circulated during the meeting.
- Meeting documents will be progressively added to the Events section of the LIBE Committee pages: <http://www.europarl.europa.eu/activities/committees/homeCom.do?language=EN&body=LIBE> and to the WebNP event webpage: <http://www.europarl.europa.eu/webnp/cms/lang/en/pid/1863>

THE MEETING IS BROADCASTED LIVE AND RECORDED

LIBE Committee pages:

<http://www.europarl.europa.eu/activities/committees/homeCom.do?language=EN&body=LIBE>

ADDITIONAL INFORMATION

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¹ The processing of personal data is subject to Regulation (EC) No 45/2001 of 18 December 2001 (OJ.L 8 12.1.2001, p. 1)

Background

The life cycle of a weapon begins with its manufacture. It is then traded and used, most of the time responsibly and for legitimate purposes such as hunting and sports shooting. At the end of its life it may be deactivated or completely destroyed. Criminals as well as terrorists acquire firearms among other things by exploiting vulnerabilities in this cycle (e.g. terrorist attack on Charlie Hebdo in Paris on 7th January 2015). These vulnerabilities have to be addressed through simple and effective rules and well-informed cross-border cooperation.

The **Current EU legislation** consists of:

- Directive 2008/51/EC¹, which amends Directive 91/477/EEC², and integrates the appropriate provisions required by the Firearms Protocol as regards intra-Community transfers of weapons;
- Regulation 258/2012³ which addresses trade and transfers with countries outside the EU, thereby transposing the provisions of Article 10 of the UNFP.

The EU Firearms Directive (Directive 91/477/EEC as amended by Directive 2008/51/EC) defines the rules under which private persons can acquire and possess weapons, as well as the transfer of firearms to another EU country. The Directive leaves the possibility open for Member States to adopt more stringent rules than those prescribed.

The **main provisions of the Firearms Directive** are:

- Classification of four categories of firearms and corresponding rules for acquisition and possession:
- Category A - fully automatic weapons and military weapons: cannot be owned by private persons unless deactivated;
- Category B - repeating or semi-automatic arms: can be owned by private persons subject to authorisation;
- Category C - less dangerous repeating and semi-automatic firearms and single shot firearms used mainly by hunters: can be owned by private persons subject to declaration;
- Category D - other firearms: can be owned by private persons and are not subject to authorisation or declaration.

¹ OJ L 179, 8.7.2008, p. 5–11.

² [OJ L 256, 13.9.1991, p. 51](#). Text as corrected by [OJ L 54, 5.3.1993, p. 22](#).

³ OJ L 94, 30.3.2012, p. 1.

- Marking and traceability: Member States need to ensure that any firearm or part placed on the market has been marked and registered, and they need to have national computerised data-filing systems in place to strengthen traceability of firearms.
- Deactivation: Member States are obliged to introduce national procedures for the deactivation of firearms which render the weapons permanently inoperable, to be verified by a competent authority. Permanently deactivated arms are no longer considered arms and can be held by private persons and freely move within the internal market.

In spite of the action so far, gun crime remains a significant threat. It has become clear that gaps in the current legislation on firearms and shortcomings in its implementation at national level make the EU vulnerable to criminal activity.

Further the report on the implementation of the Firearms Directive has identified obstacles to tracing firearms and law enforcement due to differences across Member States regarding the

- marking of weapons,
- the categorisation and registration of firearms
- and deactivation standards,
- as well as lack of interconnection of national tracking and data-filing systems.

Seeing that under the current legal framework, deactivated firearms are not considered firearms anymore. They can therefore freely move within the internal market. They are also erased from the official register making it impossible to trace them to their current or original owner. And yet, there is evidence of cases of reactivation of deactivated firearms. There are also concerns about the potential conversion of blank firing weapons to fire ammunition.

The New Proposal to be debated:

Now for improving the EU's firearms control framework the Commission has proposed the following main elements to amend the EU Firearms Directive (Directive 91/477/EEC as amended by Directive 2008/51/EC):

- Stricter rules to ban certain semi-automatic firearms, which will not be allowed to be held by private persons, even if they have been permanently deactivated;
- EU common standards on deactivation;
- Tighter rules on the online acquisition of firearms, to avoid the acquisition of firearms, key parts or ammunition through the Internet;
- EU common rules on marking of firearms to improve the traceability of weapons;

- Better exchange of information between Member States, for example on any refusal of authorisation to own a firearm decided by another national authority, and obligation to interconnect national registers of weapons;
- Common criteria concerning alarm weapons (e.g. distress flares and starter pistols) in order to prevent their transformation into fully functioning firearms;
- Stricter conditions for the circulation of deactivated firearms;
- Stricter conditions for collectors to limit the risk of sale to criminals.

In particular the improvement of registration of firearms (e.g. integration of manufacture and trade) is a very important step. The amendments require now in-depth examination as some regulations will require reference of closer inspection and subsidiarity (e.g. mandatory medical examinations, limit the period of validity of licences.).

LINKS TO BACKGROUND DOCUMENTS AND INTERNET PAGES

Hearing: "Control of the acquisition and possession of weapons and its aspects in relation to security"

Monday, 15 February 2016, 15.00 - 17.00

Room: József Antall building (JAN) 4Q2, Brussels

EP RESOLUTIONS AND PUBLICATIONS

1. [A6-0276/2007](#) - European Parliament legislative resolution of 29 November 2007 on the proposal for a directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons (COM(2006)0093 – C6-0081/2006 – 2006/0031(COD))

[Illicit small arms and light weapons: International and EU action](#) - EPRS In-depth analysis

EUROPEAN COMMISSION

1. [COM\(2015\)0750 final](#) - Proposal for a directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons

2. [COM\(2013\) 716 final](#) - Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking

3. [Commission Proposals to strengthen control of firearms](#): Questions & Answers, European Commission - Fact Sheet, 18 November 2015
[Excerpt: «There is little official data on the types of firearms circulating in the EU, weapons illegally used and trafficked, and criminal offences and activities involving civilian firearms»].

4. [COM\(2006\) 93 final](#) - Proposal for a directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons

5. [Reducing gun violence: the way forward](#), Commission Press release, 21/10/2013

6. Study to support an Impact Assessment on a possible initiative related to [improving rules on deactivation, destruction and marking procedures of firearms in the EU, as well as on alarm weapons and replicas](#), June, 2014
[See p. 22 onwards - 2.3 – 'Differences and shortcomings in the legislative framework' &

p. 116 onwards - Annex 3. 'Case studies: detailed analysis'].

7. [Study to Support an Impact Assessment on Options for Combatting Illicit Firearms Trafficking in the European Union](#) - July 2014

7. [Evaluation of the Firearms Directive: Final report](#), SIPRI, December 2014
[See pp. 63-70 - 'Marking, traceability & Deactivation'].

CONTRIBUTIONS FROM THE CIVIL SOCIETY

The University of Sydney

[Armed violence and gun laws, country by country](#), The University of Sydney - Gun Policy Org

[Here you can compare gun facts by country, compare one country to the rest of the world and figures by country, such as: gun numbers, death & injury, gun industry, gun trade & trafficking, gun regulation,...].

Politico

[EU gun control plans under fire: there are about 81 million illicit firearms across the EU](#), Politico, 20/11/2015.