

## 2nd3rd Draft Compromises – blocks of issues

Reflecting the discussion at the [1430/6 Shadow meeting](#)  
(changes ~~marked in bold underline~~ after 30/6 meeting tracked)

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### **According to decisions by the IMCO Coordinators:**

- **split votes are allowed on CAs,<sup>1</sup> and**
- **AMs covered by a CA fall if the CA is adopted, but any Group wishing a compatible part of another AM to be voted as an addition to a CA must indicate that early on, and specify the part wished to be voted as an addition. Such requests can only be made by the Group Coordinator, Rapporteur/Shadow or Group advisor (not individual Members).<sup>2</sup>**

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<sup>1</sup> Coordinators decision 20/06/12

<sup>2</sup> Coordinators decision 20/03/13

## **1.**

### **a) Conditions for authorisation**

**Replacing** all relevant amendments, including 508-514, 516, 517, 519, 520, 522, 523, 525, 527-529, 531-533 ([see also 29/6 template VL](#))

#### **Article 5(1)**

Without prejudice to Article 3, Member States shall ~~authorise~~ **permit** the acquisition and possession of firearms only by persons who have good cause and who:

- (a) 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**
- (b) 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.

**AGREED IN PRINCIPLE (Rapporteur, EPP, ~~S&D~~, ALDE, GUE/NGL, Greens/EFA, EFDD).**

**[The S&D requests a SV on “acquisition, other than through purchase, and”-”-.]**

### ***Accompanying recital***

***Replacing all relevant amendments, including 17, 189***

***The acquisition and possession of firearms should only be permitted if, inter alia, there is good cause. Member States should have the option of stipulating that the acquisition and possession of firearms for the purpose, for example, of hunting, target shooting, use by associations which cultivate customs and traditions and by cultural and historical bodies, the conduct of various scientific and technical activities, testing procedures and the re-enactment of historical events, filmmaking or historical study constitutes good cause.***

### **We recommend to reject this amendment as the original text is sufficient:**

**Without prejudice to Article 3, Member States shall permit the acquisition and possession of firearms only by persons who have good cause and who: (a) 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; (b) 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. 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.**

## **b) Medical Tests**

**Replacing** all relevant amendments, including 547-567 ([see also 29/6 template VL](#))

Article 5(2)

Member States shall ~~provide for standard~~ **establish a monitoring system, including the assessment of relevant medical and psychological information according to national legislation which may be on a continuous or non-continuous basis, for the acquisition and possession of firearms**, 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~~ **the acquisition or possession was allowed are** no longer met.

*Vote as an addition, after "... system,":*

**a) "~~which may include medical checks, which may be on a continuous or periodic basis~~"**

*Rapporteur view: +*

**If not adopted, vote alternative addition compatible with CA**

**b) "~~including medical checks, which may be on a continuous or periodic basis~~"**

*Rapporteur view: -*

**AGREED IN PRINCIPLE** (Rapporteur, EPP, S&D (TBC), ALDE, GUE/NGL, Greens/EFA, EFDD)

## **Accompanying recital**

**Replacing all relevant amendments, including 7, 107, 109, 121, 249**

**Member States should ensure that an effective system is implemented for monitoring possession of firearms. That system, which could be periodic or continuous, should either be based on an assessment of relevant ~~medical review, if deemed appropriate, and psychological information~~ upon the issuance or renewal of an authorisation, or provide ~~for~~ an effective alternative system of continuous monitoring taking into account the risks concerned, and any relevant indications, for example from medical personnel, indicating that the conditions for allowing possession may no longer be met.**

**We recommend to reject this amendment:**

**Standardised medical and psychological tests are not helpful in screening for risk of personal violence. 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. Information on earlier violent behaviour and other criminality are the most reliable risk factors. 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.**

**Formatiert:** Schriftart: Fett, Nicht Kursiv, Unterstrichen

**Formatiert:** Schriftartfarbe: Automatisch

### **c) Authorisation Renewal Period**

**Replacing** all relevant amendments, including 654-669 ([see also 29/6 template VL](#))

Article 7(2), second subparagraph

The maximum limits **duration of an authorisation** shall not exceed five years, **unless Member States have implemented a system of continuous monitoring referred to in the first subparagraph of Article 5(2)**. The authorisation may be renewed if the conditions on the basis of which it was granted are still fulfilled."

**AGREED IN PRINCIPLE** (Rapporteur, EPP, ~~S&D~~, ALDE, GUE/NGL, Greens/EFA, EFDD).

**The S&D requests a SV** on “, **unless Member States have implemented a system of continuous monitoring referred to in the first subparagraph of Article 5(2)**”.

#### **We recommend to reject this amendment:**

*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”.*

## **d) Safe Storage**

**Replacing** all relevant amendments, including 534-546, 573, 699 [\(see also 29/6 template VL\)](#)

### **Article 5a (new)**

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.

***Member States shall establish rules on the proper supervision of firearms and ammunition and rules on their proper storage in a secure way to minimise the risk of being accessed by an unauthorised person. ~~Firearms~~When stored, firearms and ammunition for them shall not be readily accessible together. Supervision in this case shall mean that the person possessing the firearm or the ammunition has control over them during transport and use. The level of scrutiny for the storage arrangements shall correspond to the category of the firearm.***

### **Accompanying Recital**

***Firearms and ammunition should be stored in a secure manner when not immediately supervised. ~~If stored other than in a safe, firearms and ammunition should be stored separately from each other.~~ Criteria for storage should be defined by national rules, taking into account the number and nature of the firearms concerned.***

**AGREED IN PRINCIPLE** (Rapporteur, EPP, ALDE; ~~(tbc) S&D~~, GUE/NGL, Greens/EFA, EFDD)

### **We recommend to reject this amendment:**

**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!**

## 2.

### **Marking**

**Replacing** all relevant amendments, including 419, 412, 439-440, 442-445, 447-472, 474-480 ([see also 29/6 template VL](#))

#### Article 4(1)

Member States shall ensure that any **assembled** firearm or, ~~par~~ **separately sold essential component** placed on the market has been marked, ~~in the case of essential components where feasible,~~ and registered in compliance with this Directive, **or that it has been deactivated in accordance with the provisions implementing Article 10b and registered in compliance with this Directive.** Where an essential component is too small to be marked in compliance with this Directive, it shall be marked at least with a serial number, alphanumeric or digital code.

Formatiert: Schriftart: Fett, Kursiv

Formatiert: Point 1

#### **Accompanying recital**

**Replacing** all relevant amendments, including 203-212, 235-240, 242-246, 289-294-, 296-299

*In order to increase the traceability of firearms and essential components and to facilitate their free movement, an assembled firearm and all separately sold essential components should be marked irremovably at the time of their being manufactured or without delay after their import. The traceability requirements shall not apply to firearms which have been deactivated in accordance with this Directive.*

#### Article 4(2)

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 imported into** the Union, require a **clear, permanent and** unique marking, ~~in the case of essential components where feasible,~~ 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 **and shall not apply to firearms or essential components either considered as antiques under national law or destined for persons authorised pursuant to the second subparagraph of Article 6, provided they bear original markings permitting full traceability.** Where an essential component is too small to be practicably marked with all of this information, it shall be marked at least with a serial number, alphanumeric or digital code. **This requirement shall not apply to firearms or separately sold essential components manufactured before the entry into force of this Directive.**

#### **Accompanying recital**

**Replacing** all relevant amendments, including 203-212, 235-240, 242-246, 289-294-, 296-299

*To avoid that markings are easily erased and to clarify on which components the marking should be affixed, common Union rules on marking should be introduced. These rules should apply only to firearms and essential components that are placed on the market as from the date by which Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the main provisions of this Directive.*

*In the case of an assembled firearm the marking shall be affixed to the receiver **or the frame** of the firearm.*

**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 those purposes, Member States may choose to apply the provisions of the United Nations Convention for the Reciprocal Recognition of Proof Marks on Small Arms of 1 July 1969.**

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. ***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.***

**AGREED IN PRINCIPLE** (Rapporteur, EPP, S&D, ALDE, GUE/NGL, Greens/EFA, EFDD).

**Groups are invited to inform** if they wish a compatible part of another AM to be voted as an addition, specifying the part of the AM concerned.

**“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.

### **3.**

#### **Brokers**

**Replacing** all relevant amendments, including 330-333, 379-392, 394-396, 400, 401, 494, 496-504 [\(see also 29/6 template VL\)](#)

Article 1(1e)

or 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.

#### ***Accompanying recital***

***Replacing all relevant amendments, including 15, 179, 180***

***Since brokers provide services similar to those of dealers, they should also be covered by this Directive, and should be subject to the same obligations as dealers in all relevant respects.***

#### **Brokers provide different services to those of dealers.**

**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)

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 for private use not leading to a change of categorisation, or conversion~~***, trade, exchange, hiring out ***or repair***, ~~repair or conversion~~ of firearms;
- (ii) the manufacture, ***including modification, other than ~~minor alterations concerning to for private use not leading to a change of categorisation, or conversion~~***, trade, exchange, hiring out ***or repair***, ~~repair or conversion~~ of parts ***essential components*** of firearms;
- (iii) the manufacture, ***other than hand-loading or reloading of ammunition for private use*** ~~trade, exchange~~ ***including modification, other than ~~minor alterations concerning to for private use not leading to a change of category~~***, or conversion, ***trade or exchange*** of ammunition.

### ***Accompanying recital***

***Replacing all relevant amendments, including 110-2, 124-6, 133-4, 138***

***It should be specified in this Directive that the activities of a dealer include not only the manufacturing but also the significant modification or conversion of a firearm, such as the shortening of a complete firearm, leading to a change in its category and in addition the significant modification or conversion of essential components of firearms and of ammunition, and that, therefore, only authorised dealers should be permitted to engage in those activities. Hand-loading and reloading of ammunition from ammunition components for private use should not be considered a significant modification.***

### **Private use and essential components**

**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 for 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

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.***"

**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. Brokers and dealers shall not be permitted to complete a transaction for the acquisition of a firearm where they cannot verify the identity of the purchaser in the data-filing system established according to Article 4(4) and payment is to be made solely in cash.**

### **Accompanying recital**

**Replacing all relevant amendments, including 131-2, 250, 276**

**As is the case with respect to the system of reporting suspicious transactions under Regulation (EU) No 98/2013 of the European Parliament and of the Council, 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, or if the buyer appears unfamiliar with the use of the ammunition or is unwilling to provide proof of his/her identity. Where it is not possible for a dealer or broker to verify the identity of the purchase any payment solely in cash for the acquisition of firearms should be prohibited.**

**AGREED IN PRINCIPLE (Rapporteur, EPP, S&D, ALDE, Greens/EFA, EFDD).**

### **We recommend to reject this amendment as the actual text is sufficient:**

**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."**

**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.**

#### 4.

##### Distance sales

**Replacing** all relevant amendments, including 625-627, 629-639, 649, 650 ([see also 29/6 template VL](#))

The acquisition of firearms, ~~of essential components thereof and of their~~ 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, ~~subject to strict control by the Member States,~~ only with respect to:

~~(a) dealers and brokers;~~

~~(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.~~

**Member States shall ensure that in case of the acquisition and selling of firearms and their essential components and the ammunition covered by categories A, B, C and D set out in Annex I by means of distance communication, as defined in Article 2 of Directive 2011/83/EC of the European Parliament and of the Council(\*\*), the identity, and where required, the authorisation of the person acquiring the firearm or the essential components thereof or ammunition is checked prior to or at the latest upon delivery thereof to that person, by:**

**- an authorised dealer or broker; or**

**- a public authority or a representative thereof.**

**AGREED IN PRINCIPLE**, per Council text.

##### **Accompanying recital**

**Replacing all relevant amendments, including 21, 251-270, 273**

**Marketing of firearms, parts and ammunition by means of the internet or other means of distance communication, for example by way of online auction catalogues or classified advertisements, and the arranging of a sale or other transaction by means of, for example, telephone or email should, where allowed under national law, be possible provided that the verification of identity and of the right to engage in such a transaction can be completed. It is therefore appropriate to ensure that the conditions for purchasing firearms, essential components and ammunition by means of distance communication, notably internet, by legal or natural persons other than dealers and brokers allow a face-to-face verification at the time of delivery of at least the identity of the recipients and their right to acquire a firearm by the dealer or broker or by a public authority representative**

**We recommend to reject this amendment as the actual text is sufficient:**

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 (\*), shall, where authorised, be strictly controlled.

*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".*

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.

## 5.

### Definition of Essential Components

**Replacing** all relevant amendments, including 308-326 ([see also 29/6 template VL](#))

#### Article 1(1f)

For the purposes of this Directive, "essential component" shall mean the barrel, frame, **body**, receiver, slide or cylinder, **breech** block **or bolt**

**AGREED** that Shadows would consider the Council text as an alternative:

**For the purposes of this Directive, "essential component" means the barrel, frame, the receiver, including both upper and lower receivers, where appropriate, slide, cylinder, bolt or breech block which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.**

#### **We recommend the first definition:**

**For the purposes of this Directive, "essential component" shall mean the barrel, frame, **body**, receiver, slide or cylinder, **breech** block **or bolt****

**Learn from other countries: Germany has a two essential components for more than 40 years: always the barrel - and regarding to the type of firearms - another second component: frame for pistols, drum/cylinder for revolvers and bolt/brech block for long firearms. Germany has no problems with illicit manufacturing with components at all. Therefore two essential components are sufficient and would decrease costs of bureaucracy and industry and registry.**

## 6.

### **Blank firing arms (salute/acoustic/alarm/signal/replica)**

**Replacing** all relevant amendments, including 346-348, 351-353, 358-364, 685, 686, 803-805, 808-815, 817, 818, 829-837 [\(see also 29/6 template VL\)](#)

#### Article 1(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 **only** fire blanks, irritants, other active substances or pyrotechnic ~~round ammunition~~ **and which are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.**

#### **We recommend to vote for this text**

#### Article 1(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.~~

**For the purposes of this Directive, "salute and acoustic weapons" means firearms specifically converted to the sole use of firing blanks, for use such as in theatre performances, photographic sessions, film and television recordings, historical re-enactments, parades, sporting events and training.**

#### **We recommend to vote for this text**

#### Article 1(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.~~

#### **We recommend to vote for deleting.**

#### Article 10a

Member States shall take measures to ensure that alarm and signal weapons ~~as well as salute and acoustic weapons~~ cannot be converted into firearms.

The Commission shall **, by ... [insert date], adopt *implementing acts establishing* technical specifications for alarm and signal weapons ~~as well as for salute and acoustic weapons~~ to ensure they cannot be converted into firearms.**

#### **We recommend to vote for this text**

## Accompanying recital

Replacing all relevant amendments, including 22, 277-286

*Furthermore, to avoid the risk of alarm weapons and other types of blank firing weapons being manufactured in a way that enables them to be converted into real firearms, technical specifications should be adopted in order to ensure that they cannot be converted into firearms.*

Annex I - Part II - Category A, point 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 rounds ~~ammunition~~ or into a salute or acoustic weapon.***

**We recommend to delete A8**

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 ~~ammunition~~ or into a salute or acoustic weapon.***

**We recommend to delete B10**

Annex I - Part II - Category C, point 5

***Alarm and signal weapons, salute and acoustic weapons as well as replicas Any firearm under points 1 to 4 after having been converted to firing blanks, irritants, other active substances or pyrotechnic rounds ~~ammunition~~ or into a salute or acoustic weapon.***

**We recommend to include A and B and C**

***Any firearm of Category A, B and C after having been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon***

***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.***

***This under the precaution that legal access for the good cause is not a may issue, but a shall issue: The acquisition and possession of firearms should only be permitted if, inter alia, there is good cause. Member States should have the option of stipulating that CONSTITUTES GOOD CAUSES FOR the acquisition and possession of firearms for the purpose, for example, of hunting, target shooting, use by associations which cultivate customs and traditions and by cultural and historical bodies, the conduct of various scientific and technical activities, testing procedures and the re-enactment of historical events, filmmaking or historical study constitutes good cause.***

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 ~~ammunition~~ or into a salute or acoustic weapon.***

**We recommend to delete this amendment**

There is no evidence that any of those converted D firearms have been misused.

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;***

**We recommend to vote for this amendment**

**AGREED IN PRINCIPLE** (Rapporteur, EPP, S&D, ALDE, GUE/NGL, Greens/EFA, EFDD).

**Groups are invited** to consider using the "salute and acoustic weapons" definition in the Annexes, along lines of the Council text



## 7.

### Data filing records and information exchange

**Replacing** all relevant amendments, including 484-487, 489, 492, 493, 653, 706-713, 716-719 ([see also 29/6 template VL](#))

Article 4(4), first subparagraph

"This **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 leading to a change in categorisation, to a firearm, including its certified deactivation or destruction and the date thereof,** as well as the names and addresses of the supplier and ~~the~~ **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 record of firearms, including deactivated firearms,~~ **The current records relating to each firearm and the person possessing it shall be accessible to all authorised authorities. All records relating to** maintained until destruction of the firearm **shall be maintained in an electronically retrievable format for an indefinite period."**

### **Accompanying recital**

**Replacing all relevant amendments, including 20, 242-6**

**Firearms may be used for far more than 20 years. In order to ensure their traceability, records of them as well as of the essential components thereof should be kept for an indeterminate period of time until their destruction or deactivation is certified. Access to these records and all related personal data shall be restricted to competent authorities. The requirement to continue registering firearms and essential components after deactivation should only apply to those which are already registered and to the person possessing them at the time of deactivation. That requirement should not apply to subsequent transfers of deactivated firearms or essential components or to firearms and essential components which, pursuant to national rules applicable prior to the entry into force of this Directive, have been removed from the register after deactivation.**

### **We recommend to vote for this ammendment**

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 the registries of the dealers and brokers established in their territory are connected to the computerised data-filing system of firearms **report transactions involving firearms and essential components** to the **national competent authority within a period of time which shall not exceed 10 days.**"

### **We prefer the actual text**

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 subparagraph 1

As we said before the difference between brokers and dealers is that brokers never get access or possession to firearms, therefore they cannot have a register.

### Article 13(4)

The competent authorities of the 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 transfers **transfer** of firearms to another Member State as well as information with regard to refusals to grant authorisations as defined **provided for** in Article 7 **on grounds of security or related to the reliability of the person concerned**.

**Each 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 refer to any corresponding judicial or relevant public authority decision, where applicable.**

### **Accompanying recital**

#### **Replacing all relevant amendments, including 289-294**

***In order to improve the functioning of the information exchange between Member States, various existing mechanisms or single points of contact or new exchange mechanisms could be used, depending on the nature of the information to be exchanged. The Commission should assess the necessary elements of a system to support such exchange of information contained in the computerised data-filing systems in place in Member States. The Commission's assessment may be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.***

**The text of Commission is shorter and sufficient**

The competent authorities of the Member States shall exchange information on the authorisations granted for the transfers of firearms to another Member State as well as information with regard to refusals to grant authorisations as defined 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 on authorisations granted ~~and on refusals~~ ***or refused for the transfer of firearms to another Member State. The Commission shall adopt such delegated acts by ... [insert date]...***

**AGREED IN PRINCIPLE (Rapporteur, EPP, S&D, ALDE, GUE/NGL, Greens/EFA, EFDD).**

**Groups are invited** to inform if they wish a compatible part of another AM to be voted as an addition, specifying the part of the AM concerned.

Please consider:

**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 have a look at the guideline for explosives. All legally-held explosives are 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.

## **8.**

### **Review and Entry into Force**

**Replacing** all relevant amendments, including 729-733, 736, 843-846 [\(see also 29/6 template VL\)](#)

#### Article 17

The Commission shall ~~submit~~ 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]."

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, **including the feasibility of enabling each Member State to access such a system**. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information."

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive [~~3~~ **18 12** months after publication to the OJ]. They shall forthwith communicate to the Commission the text of those provisions.

**AGREED IN PRINCIPLE (Rapporteur, EPP, S&D, ALDE, GUE/NGL, Greens/EFA, EFDD).**

#### **We recommend 24 months**

[Most MEPs were for 24 or 36 months \(24\), only 7 MEPs were for 6 or 12 months.](#)

[Experience of the guideline of explosives shows that national law get poorly written if the time is too short to interview national experts. \(.e.g. the actual situation in Germany\).](#)

## 9.

### **National defence**

**Replacing** all relevant amendments, including 402-416 ([see also 29/6 template VL](#))

Article 2(2)

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

**AGREED IN PRINCIPLE** (Rapporteur, EPP, S&D, ALDE, GUE/NGL, Greens/EFA, EFDD).

**Groups are invited** to inform if they wish SV or a compatible part of another AM to be voted as an addition, specifying the part of the AM concerned.

#### ***Accompanying recital***

***Replacing all relevant amendments, including 6, 120, 130***

***The national defence forces of a Member State as defined under national law may, in addition to the military, include units such as a home guard as well as reservists and other persons taking part in national defence systems under the command of the national defence forces.***

#### **We recommend to delete this text**

**Collectors should be excluded as written in the actual text.**

**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.**

## 10.

### **MS exception possibility for cat A**

**Replacing** all relevant amendments, including 581-585, 587-590, 592, 593, 598 [\(see also 29/6 template VL\)](#)

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. ***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.***

### **Accompanying ~~recital~~ recitals**

**Replacing all relevant amendments, including 12, 114, 127, 135, 137, 143, 198**

**(x) Certain persons have a legitimate interest in accessing firearms classified in category A, provided that exemptions are granted on an exceptional basis. These could include, inter alia, armourers, proof houses, manufacturers, certified experts, forensic scientists and, in certain cases, those involved in film production, as well as individuals needing firearms for self-defence purposes.**

### **We recommend to reject this amendment as the original text is sufficient:**

**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.**

***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 security businesses and firearms producers.***

***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.***

~~11.~~

(y) Member States should also be allowed to authorise individuals to acquire and possess otherwise prohibited firearms and essential components thereof for national defence, such as in the context of voluntary military training provided under Member State law.

**We recommend to reject this amendment as the original text is sufficient:**

**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.**

*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 security businesses and firearms producers.*

*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.*

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## 11.

### Museums, collectors

**Replacing** all relevant amendments, including 335-344, 417 (see also 29/6 template VL)

**AGREED IN PRINCIPLE (Rapporteur, EPP, S&D, ALDE, Greens/EFA)** to reject AMs excluding collectors and bodies concerned with the cultural and historical aspects of weapons from scope.

Vote 1st

Article 2(2), second subparagraph

~~***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;***~~

Covering amendments 599-608, 611-624

Article 6, second subparagraph

~~Member States may ***choose to grant authorisations to legal or natural persons dedicated to the gathering, study and conservation of firearms and associated artefacts***~~ Definitions:

~~***1j. For the purposes of this Directive, "museum" means a permanent institution in the service of society and its development, open to the public, for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes, and recognised as such by a Member State;***~~

~~***1k. For the purposes of this Directive, "collector" means any legal or natural person dedicated to the gathering and conservation of firearms for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes, and recognised as such by a Member State.***~~

Article 6, second subparagraph

~~Member States may ***choose to grant authorisations to museums and collectors*** 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 ~~for~~ firearms ***and ammunition*** 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) ~~that~~ ***such persons they demonstrate to the relevant national authorities 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, the relevant national

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authorities. Member States shall establish an appropriate monitoring system with respect to such authorised persons, taking all relevant factors into account.

### **Accompanying recital**

Replacing all relevant amendments, including 13, 144-159

*It should be possible for Member States to choose to authorise the acquisition and the possession of prohibited firearms when necessary for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes and recognised as such by the Member State in whose territory they are established to keep in their possession firearms classified in category A, provided that those persons demonstrate, prior to being granted authorisation, that they have taken the necessary measures to address any risks to public security or safety, including by way of secure storage. Any such authorisation should take into account and reflect the specific situation, including the nature of the collection and its purposes.*

**We recommend to reject this amendment and vote for:**

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;

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.

## 12.

### Annex I - Part II - Categories A and B and transitional measures

**Replacing** all relevant amendments, including [643](#), [651](#), 700, 701, 741-802 (see also [29/6 template VL](#)).

#### 12.A

Article 10ba (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.**

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.**

**We fully support 10ba if Amendment 725 and 727 are voted for on article 13a**

Annex I - Part II - Category A, point 6

Automatic firearms which have been converted into semi-automatic firearms;

**We recommend to delete A6**

Annex I - Part II - Category A, point 6a (new)

Automatic firearms which have been converted into semi-automatic firearms **and which do not satisfy the requirements on conversion set out in Article 10ba;**

**The ALDE requests to vote as additions:**

- a) ~~"provided that the technical conversion procedure was not previously authorised by a relevant authority of a Member State"~~
- b) ~~"and provided that the converted firearm in question was inspected and marked"~~

**We recommend to vote for 6a**

Annex I - Part II - Category A, point 6b (new)

**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;**

**We follow Amendment 755+757**

**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.**

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Annex I - Part II - Category A, point [6c \(new\)](#)<sup>6</sup>

Semi-automatic firearms which *have been converted into* automatic *firearms*;

### We recommend to delete A6c

Annex I - Part II - Category A, point 6d (new)

~~**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.**~~

Annex I - Part II - Category A, point 7

Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms;

### We recommend to delete A7

Annex I - Part II - Category B, point 7

*Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms*;

### We recommend to delete B7

Category B7 should be removed completely since firearms in category B7 already belong to category B4, thus B7 is superfluous.

B7 was introduced in Germany in 1991 because of a 1972-dated legislation. B7 was officially repealed in 2003 because it was found to increase bureaucracy without producing any improvements in security

Annex I - Part II - Category B, point 7a (new)

*Semi-automatic firearms with rimfire percussion in calibre .22 or smaller*;

AGREED IN PRINCIPLE (Rapporteur, EPP, S&D, ALDE, Greens/EFA, ~~+~~).

**Groups are invited** to inform if they wish a compatible part of another AM to be voted as an addition, specifying the part of the AM concerned.

### We recommend to delete B7a

Rimfire is included in Point B1 to B7. This appears to favour the UK which prohibits every semi-automatic firearm excluding rimfire ones. We disapprove of this unnecessary distinction. Rimfire can be abused just as much as centre-fire. The ban of center firing semi-automatic firearms in UK did not decrease gun crime or violent crime. After the ban both crime rates doubled within the next 5 years whereas both crime rates decreased in every other Western industry country.

## 12.B

Cat A. ~~7a and A.7 new~~7 subject to further discussion including:

### 1. Addition One

#### 12.B.1

Annex I - Part II - Category A, point ~~7a (new)~~7

**Semi-automatic firearms with centrefire percussion, and loading devices, with one or more of the following characteristics:**

**(a) long firearms (i.e. firearms that are originally intended to be fired from the shoulder) 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;**

**b) firearms which allow the firing of more than 21 rounds without reloading, if a loading device with a capacity exceeding 20 rounds is part of the firearm or is inserted into it; and**

**c) loading devices which can hold more than 20 rounds;**

**We recommend to delete A7**

#### 12.B.2

Annex I - Part II - Category A, point 7

**Semi-automatic firearms with centrefire percussion, and loading devices, with one or more of the following characteristics:**

**(a) long firearms (i.e. firearms that are originally intended to be fired from the shoulder) 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;**

**Additional options:  
vote to add “/**

**b) ~~b) possessing a rifled barrel firearms which allow the firing projectiles the diameter of which exceeds 12.7 mm;”~~**

**c) ~~vote to add “(c) possessing a smooth barrel with a calibre in excess of 8;”~~**

**d) ~~vote to add “(d) equipped or capable of being equipped with a firing capacity exceeding six rounds without reloading;”~~**

**or**

**e) ~~vote to add “(e) allowing the user to fire of more than 11 rounds without reloading, if a magazine loading device with a capacity exceeding 10 cartridges rounds is connected to part of the firearm;” or is inserted into it.~~**

**vote to add “(f) having a magazine holding**

**f) ~~c) loading devices for firearms which can hold more than 10 rounds;”~~**

### 2. Addition Two

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Annex I – Part II – Category A, point 7a (new)

Semi-automatic firearms ~~with centrefire percussion~~ for civilian use ~~with magazines capable of holding more than 20 rounds~~; **12.B.3**

Transitional measures (subject to final placing in the body of the Directive):

*x. Member States may decide to confirm authorisations for firearms classified in category A.6 or A.7 and legally acquired and registered before [date of entry into force of amending Directive], and to renew them for the legal owner at that date, subject to the other conditions of this Directive, and may also allow such firearms to be inherited<sup>3</sup> or acquired by persons authorised under Article 6.*

*y. Member States may authorise target shooters to acquire and possess semi-automatic firearms classified in categories A.6 or A.7, subject to the following conditions:*

*a) the target shooter participates in shooting competitions organised by an official shooting sport organisation recognised by a Member State or by an internationally established and officially recognised shooting sport federation; and*

*b) the target shooter is a member of a recognised shooting club, regularly practises target shooting and has been doing so for at least twelve months.*

### **We recommend to delete A7xy a-b new**

We do not support this addition in its entirety.

Category A firearms should be prohibited, but for very trustfully bodies and persons.

Category A firearms are excluded from the European Firearms Passport (EFP) which ease the movement to matches and invitations for hunting in other MS.

Moving target shooters firearms to A7 would ban them from visiting other MS. Evaluation of December 2014 showed that holders of EFP never were a threat to public security. Most of EFP holders are competitive target shooters, who visit European and World Matches.

Moving target shooters firearms to A7 is the first step to prohibit their disciplines in future.

Commission failed for giving evidence that any category B firearm is more dangerous than others.

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<sup>3</sup> Compare “acquisition, other than through purchase” in Art 5(1)(a)

### 13.

#### Deactivated firearms

**Replacing** all relevant amendments, including 370, 373-377, 723-727, 819-824, 838, 839 [\(see also 29/6 template VL\)](#)

##### Article 1(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~~ **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 **in accordance with Article 10b.**"

*Additional possibility proposed by the Rapporteur, subject to further discussion:*

⊕ **"Where weapons are of recognised rarity or historical value, Member States may chose that, for the purposes of deactivation, firearms demonstrating such value may be deactivated by the removal of one or more essential components of the firearm so as to render it unusable. Where this is applied, the components removed shall be handed over to the authorities of the Member State for safekeeping."**

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**This is a rather strange paragraph.**

Nobody understands what it is intended to do. The way it looks now it says that a gun from which an essential component has been removed is to be considered deactivated (and will be removed from the registers...). That is in total contradiction with the rest of the regulation. Will lead to confusion and misuse. Why?

##### Article 10b

**1. Member States shall ensure that the deactivation of firearms is carried out in accordance with the technical specifications set out in Annex III.**

***This shall not apply to firearms deactivated prior to 8 April 2016, unless those firearms are transferred to another Member State or placed on the market.***

***Deactivation of firearms shall be carried out by public or private entities, or by individuals, authorised to do so in accordance with national legislation.***

***Member States shall designate a competent authority (the "verifying entity") to verify that the deactivation of the firearm concerned has been carried out in accordance with the technical specifications set out in Annex III.***

***Where the deactivation of the firearm has been carried out in accordance with the technical specifications set out in Annex III, the verifying entity shall:***

- (a) affix a common unique marking to all components modified for the deactivation of the firearm; and***
- (b) issue a deactivation certificate to the owner of the firearm.***

*Where the firearm is recorded in the computerised data-filing system referred to in Article 4(4), its deactivation shall be entered in the record relating to it.*

*Member States may introduce additional measures for the deactivation of firearms in their territory going beyond the technical specifications set out in Annex III.*

**Why? Do we have centralized regulation or not? What is the use of these paragraphs if any MS can make stricter rules?**

*2. The Commission is empowered to adopt delegated acts in accordance with Article 13a to update Annex III, taking into account, where necessary, any additional measures introduced by Member States in accordance with the sixth subparagraph of paragraph 1.*

**This is unacceptable. The Commission could then do what it wants without democratic checks and balances. And Commission proved that it failed already by deactivation guideline.**

*3. The Commission shall adopt implementing acts establishing templates for the common unique marking and the model certificate for deactivated firearms. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).*

*4. By 31 December 2016 the Commission, after consulting Member States and relevant stakeholders, shall identify which national deactivation standards and techniques applied by Member States before 8 April 2016 ensured that firearms were rendered permanently unfit for use and inoperable, and shall provide for recognition of certified deactivations performed in accordance with such deactivation standards and techniques.*

**No. 4 is evident as the Commission failed in November 2015 to draft a delegated act for deactivated firearms which works in reality.**

Annex I - Part III, point (a)

*are deactivated firearms, provided that deactivation has been carried out:*

- (i) in accordance with the technical specifications set out in Annex III; or*
- (ii) before [the date of application of Amending Directive] in accordance with the technical specifications set out in Annex I to Implementing Regulation (EU) 2015/2403; or*
- (iii) prior to 8 April 2016:*
  - in accordance with any national deactivation standards and techniques applied by Member States and established by the Commission pursuant to Article 10b(4); or*
  - 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*

- *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 propellant is not possible;"*

Why this? Makes no sense. Only to please some English company? Confuses the matter.

Besides, this would mean that certain essential components (eg bolt) remain usable.

BTW: this is the 3rd Compromise which follows UK firearms act which has been

- implemented without evidence;
- implemented some weeks after a single event of mass shooting under pressure
- has impacted doubling of gun crime and also increasing of violent crimes during the following five years whereas every other Western country had decreased crime rates.

Because Commission failed in November 2015 to draft a delegated act for deactivated firearms which works in reality we now end up with pre 8 april deacs that are OK or not OK, regulation 2015/2403 deacs and then deacs according to these rules.

Is this mixup really effective or even necessary? Why not go for changing the regulation iso introducing this new rule?

Annex IIIa (new)

*Technical specifications for the deactivation of firearms*

*The deactivation operations to be performed in order to render firearms irreversibly inoperable are defined on the basis of three tables:*

*Table I lists the different types of firearms,*

*Table II describes the operations to be performed to render each essential component of firearms irreversibly inoperable,*

*Table III sets out which deactivation operations are to be performed for the various types of firearm.*

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**TABLE I: List of types of firearms**

**TYPES OF FIREARMS**

1	<i>Pistols (single shot, semi-automatic)</i>
2	<i>Revolvers (including cylinder-loading revolvers)</i> <i>(what are that? Proper terminology please)</i>
3	<i>Single-shot long firearms (not break action)</i>

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4	<i>Break action firearms (e.g. smoothbore, rifled, combination, falling/rolling block action, short and long firearms)</i>
5	<i>Repeating long firearms (smoothbore, rifled)</i>
6	<i>Semi-automatic long firearms (smoothbore, rifled)</i>
7	<i>(Full) automatic firearms, e.g. selected assault rifles, submachine guns, full automatic pistols (not crew-served machine guns)</i> <u><i>Why suddenly crew served machineguns are excluded?</i></u>
8	<i>Muzzle-loading firearms</i> <u><i>Why? Reproductions of antique guns are exempt from the directive. Why then deactivation rules in the directive for them?</i></u>

TABLE II: Specific operations per component

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COMPONENT	PROCESS
1. BARREL	1.1. If the barrel is fixed to the frame (1), pin the barrel to action with a hardened steel pin (diameter > 50 % chamber, minimum 4,5 mm) through the chamber and frame. The pin must be welded (2).
	1.2. If the barrel is free (not fixed), cut a longitudinal slot through the full length of the chamber wall (width > ½ calibre and maximum 8 mm) and securely weld a plug or a rod into the barrel from the start of the chamber ( $L \geq 2/3$ rd barrel length). For smoothbore barrels, only the chamber requires permanently blocking with a plug 2/3rd the length of the chamber
	1.3. Within the first third of the barrel from the chamber, either drill holes (must have a minimum of 2/3rds of the diameter of the bore for smoothbore arms and the whole diameter of the bore for all other arms; one behind the other, 3 for short arms, 6 for long arms) or cut, after the chamber, a V slot (angle $60 \pm 5^\circ$ ) opening locally the barrel or cut, after the chamber, a longitudinal slot (width 8-10 mm $\pm$ 0,5 mm, length $\geq$ 52 mm) at the same position as the holes, or cut a longitudinal slot (width 4-6 mm $\pm$ 0,5 mm) from the chamber to the muzzle, except 5 mm at the muzzle.
	1.4. For barrels with a feed ramp, remove the feed ramp.
	1.5. Prevent removal of the barrel from the frame by use of hardened steel pin or by welding.
	1.6. Fix a rod in the barrel forcing cone ( $L > 2/3$ rd barrel length). Weld into forcing cone. Pin the barrel (through forcing cone) to the frame and weld pin. Drill a hole 2/3rd bore diameter within the first third of the barrel from the forcing cone and weld the rod to the barrel through the drilled hole <u><i>(why this? Only because the British do it this way? Too many</i></u>

	<u>alternatives).</u>
2. BREECH BLOCK, BOLT HEAD	2.1. Remove or shorten firing pin.
	2.2. Machine the bolt face with an angle of at least 45 degrees and on a surface larger than 50 % of the breech face.
	2.3. Weld the firing pin hole. <u>Proper terminology please.</u>
3. CYLINDER	3.1. Remove all internal walls from cylinder for a minimum of 2/3rd of its length by machining a circular ring 50% case diameter.
	3.2. Where possible, weld to prevent the removal of the cylinder from the frame or use appropriate measures such as pinning that render the removal impossible. <u>Weld what, weld how?</u>
4. SLIDE	4.1. Machine or remove more than 50 % of the breech face with an angle between 45 and 90 degrees.
	4.2. Remove or shorten the firing pin.
	4.3. Machine and weld the firing pin hole.
	4.4. Machine away at least 2/3rd of the locking lugs in slide
	4.5. Where applicable, machine the inside of the upper forward edge of the ejection port in the slide to an angle of 45 degrees.
5. FRAME (PISTOLS)	5.1. Remove feed ramp.
	5.2. Machine away at least 2/3 of the slide rails on both sides of the frame.
	5.3. Weld the slide stop or use appropriate alternative measures to prevent disassembly of the pistol if welding is not possible or where the slide stop plays no part in the disassembly process. <u>Too vague. Stipulate that either slidecatch must be welded or any lever or similar device that prevents the slide being taken off (like trigger guard in Walther PPK)</u>
	5.4. Prevent disassembly of polymer frame pistols by welding, bonding or use appropriate measures if welding or bonding is not possible. <u>Welding or bonding what?</u>
	6.1. Destroy the piston and the gas system by cutting or welding. <u>Define the term gas system</u>
6. AUTOMATIC SYSTEM	6.2. Remove the breech block, replace it by a steel piece and weld it or reduce the breech block by 50 % minimum, weld it and cut

	<p><i>off locking lugs from the bolt head.</i></p> <p><i>6.3. Weld the trigger mechanism together and, if possible, with the frame. If welding within the frame is not possible: remove the firing mechanism and fill the empty space appropriately (e.g. by gluing in a fitting piece of filling with epoxy resin).</i></p>
<b>7. ACTION</b>	<p><i>7.1. Machine a cone of 60 degrees minimum (apex angle), in order to obtain a base diameter equal to 1 cm at least or the diameter of the breech face.</i></p> <p><i>7.2. Remove the firing pin, enlarge the firing pin hole at a minimum diameter of 5 mm and weld the firing pin hole.</i></p>
<b>8. MAGAZINE (where applicable)</b>	<p><i>8.1. Weld the magazine with spots of weld or use appropriate measures, depending on the type of arm and material to prevent removing the magazine.</i></p> <p><i><u>Why? Magazines are not essential components.</u></i></p> <p><i>8.2. If the magazine is missing, place <del>spots of weld</del> <u>spotwelds</u> in the magazine location or weld a hard steel pin (minimum diameter 4mm) across the magazine well to prevent insertion of a standard magazine.</i></p> <p><i><u>Why?</u></i></p> <p><i>8.3. Drive hardened steel pin through magazine, chamber and frame. Secure by weld.</i></p>
<b>9. MUZZLE LOADING</b>	<p><i>9.1. Remove or weld the nipple(s), weld the hole(s).</i></p> <p><i><u>Proper terminology please. Those are flashholes.</u></i></p>
<b>10. SOUND MODERATOR</b>	<p><i>10.1. Prevent removal of the sound moderator from the barrel by use of hardened steel pin or weld if the sound moderator is part of the weapon.</i></p> <p><i><u>Why? Moderators are not essential components of firearms so why deactivate them?</u></i></p> <p><i>10.2. Remove all the inner parts and their attachment points of the moderator so that only a tube remains. Drill two holes in the casing (5mm) in diameter near the point the sound moderator attaches to the barrel.</i></p> <p><i><u>Why?</u></i></p>
<b>Hardness of inserts</b>	<p><i>All pins should be hardened steel.</i></p> <p><i>Rods and plugs may be low or medium carbon steel to facilitate reliable welding and fusion of materials.</i></p>

**TABLE III: Specific operations per essential components of each type of firearm**

<b>TYPE</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>PROCES</b>	<i>Pistols</i>	<i>Revolver</i>	<i>Single-</i>	<i>Break action</i>	<i>Repeating</i>	<i>Semi-</i>	<i>Automatic</i>	<i>Muzzle</i>

Formatierte Tabelle

<i>S</i>	<i>(excepted automatic)</i>	<i>s</i>	<i>shot long firearms (not break action)</i>	<i>firearms (smoothbore, rifled, combination)</i>	<i>long firearms (smoothbore, rifled)</i>	<i>automatic long firearms (smoothbore, rifled)</i>	<i>firearms: assault rifles, (sub) machine guns</i>	<i>loading firearms</i> <i>Why?</i>
<i>1.1</i>			X		X	X	X	
<i>1.2 and 1.3</i>	X		X	X	X	X	X	X <i>Why?</i>
<i>1.4</i>	X					X	X	
<i>1.5</i>								
<i>1.6</i>		X						
<i>2.1</i>			X		X	X	X	
<i>2.2</i>			X		X	X	X	
<i>2.3</i>			X		X	X	X	
<i>3.1</i>		X						
<i>3.2</i>		X						
<i>4.1</i>	X						X (for automatic pistols)	
<i>4.2</i>	X						X (for automatic pistols)	
<i>4.3</i>	X						X (for automatic pistols)	
<i>4.4</i>	X						X (for automatic pistols)	
<i>4.5</i>	X					X	X (for automatic pistols)	
<i>5.1</i>	X						X (for automatic pistols)	
<i>5.2</i>	X						X (for automatic pistols)	

5.3	X						X (for automatic pistols)	
5.4	X (polymer frame)						X (for automatic pistols)	
6.1						X	X	
6.2						X	X	
6.3							X	
7.1				X				
7.2		X		X				
8.1 or 8.2	X <u>Why?</u>				X <u>Why?</u>	X <u>Why?</u>	X <u>Why?</u>	
8.3					X (magazine tube)	X (magazine tube)		
9.1		X						X <u>Why?</u>
10.1	X <u>Why?</u>		X <u>Why?</u>		X <u>Why?</u>	X <u>Why?</u>	X <u>Why?</u>	
10.2	X <u>Why?</u>		X <u>Why?</u>	X <u>Why?</u>	X <u>Why?</u>	X <u>Why?</u>	X <u>Why?</u>	

<sup>(1)</sup> Barrel fixed to the frame by screwing or clamping or by another process.

<sup>(2)</sup> Welding is a ~~fabrication or sculptural~~ process that joins materials, usually metals or thermoplastics, by causing fusion.