



**POSITION PAPER OF THE EUROPEAN FIREARMS AND AMMUNITION
MANUFACTURING INDUSTRY ON THE PROPOSAL OF THE EUROPEAN
COMMISSION TO AMEND DIRECTIVE 91/477/EEC**

The *Association des Fabricant Européen de Munitions de Sport (AFEMS)* - Association of European Manufacturers of Sporting Ammunition -, is a non-profit organisation set up in 1951. With 60 Members and 8 Affiliates from 23 European Countries, AFEMS represents a network of manufacturers and distributors of ammunition, components, clay targets and machinery, each boasting vast experience and a long history in the industry.

The *Institut Européen des Armes de Chasse et de Sport (IEACS)* - European Institute of Hunting and Sporting Arms -, is an “International association with scientific aim” funded in 1976 and chartered under the Belgian law, whose members are the national associations of manufacturers of sport shooting firearms of Belgium, Finland, France, Germany, Italy, Spain, United Kingdom.

AFEMS and IEACS share the common goal to study all the issues related to the sporting firearms and ammunition Industry, their components and the specific manufacturing material, from a scientific, technical, safety, regulatory and institutional point of view, and establish a dialogue between the Industry, the actors of other sectors and international and European bodies.

The Industry welcomes the determination of the European Commission to swiftly respond to the recent terrorist attacks by accelerating the package of measures already foreseen in the European Security Agenda adopted in April 2015 and in the Work Programme for 2016. The Industry shares the goal of the Commission in supporting Member States in their efforts to protect their citizens and prevent criminals and terrorists from accessing weapons.

The Industry subscribes to some of the elements in the proposal of the European Commission to amend the Council Directive 91/477/EEC on control of the acquisition and possession of weapons, including the establishment of an Implementing Regulation on common minimum standards for deactivation of firearms, the adoption of an action plan against the illegal trafficking of weapons and explosives, and the call for stronger police and intelligence service coordination among Member States.

However, the Industry believes that there are matters in the proposal that should be further reviewed with the support of the stakeholders directly involved such as the Industry itself, collectors, shooters, hunters, dealers.

The biggest concerns are related to measures amending Annex I introducing new subcategories to Category A and consequently banning certain types of firearms. Such proposed measure appears to be unreasonable and disproportionate. This paragraph implies fundamental changes to the firearms that can be held in Europe. In short:

- a) all demilitarized semiautomatic firearms, either long or short, are prohibited;
- b) all semi-automatic firearms that resemble automatic weapons are prohibited;
- c) even objects (no more weapons) obtained from demilitarized firearms or similar to automatic weapons by deactivation are prohibited.



The proposed measure establishes that all firearms held at the time of the entry into force of national rules transposed from the Directive would be seized and destroyed, while only the bodies involved in the history of firearms manufacturing may be allowed to hold deactivated firearms.

It should be noted that:

- 1) The proposed measure appears impracticable. There are millions of firearms that would be prohibited in Europe, and to seize them all to destroy and deactivate them seems a far-off prospect. This is clearly in contradiction with the protection of legitimate expectations, which is a fundamental principle of EU law.
- 2) The proposed measure is in many aspects incomprehensible, because it unreasonably restricts the rights - even the acquired rights - of European citizens without having a significant impact on security. Limiting the number and type of firearms legally held does not produce any significant effect on the activities of the criminals acquiring illicit firearms through illegal channels, rather than buying civilian firearms that would be more expensive and would not suit their purpose. Additionally, there is no scientific evidence showing that the reduction of number and type of firearms held could influence crime or terrorism level.
- 3) Demilitarized firearms are not likely to be transformed into automatic weapons when the operation is carried out properly and their parts are modified in a way that they are not interchangeable with the original military parts. These firearms are safe and have the same functionality of hunting firearms of the same caliber.
- 4) It makes no sense to prohibit certain types of firearms just because they can resemble military weapons without establishing similarity criteria (shape, mechanical operation, functionality, etc.). Semi-automatic firearms are very similar to each other in some detail, and almost all civilian semi-automatic firearms are derived from a military model. This measure is even more absurd considering that without such criteria almost all the existing hunting semi-automatic firearms are likely to be considered as similar to military weapons, at least mechanically, and therefore subject to prohibition.
- 5) The prohibition to hold deactivated firearms which are not firearms, but simple metal items without any offensiveness other than being used as blunt objects is even more incomprehensible and unreasonable. This measure shows that the rationale behind this proposal is based on emotional elements and political-media requirements.

With reference to marking, it has been specified that it shall be affixed to the "receiver". Although this is generally positive, it makes sense only for semi-automatic long firearms, while the frame of pistols is not included in the definition and even break-action shotguns and rifles have a different nomenclature. The definition should therefore be further reviewed.

With reference to category C of Annex I and the subsequent introduction of new subcategories for Alarm and signal weapons, salute and acoustic weapons as well as replicas and firearms under category B and points 1 to 5 of category C, after having been deactivated, it should be noted that signalling objects, blank firearms and inert replicas are treated as real firearms in terms of acquisition and possession.

Category C would be subject to a mere declaration rather than to registration and licensing, but many Member States submit firearms of category C to the same authorization regime of firearms in other



categories. It follows that to acquire an inert replica or a blank firearm in a Member State it will be necessary to obtain the firearm license or an authorization to detention, because these objects will be treated as a rifle.

Generally, it must be said that the inclusion of these items - as that of deactivated firearms – among firearms appears illegitimate. This is because the definition of firearm, which is derived from the UN Protocol and was fully adopted by the Directive, does not allow to subsume anything other than firearms ("any portable barrelled weapon that expels, is designed to expel or it may be converted to expel a shot, bullet or projectile by the action of a combustible propellant"). Moreover, it may be concluded that it might be useless to include them into other more specific definitions, since in order to be considered firearms and treated as such - even with regards to categorization - objects shall be re-included in such general definition;

Finally, with regards to the time established for Member States to implement the Directive, it should be noted that the time of three months allowed for implementation appears unusually short and, given the deadlines and the procedures of parliamentary activities in the Member States, it is unlikely that it will be respected.