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Delegations will find in annex the comments of Member States on the proposal for amendment of the firearms directive received by 26 February 2016.

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IRELAND

Ireland fully supports steps to strengthen firearms legislation and procedures across Europe and improve the traceability of firearms, strengthen co-operation and establish minimum standards on deactivation.

Article 1

“Gas weapons” need to be defined as they are referenced later in the text.

Paragraph 1h

The definition for “Replica firearms” needs to be refined to exclude toy guns.

Article 4 – final subparagraph:

“Each Member shall ensure that the registers of the dealers and brokers established in their territory are connected to a single centralised computerised data filing system of firearms”

This is an onerous requirement, the benefit of which, compared to resources required, is uncertain. We support, as more proportionate, those MS who propose “that Member States shall ensure that authorities have at any time access to the registries of the dealers and brokers.”

Article 5

A revised text is proposed beneath comments.

General comment

Under the current law in Ireland firearms possession among young hunters & target shooters is already subject to very stringent rules and a person over 14 years of age can only apply for a firearms training certificate. Such a certificate authorises the person to possess a firearm only while carrying and using the firearm for hunting or target shooting and under the supervision of a specified person over 18 years of age who holds a firearms certificate in respect of the firearm concerned. The deciding police officer in any individual case may impose other conditions in the interests of public safety and security.

An application for a training certificate, where the applicant is under 16 years of age, shall be accompanied by the written consent of the applicant's parent or guardian. Furthermore, Paragraph 8 of Statutory Instrument 493 of 2010: EC (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations, provides that it shall not be lawful for any person to sell a firearm to a person under 18 years of age.

Paragraph 1

The text “Member States shall authorise” suggests that this Article only refers to Category B firearms – i.e. firearms subject to authorisation. This needs to be clarified as Article 5 in the existing Directive applies to all firearms. We do not want a situation where there are no effective controls for holders of Category C and D firearms.

Paragraph 2

Medical tests would entail additional costs to licensed firearms holders. We have no evidence to suggest standard medical tests as a reliable means of predicting future violent behaviour. Currently, when applying for a firearms certificate in Ireland, applicants provide a brief medical history and must consent for the police force to make further medical inquiries if necessary. Mandatory medical and psychological reviews would not be workable from our perspective.

As background, the Barr Tribunal was a Public Inquiry in Ireland charged with investigating the facts and circumstances surrounding a fatal shooting in 2000. Regarding obligatory medical certs, the Barr Tribunal Report noted that such a proposed requirement was criticized by various legal and medical organisations that furnished submissions to the Tribunal. It was perceived to be unworkable from an administrative point of view. The point was strongly made by various medical organisations that if any future amendment of the existing law made provision for the furnishing of medical certificates that the contents thereof should be limited to factual matters concerning the applicant’s health rather than the expression of an opinion by the medial advisor on whether the applicant was a fit or proper person to hold a firearm certificate. The medical authorities were of the opinion that the decision to grant or refuse a gun licence should remain one for the licensing authority only and medical advisors should not be required to participate in that function.

Proposed revised text:

Article 5

1. Without prejudice to Article 3, Member States shall ~~authorize~~ **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 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.
2. Member States shall ~~provide for standard medical tests for issuing or renewing authorization as referred to in paragraph 1 and shall~~ withdraw an authorisation if any of the conditions on the basis of which it was granted is no longer met.

Member States may not prohibit persons resident within their territory from possessing a firearm acquired in another Member State unless they prohibit the acquisition of the same type of firearm within their own territory.

Annex

Category A

Reference is made to banning "Semi-automatic long firearms for civilian use which resemble weapons with automatic mechanisms". However, we have had difficulty with licensing officers and in the Courts with the interpretation of vague terms such as "resemble" in this jurisdiction. Further clarity will be necessary on what is proposed.

Category C

There would appear to be an anomaly in the revised text as deactivated single shot shotguns are included in Category C, whereas working single shot shotguns are included in Category D.

We propose the deletion of Category D. All lethal firearms should be at least subject to declaration –i.e. Category C.

AUSTRIA

Legal basis:

Article 114 of the Treaty on the Functioning of the European Union, chosen by the European Commission as legal basis for the proposal *COM (2015) 750 final*, refers, as an object, to “*the establishment and functioning of the internal market*”. This shall be kept in mind, specifically when provisions such as *medical review* or the *proper storage of firearms in a standardised safe box* are at stake.

In order to ensure a strong response of the European Union legislator to recent terrorist acts and other criminal threats, provisions under this directive must be legally sound. Therefore, Austria asks for legal clarifications provided by the Legal Service of the Council.

Missing transition periods

As a general remark, Austria wishes to state that transition periods under this Directive are missing. The Council should further evaluate introducing such transition periods in order to guarantee that all stakeholders will be able to meet the obligations under this Directive.

Connection centralized data-filing system of firearms with registers of dealers and brokers

In its current form, Article 4 para 4 second subparagraph would oblige each Member State to ensure that the registers of the dealers and brokers are connected to a single centralised computerised data-filing system of firearms. In order to ensure that the technical and practical transposition of this Article is guaranteed, Austria requests a transition period of 12 months for this provision (in addition to the general transposition period of 12 months, as foreseen in Article 2 para 1 of this proposal).

As an alternative to a permanent connection of the registers of the dealers and brokers with the computerised data-filing system of firearms, Member States could ensure that authorities have at any time access to the registers of the dealers and brokers. This would be a less costly and equally efficient solution to reach the objective of this provision.

Medical review

A mandatory medical review, including psychological tests, should be foreseen only before the issuance of an authorisation of the acquisition and possession of firearms. However, such a review should only be mandatory for a renewal of such an authorization if there is an indication of mental or physical illness.

Proper storage of firearms

Austria requests the deletion of the word “standardised” in Article 10aa first subparagraph as well as the subsequent deletion of the second subparagraph of this Article.

Safe storage locations other than boxes should be added, as an alternative, to the text provided that the general requirements and purposes of the first sentence of this Article are met.

Exceptional authorization to use firearms by persons less than 18 years

The words “*and/or historical or cultural occasions*” should be introduced after “*shooting purposes*” in Article 5 para 1 (c).

Information exchange on refusals to grant authorisation

Article 13 para 4 foresees mandatory information exchange on the authorisations granted for the transfers of firearms to another Member State as well as information with regard to refusals to grant authorisations. In order to ensure cross-border cooperation and information exchange, on the one hand, and to avoid unnecessary and disproportional storage of data, on the other hand, such an exchange shall only be foreseen when there is an indication that the person in question moves to another MS or has any other connection to that MS.

However, regarding a general, bulk exchange of personal data to all other MS, Austria expresses strong reservations in light of data protection requirements. There is strong doubt that the requirements of proportionality and necessity would be met by such a provision.

SLOVAKIA

The Slovak Republic appreciates the efforts of the Netherlands Presidency and wishes to make the following comments and suggestions on the text most recently distributed by the Presidency (doc. no. 5662/16). At the same time, the Slovak Republic also remains committed to the comments it had made on the subject previously.

1. The relation between the “device designed or adapted to diminish the sound caused by firing a firearm” referred to in Art. 1(1)(1a) of the current directive and the same formulation in the proposed new wording of Art. 1(1)(1b) should be clarified to make sure if that device is to be considered a “part” or an “essential component”.
2. The proposed wording of Art. 1(1)(1f) is designed to introduce a joint definition of “alarm and signal weapons”, which we consider to be an artificial category lumping together two unrelated things. These two categories should, in our view, be defined separately, as they are different from the technical perspective and different technical security challenges are related to them. For that reason, the directive should enable national legislators to treat them differently, which should also be appropriately reflected in Annex.
3. The proposed wording of Art. 1(1)(1g) should not contain the list of purposes for which blank firers are used, as the purpose is irrelevant to the technical characteristics of the weapon and cannot, in any case, be enforced. The Presidency’s proposal to make the list non-exhaustive could be acceptable, but we have preference for deleting the list altogether.
4. We suggest deleting any reference to replicas from the draft directive, most notably the proposed Art. 1(1)(1h) and Art. 10a. What is proposed to be defined as “replica” has no relation to public security, as by definition, replicas cannot be used to fire. Furthermore, such a provision could have severe negative impact on the production of toys, collectors’ items, souvenirs and other legitimate businesses.
5. We can support the proposed wording of Art. 1(1)(1i).

6. We suggest keeping the current exemption of museums and collectors in the wording of Art. 2(2). We appreciate the efforts by the Presidency to take the concerns for historical heritage into account in the proposed wording of Art. 6(3), but this should, in order to be considered a viable alternative, at the very least incorporate the possibility of future acquisitions by such organizations.
7. Concerning the proposed wording of Art. 4(2) on attaching marks on essential components of a firearm, we concur with the comment by IT and MT. We share the concern about the loss of historical value caused by marking of historical firearms and also the concern about the feasibility of full size marking with respect to the size of components to be marked.
8. Concerning Art. 10b, we are interested in making sure that the deactivation standards and techniques adopted by the Commission under this provision would be a unified set of EU-wide standards, not a set of minimal standards. We are not sure the current language reflects that
9. Concerning the proposed wording of the Annex, referring to “6. Automatic firearms which have been converted into semi-automatic firearms”, which are being proposed to be included in Category A, we join the position expressed by IT that there is no need for this provision.
10. Concerning the proposed wording of the Annex, referring to “7. Semi-automatic long firearms for civilian use which resemble weapons with automatic mechanisms”, we suggest to delete this provision. The criterion of resemblance is not clear enough to provide for legal certainty and furthermore, outside appearance has no relation whatsoever to the functioning of a firearm.

11. Concerning the proposed modifications of the Annex in more general terms, we wish to underline that crime in general and terrorist attacks in particular are, as a rule, not committed using legal firearms. Perpetrators tend to use illegally acquired weapons (assault firearms or submachine guns) which had been acquired as such on the “black market” or are the result of improvised and illegal homemade conversion. The envisaged prohibition would outlaw the possession of semi-automatic firearms by sport shooters, who do not represent a security threat of any kind. The proposed ban bears no relation to the core problem of the illegal “black market” with firearms. An overly strict regime of possession or making it impossible to possess specific categories of weapons has the potential of stimulating the “black market”, including internet based platforms.
12. Concerning the proposed wording of the Annex, referring to “Firearms from categories A, B , C [and D] that have been deactivated in accordance with Regulation on deactivation”, we are in a position to accept this provision, provided that it would cover firearms deactivated after the Directive becomes applicable and does not cover previously deactivated firearms.
13. Concerning the transposition period, we are willing to accept 12 months, but prefer a longer period of 24 months.

UNITED KINGDOM

The proposed Directive is still under Parliamentary scrutiny but the UK offers the following preliminary views on the text.

Article 1 (1a) and (1b) – that the definitions of part and essential component need to be rationalised given the current wording tends to cause confusion in practice.

Article 1 1b – further consideration should be given to whether sound moderators should remain classed as an “essential component” (in the UK they are classed as an accessory).

Article 1 (1h) – a distinction needs to be drawn between live firing replicas, already covered by the Directive and imitation firearms. As currently drafted the definition appears to cover air weapons. We have attached at annex A an extract of the current law in the Great Britain.

Article 1(1i) – suggest insert *rendered* before irreversibly...’

Article 1e - The UK believes those aspects of brokering that relate to a third country would more appropriately be covered by inclusion in Regulation 258/2012. This Directive should just cover brokering within the Union.

Article 1 2d(i) – should make clear that the reference to parts thereof is to firearms and not to essential components.

The UK would also encourage the Commission to provide exact guidance on the precise activities they envisage being covered under their brokering definition and therefore subject to a brokering licence. Furthermore, clarification is required on who is the broker under their definition. This guidance will ensure harmonisation among Member States and avoid inconsistent/uneven implementation.

Article 2 - We are concerned about the disproportionate impact that the removal of the deleted text would have on collectors and bodies concerned with the cultural and historical aspects of weapons. We suggest either reinstating the text or suggest some revised text along the following lines:

‘...the police, publicly-owned bodies, bodies managing publicly-owned collections, or legal or natural persons dedicated to the gathering and conservation of arms and associated artefacts for their heritage, historical, cultural, technical, scientific, aesthetic or educational value and/or for display and/or for their use in academic or practical research or study, subject to the regulation of the Member State in whose territory they are established’.

Article 4 (2) implies that a replacement part or parts imported separately would need to be permanently marked with the firearm’s serial number. Does this mean that, until such fitting, a replacement part has no number on it, or does it also have its own serial number allocated when manufactured? This would mean it ends up with two serial numbers, recorded in different places. Is it intended that the manufacturer of the part should be told of the part’s new number when it is installed into a firearm and adopts the firearm’s number, so the maker can update its records? We also consider that the article should be amended to except antique firearms and those of historic value from the marking requirements.

Article 4(3) - We have concerns about the requirements to be placed on brokers. We therefore ask the Commission to fully explain the benefits of introducing this system and their assessment of the anticipated costs of doing so. We would like information on the research the Commission as undertaken to arrive at their conclusion to pursue this option. The UK agrees there is a need for controls for dealers and brokers but sees no need for brokers to be on a pre-approved register. The UK has undertaken a comprehensive analysis of this subject (which we can largely share if this would help the Commission and MS decide on this point).

<https://www.gov.uk/government/consultations/pre-licensing-register-of-arms-brokers-call-for-evidence>

The UK feels that an option for establishing a register of brokers should be left to the discretion of each Member State who should be allowed to evaluate whether a register could benefit and support their own particular licensing system for brokers. This should be reflected in a revision of Article 4b. IB

Article 4(4) - We think it is disproportionate to record deactivated and destroyed firearms on databases. No evidence has been presented to support the proposal that this would improve security and safety, and there would also be a significant burden on the police. We are also concerned about brokers being required to maintain a register with the information set out in the Directive as unlikely they would have this. We require clarification as to what is meant by connecting the registers of dealers and brokers to the central firearms data system.

Article 4(b) - As the UK outlined at the GENVAL meeting on 8 February,]the UK can support the introduction of a licensing system for brokering activities within the Directive. However, the UK does not see the merit of linking this licensing system to a registration system of pre-approved brokers. The UK has carried out extensive research on this subject which included a public consultation (April 2015) to explore the pros and cons of such a system. As promised by the UK representative at GENVAL, the results from this consultation are shared with the Presidency, Commission and Member States – see the attached link -

<https://www.gov.uk/government/consultations/pre-licensing-register-of-arms-brokers-call-for-evidence> to help them with their understanding of this complex issue. As a result of this evidence, the UK decided in June 2015 not to set up such a register as it provided no “overwhelming evidence” or a “clear-cut case” in support of doing so. The UK feels therefore that an option for establishing a register of brokers should be left to the discretion of each Member State who should be allowed to evaluate whether a register could benefit and support their own particular licensing system for brokers. This should be reflected in a revision of Article 4b.

Article 5- the wording currently removes the ability of under-18s to shoot unaccompanied with parental permission. There are concerns that this could affect trainee gamekeepers or pest controllers. It is suggested that existing wording should be retained: ‘persons of less than 18 years of age have parental permission.

Article 5(1) – We are content with the original wording so seek clarification as to why permit has been replaced with authorise.

Article 5(1) – the original wording of this provision allowed acquisition other than through purchase. The removal of this text presents some difficulty for the UK because it is not possible to possess without acquiring. The proposed new wording overcomes this difficulty in part, however would still appear to ban the acquisition of firearms as gifts or through inheritance (purchase is already prohibited within the current framework) by persons under the age of 18 years. Significant changes were fairly recently made by Directive 2008/51/EC to the minimum ages of supervisory adults and we are not aware of any evidence where the current laws are not working sufficiently in relation to young hunters or sport shooters.

Article 5 1 (c) - There is no concept of a ‘licensed target shooting location’ in the UK. This would be a serious burden if implemented. The existing wording ‘...or are within a licensed or otherwise approved training centre’ is suggested.

Article 5(2) - We would seek flexibility for MS to decide on their own approach to medical processes. We can support the proposed revised wording to medical review but do not think there should be a reference to psychological tests or a standard system.

Article 6 (2) – We welcome the proposed text in 6(2) to allow MS to authorise prohibited weapons in special circumstances but would suggest that the wording in the current directive is used given the need to cover manufacture, acquisition etc.

Article 6 (3)–We welcome the proposed wording but this would only permit museums to retain their existing collections, and does not authorise new acquisitions after the date on which the Directive becomes effective. The revised text fails to make provision for collectors.

Article 6 (4) - We have stringent requirements for final transfer which although allowing for mail/ remote sales requires final face to face transfer of the firearm. In brief, where a firearm is transferred to a person who is not a registered firearms dealer transfer, the transferee must produce to the transferor the certificate entitling him to purchase or acquire the firearm or ammunition being transferred. The transferor must comply with any instructions contained in the certificate produced by the transferee. The transferor must hand the firearm and ammunition to the transferee, and the transferee must receive it, in person. Failure to do so is a criminal offence.

Article 7 - Our view is that having robust processes in place to ensure 24/7 monitoring of licensing is essential and that duration of licence should be the decision of the Member State.

Article 10a – consideration might usefully be given to limiting the number of definitions used in respect of blank firing weapons. The important issue is to ensure that sufficiently robust standards are in place to ensure they cannot be converted or are otherwise treated as live firing weapons and categorised accordingly.

We support the development of technical standards and can share UK standards for blank firearms. Further detailed information can be found at

<http://www.legislation.gov.uk/ukxi/2011/1754/regulation/4/made>

Article 10 aa we welcome the principle that there should be a general requirement to ensure that firearms are kept securely but we think the level of detail should be left for Member State.

Annex I

Category A - We share concerns of other MS about the definition of A7 in particular the term resemble.

Category C – Given the stringent new deactivated firearm standards recently introduced we think it is disproportionate and unnecessary for deactivated prohibited weapons to be in Category C.

ANNEX A – GB LAW ON REALISTIC IMITATION FIREARMS

Section 36 of the Violent Crime Reduction Act 2006 makes it an offence for a person to manufacture, sell, import or cause a realistic imitation firearm to be brought into Great Britain. The Act also makes it an offence to modify an imitation firearm so that it becomes a realistic imitation firearm. Section 38 (1) defines a ‘realistic imitation firearm’ as an imitation firearm which:

- a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and
- b) is neither a de-activated firearm nor an antique.

This definition of ‘realistic imitation firearm’ applies for the purposes of sections 36 and 37. The term 'real firearm' is defined in section 38(7) as either a firearm of an actual make or model of a modern firearm, or a generic modern firearm. The term 'modern firearm' is defined in subsection 8 as a firearm other than one whose appearance would tend to identify it as having a design and mechanism of a sort first dating before 1870.

Section 37 provides for a number of specified defences, which apply for the offence under section 36, where a realistic imitation firearm is made available for one or more of the following purposes:

- i) for the purposes of a museum or gallery
- ii) for the purposes of theatrical performances and of rehearsals for such performances
- iii) in the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 (c.48))
- iv) in the production of television programmes (within the meaning of the Communications Act 2003))
- v) for the organisation and holding of historical re-enactments organised and held by persons specified or described for the purposes of this section by regulations made by the Secretary of State (see paragraph 2.33)
- vi) for the purposes of functions that a person has in their capacity as a person in the service of Her Majesty.

Section 37 (3) provides a further defence for businesses to import realistic imitation firearms for the purpose of modifying them so that they cease to be realistic imitation firearms.

The Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 (SI 2007/2606) provided two further defences which apply to an offence under section 36 of the 2006. The first is a defence for making a realistic imitation firearm available for ‘permitted activities’, defined as “the acting out of military or law enforcement scenarios for the purposes of recreation” and primarily intended to cover those participating in airsoft skirmishing. It is a requirement under the regulations that third party liability insurance is held in connection with such activities.

The second is a defence for display of realistic imitation firearms at a ‘permitted event’, defined as a commercial event at which firearms or realistic imitation firearms (or both) are offered for sale or displayed (i.e. arms fairs).

The Regulations also specify that those relying on the historical re-enactment defence must have third party liability insurance in connection with the organisation and holding of historical re-enactments.

In determining whether an imitation firearm is to be considered a realistic imitation firearm, section 38(3)(a) of the Violent Crime Reduction Act 2006 states that its size, shape and principal colour are to be taken into account. Section 38(3)(b) confirms that an imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm. The Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 specify a set of colours and dimensions in order to distinguish between imitation firearms and realistic imitation firearms. An imitation firearm with dimensions less than 38mm in height and 70mm in length is to be regarded as unrealistic. An imitation firearm which is principally coloured bright red, bright orange, bright yellow, bright green, bright pink, bright purple, bright blue, or which is transparent should also be regarded as unrealistic.

An imitation firearm whose principal colour is not one of those listed in the Regulations does not automatically fail to be regarded as realistic, although it is more likely that that will be the case. In these circumstances, the general test of whether it is distinguishable from a real firearm, taking into account its size, colour etc. should be applied.

FRANCE

Lors de la réunion du groupe Questions générales-Évaluations (GENVAL) du 8 février 2016, la Présidence a demandé aux Etats membres des commentaires écrits sur les articles du texte révisé de la proposition de révision de la directive 91/477. (Doc 5662/15).

Les autorités françaises remercient la Présidence pour cette version révisée de la proposition de révision qui prend en compte plusieurs des préoccupations exprimées par la France. Si des progrès sont toutefois encore possibles pour parvenir à des définitions pertinentes et à un consensus optimal sur la terminologie, elles tiennent à saluer le travail de la Présidence sur les définitions (article 1).

De manière complémentaire, les autorités françaises souhaitent réaffirmer qu'une des priorités essentielles consiste à concrétiser la mise en place d'une plateforme européenne d'échange d'information sur les flux d'armes, dans le cadre du groupe de travail informel de l'article 13. Elles soulignent que ce projet s'inscrit bien dans les priorités de l'Union visant à renforcer l'échange d'information.

Par ailleurs, les autorités françaises précisent que l'exigence d'une classification de la réplique dans la même catégorie de l'arme qu'elle reproduit est également une préoccupation.

Article 1b

L'ajout à cet article d'une mention relative aux modérateurs de son ne paraît pas pertinente car ils ne sont pas essentiels au fonctionnement de l'arme. La solution serait de soumettre leur acquisition et leur détention à la présentation du titre de propriété de l'arme à laquelle ils se rattachent.

Par ailleurs, la nouvelle rédaction impose une suppression parallèle de l'article 1a.

Proposition de reformulation

~~1a. For the purposes of this Directive, 'part' shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm.~~

1b. For the purposes of this Directive, "essential component" shall mean any part of a firearm that is essential to its operation, ~~such as~~ **including** the barrel, frame, receiver, slide or cylinder, bolt, breach block which, being separate objects, are included in the category of the firearms on which they are actually mounted or are intended to be mounted. ~~In addition, any device designed or adapted to diminish the sound caused by firing a firearm shall be regarded as an "essential component".~~

Article 1e

La définition proposée ne rend pas suffisamment compte de la singularité de l'activité des courtiers qui officient normalement comme des intermédiaires entre des vendeurs et des acheteurs d'armes.

Dès lors, les courtiers ne procèdent pas directement à un achat ou à une vente, contrairement à ce qui est indiqué dans la proposition révisée.

Les définitions de courtier contenues dans le règlement CE 428/2009 ainsi que dans l'article 1§2 (k) de la proposition de règlement du Parlement et du Conseil modifiant le règlement (CE) n° 1236/2005 du Conseil concernant le commerce de certains biens susceptibles d'être utilisés en vue d'infliger la peine capitale, la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants en cours de révision pourraient ici servir de référence.

Deux options sont possibles : conserver la formulation du doc 5662/16 en y ajoutant les transferts entre particuliers et les transferts vers les pays tiers ; ou reprendre la proposition de reformulation suivante :

Proposition de reformulation

1e. For the purposes of the Directive, "Broker" means any natural or legal person or partnership resident established in a Member State other than a the dealer or the buyer ~~whose trade or business~~ whose activity, in exchange for a payment or any advantage, of any of the following: buying, selling, or arranging the transfer consists wholly or in part, in facilitating the negotiation or organization of transactions for the purpose of buying, selling or arranging the transfer of firearms, their essential components or ammunition within a Member State, from one Member State to another Member State, from a Member State to a third country or from a third country to a Member State (...) ~~firearms, their parts and ammunition~~".

Article 1f

S'agissant de la définition des armes d'alarme et de signalisation, l'ajout de la mention « *originally designed and constructed for the purpose of provoking a sound effect* » est un point positif pour la compréhension commune. En revanche, la mention des munitions pyrotechniques qui peuvent potentiellement contenir des balles devrait être retirée de la définition.

Proposition de reformulation

1f. For the purposes of this Directive, "alarm and signal weapons means ~~portable~~ devices with a cartridge holder having a gas exit to the front, aside or on the top that are not converted firearms and that are originally designed and constructed for the purpose of provoking a sound or flash effect by the percussion of the ammunition and which characteristics exclude the firing or the conversion for the firing of any projectile, excluding all modified real firearms. , ~~e.g. raising alarm or sending a signal, and which are designed to fire only blanks, irritants, other active substances or pyrotechnic ammunition.~~

The specific calibers for alarm and signal weapons are solely those calibers for which there is in existence a specific weapon designed specially and uniquely for firing blank, gas, and tear gas cartridges with exclusively C.I.P. calibers.

Article 1g

Il apparaît nécessaire de préciser, outre les conditions dans lesquelles ces armes sont utilisées, que les personnes doivent justifier d'un motif légitime pour les acquérir et les détenir.

Proposition de reformulation

1g. For the purposes of this Directive, "salute and acoustic weapons" means firearms specifically converted to the sole use of firing blanks. **These weapons can be acquired and held by persons duly authorized. Their use is dedicated for** ~~for use such as in~~ theatre performances, photographic sessions, film and television recordings, historical reenactments, parades, sporting events and training sessions, movies and television recordings.

Article 1h

Les autorités françaises estiment qu'il y existe une confusion entre les deux notions auxquelles peuvent répondre les répliques :

- soit celle d'objets ayant simplement l'apparence d'une arme sans en avoir les caractéristiques, tels des jouets qui restent de simples objets. Ces objets ne correspondant pas à la définition de l'arme à feu ne sont donc pas couverts par la directive.
- soit celle de reproductions d'armes ayant existé (copie fidèle dans sa forme et son fonctionnement d'une arme déjà fabriquée). Dans ce cas, la réplique conserve son caractère fonctionnel contrairement à ce qui est affirmé à l'article 1h. Seules ces dernières sont couvertes par le champ de la directive et devraient être classées dans la même catégorie que l'arme qu'elles reproduisent.

Article 1.2 (ii)

Il conviendrait d'ajouter le chargement des munitions au point 1.2 (ii).

Proposition de reformulation

1.2 For the purposes of this Directive, "dealer" means any natural or legal person whose trade or business consists wholly or in part of any of the following:

- (i) the manufacture, trade, exchange, hiring out, repair or conversion of firearms, essential components or parts thereof; or
- (ii) the manufacture, trade, exchange, **loading** or conversion of ammunition."

Article 1.2b

Il serait opportun d'intégrer les importations et les exportations à l'article 1.2b.

Proposition de reformulation

1.2b. For the purposes of this Directive, 'illicit trafficking' shall mean the acquisition, sale, delivery, movement, **importation, exportation** or transfer of firearms, their ~~parts~~ **essential components** or ammunition from or across the territory of one Member State to that of another Member State if any one of the Member States concerned does not authorise it in accordance with the terms of this Directive or if the assembled firearms are not marked in accordance with Article 4(1).

Article 2.1

Proposition de reformulation

2.1 This Directive is without prejudice to the application of national provisions concerning the **authorization to hold a firearm**, the carrying of weapons, hunting or target shooting.

Article 2.2

La référence à la directive 2009/43/CE satisfait aux exigences des autorités françaises mais la mention des armes et munitions de guerre qui ne sont pas clairement définies juridiquement devrait être supprimée.

Proposition de reformulation

2.2. 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, or the public authorities. Neither shall it apply to commercial transfers ~~of weapons and ammunition of war~~ as regulated by Directive 2009/43/EC of 6 May 2009 simplifying terms and conditions of transfers of defence related products within the Community.

Article 4.1

Les autorités françaises appuient les propositions des délégations allemandes et espagnoles s'agissant des spécifications pour définir les caractéristiques du marquage. Il conviendrait de prévoir un groupe de travail sur ce sujet essentiel pour garantir la traçabilité et donc, le cas échéant, pour faciliter l'action des services en matière judiciaire.

Proposition de reformulation

4.1. Member States shall ensure that any firearm or essential component thereof placed on the market has been marked in a durable way and registered in compliance with this Directive.

The Commission shall adopt technical specifications for marking. Those implementing acts shall be adopted in accordance with the examination procedure referred to in the article 13b.

Article 4.2

L'identification formelle d'une arme unique nécessite de mentionner la marque, le modèle, le numéro de série ainsi que le calibre de l'arme. Il convient donc que ces éléments soient marqués sur l'arme pour permettre son identification.

Proposition de reformulation

4.2. For the purposes of identifying and tracing each assembled firearm and its essential components, Member States shall, at the time of manufacture thereof or at the time of their import to the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, **the brand, the model, the caliber**, 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.

The marking shall be affixed to the receiver of the firearm or, for those without a receiver, to the frame. The serial number shall be affixed to all essential components 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 have regard to the provisions of the Convention on Reciprocal Recognition of Proofmarks 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 entity.

Article 4.4

Il ne paraît pas opportun de conserver les données relatives aux armes détruites. S'agissant des informations sur les armes neutralisées, il faudrait s'en tenir aux obligations du règlement d'exécution EU 2015/2403. (Conserver les informations relatives à l'arme, à la date et à la personne au profit de laquelle a été effectuée la neutralisation).

Proposition de reformulation

4.4. Member States shall, by 31 December 2014, ensure the establishment and maintenance of a computerised data-filing system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data-filing systems in which each firearm subject to this Directive shall be recorded.

This filing system shall record the type, make, model, calibre and serial number of each firearm, as well as the names and addresses of the supplier and of the person acquiring or possessing the firearm.

The record of firearms, ~~including deactivated and destroyed ones~~, shall be maintained ~~for an indefinite period until destruction of the firearm has been certified by the competent authorities~~.

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 their activities, dealers and brokers shall deliver that register to the national authority responsible for the filing system provided for in the first subparagraph.

Each Member State shall ensure that the registers of the dealers and brokers established in their territory are connected to a [single] centralised computerised data-filing system of firearms."

A registration of the deactivation of a firearm shall record the date of deactivation, the firearm type, make, model, calibre and serial number, as well as the names and addresses of the person for whom the deactivation occurred.

Article 4.5

Afin d'être cohérent avec la proposition d'introduire une catégorie D 2, il est nécessaire de modifier l'article 4.5.

Proposition de reformulation

4.5. Member States shall ensure that all firearms may be linked to their owner at any moment. However, as regards firearms classified in category D **(except firearms belonging to category D-2)**, Member States shall, as from 28 July 2010, put into place appropriate tracing measures, including, as from 31 December 2014, measures enabling linking at any moment to the owner of firearms placed on the market after 28 July 2010.

Article 4.b

La suppression de l'article 4.3 permet d'éviter les redondances qui existaient avec l'article 4.b.

Proposition de reformulation

4.b.1. Member States shall establish a system for the regulation of the activities of, dealers and brokers. Such a system shall include at least the following measures:

- (a) registration of dealers and brokers operating within the territory of each Member State;
- (b) and licensing or authorisation of the activities of, dealers and brokers.

4.b.2. The system referred to in paragraph 1 shall include at least a check of the private and professional integrity and of the abilities of the, dealer or broker. In the case of a legal person, the check of the private integrity shall be on the legal person and on the person who directs the undertaking. [They must appoint a technical manager who has the professional abilities.]

3. Dealers must have secure facilities to store the firearms they hold.

Article 5

S'agissant des personnes de moins de 18 ans, les autorités françaises soulignent l'importance d'encadrer l'achat et la détention.

Il apparaît également nécessaire de rendre obligatoire l'examen médical et de bien différencier ici l'acquisition et la possession.

Proposition de reformulation

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

~~are at least 18 years of age, and (...)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.~~

~~By way of exception from point (a), Member States may authorise the use of firearms by persons of less than 18 years of age for hunting and/or target shooting purposes under parental or other adult guidance, where the parent or adult possesses a valid firearms and/or hunting licence, and where the target shooting is taking place at a licenced location, and who comply with point (b).~~

(a) are at least 18 years of age, except in relation to the possession of firearms for hunting and target shooting, provided that in this case persons of less than 18 years of age have parental permission. The practice of the activity shall be engaged under parental guidance or the guidance of an adult with a valid shooting or hunting licence. The practice of shooting must be done in an 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 a such danger.

5.2. Member States shall make the issuance of the authorisations referred to in paragraph 1 subject to ~~a standard system of medical~~ medical examination attesting that the state of physical and psychological health is not incompatible with the possession of firearms, including psychological review. ~~The renewal of the authorizations regarding firearms belonging to category B is also subject to such medical examination.~~ Member States shall withdraw the authorisations and refuse their renewal if any of the conditions on the basis of which the authorisation was granted is no longer met.

Member States shall not prohibit persons resident within their territory from possessing a firearm acquired in another Member State unless they prohibit the acquisition of the same type of firearm within their own territory.

Article 6

Les autorités françaises sont favorables aux modifications effectuées à l'article 6 qui prends désormais mieux en compte la conservation des armes dans les musées et laisse une plus grande marge de manœuvre aux Etats Membres pour autoriser dans certains cas la possession d'armes de catégorie A. L'acquisition doit être visée en même temps que la possession.

La rédaction de l'alinéa 3 pourrait toutefois gagner en clarté s'agissant de l'exemption de neutralisation pour les armes au regard de l'héritage culturel et historique.

Proposition de reformulation

6.2. In special cases, and without prejudice to paragraph 6.1, the competent authorities may grant authorisations for **acquisition and** possession of such firearms and ammunition where this is not contrary to public security or public order.

6.3. Without prejudice to paragraph 6.1, Member States may authorise bodies concerned with the cultural and historical aspects of weapons **which have been assigned a public conservatory mission** and recognised as such by the Member State in whose territory they are established to keep in their possession firearms ~~classified in category A acquired before* the date of entry into force of this Directive]~~ **that have been exempted from deactivation** on grounds of the conservation of cultural and historical heritage and if their storage does not put public safety and security or public order at risk.

Article 7

Au même titre qu'aux paragraphes 1 à 3, il convient de préciser que le paragraphe 4 s'applique uniquement aux armes de la catégorie B.

Proposition de reformulation:

7.4. Member States may consider granting persons who satisfy the conditions for the granting of an authorisation for a firearm **belonging to the category B**, a multiannual licence for the acquisition and possession of all firearms subject

to authorisation, without prejudice to:

- (a) the obligation to notify the competent authorities of transfers;
- (b) the periodic verification that those persons continue to satisfy the conditions; and
- (c) the maximum limits for possession laid down in national law.

(d) The maximum (...) authorisation for possession **of a firearm belonging to the category B** shall not exceed five years. The authorisation may be renewed if the conditions on the basis of which it was granted are still fulfilled."

Article 10 :

Bien que cet article ne fasse pas l'objet de révision, les autorités françaises réaffirment leur position sur l'acquisition des munitions qui devrait être conditionnée à la présentation du titre de propriété de l'arme qu'elles alimentent.

Proposition de reformulation

10.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 **are subject to the presentation of a document, proving the legal possession of the weapon under which they are intended to be used, and a valid license granted by the competent authorities.**

Article 10a

Les autorités françaises estiment que la classification des armes d'alarmes et de signalisation, acoustiques et de salut, ainsi que les répliques devrait être adaptée à leur dangerosité.

Armes d'alarme et de signalisation: les autorités françaises apportent leur soutien à la proposition de la délégation allemande s'agissant de l'élaboration de spécifications techniques par la commission pour les armes d'alarme et de signalisation. Cette harmonisation des critères pourrait améliorer la circulation intracommunautaire des armes d'alarme et de signalisation et contribuer à la clarté du marché pour les industriels.

Armes acoustiques et de salut : le maintien des armes acoustiques et de salut dans leur catégorie d'origine (avant transformation) est nécessaire. Il est rappelé que les modifications opérées sur une arme (fonctionnelle) pour la transformer en arme acoustique et de salut laissent aux éléments leur caractère fonctionnel, y compris le mode de fonctionnement (ex : tir en rafale).

Répliques : si les répliques sont entendues comme des reproductions d'armes ayant existé (copie fidèle dans sa forme et son fonctionnement d'une arme déjà fabriquée, la « replica » doit être classée et tracée dans les mêmes conditions que l'arme originale dont elle est la copie (pas de traçabilité pour les armes historiques, traçabilité pour les armes classées).

Proposition de reformulation

10.a.1. Member States shall take measures to ensure that alarm and signal weapons ~~as well as salute and acoustic weapons including replica and gas weapons~~ cannot be converted into firearms.

The Commission shall adopt technical specifications for alarm and signal weapons ~~as well as for salute and acoustic weapons~~ to ensure they cannot be converted into firearms.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).

10.a.2. Salute and acoustic weapons remain in their original classification.

10.a.3. Alarm and signal weapons that do not fulfill the above mentioned technical specifications are classified in categories B or C.

10.a.4. Replica firearms are classified in the same category as the original model.

10.a.5. Deactivated weapons that do not fulfill the above mentioned definition of such firearms are classified as real firearms in their original classification

Article 10aa

Les autorités françaises sont favorables au principe visant à établir des règles de conservation. Il serait néanmoins souhaitable qu'il appartienne aux Etats membres de fixer les règles techniques conformément au principe de subsidiarité.

Proposition de reformulation

10.a.a. Member States shall provide for rules on storage of firearms and ammunition that ensure that these are ~~kept under supervision~~ and stored in a way so that there is no risk that an unauthorized person will get access to the firearm or ammunition. ~~Supervision in this case shall mean that the person possessing the firearm or ammunition has immediate control over these and shall include as a minimum storage in a standardized safe box when the firearm or ammunition is not being used.~~ The level of security for the storage arrangements shall correspond to the level of dangerousness a weapon has **and the number of stored weapons.**

~~The Commission shall adopt minimum rules and specifications for the storage of firearms and ammunition that ensure that there is no risk that an unauthorized person will get access to the firearm or ammunition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).~~

Recital

According to article 10aa, the secured storage of firearms and ammunition should include, where appropriate, the storage in a safe box or separate storage of essential elements of the firearm in order to avoid any immediate use of such firearm.

Article 10b

Le document attestant de la neutralisation de l'arme doit également fournir la preuve de l'apposition d'une marque clairement visible.

Proposition de reformulation

10.b. Member States shall make arrangements for the deactivation of firearms to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of this verification, provide for the issuance of a certificate ~~and~~ record attesting to the deactivation of the firearm ~~or~~ **and** the apposition of a clearly visible mark to that effect on **on each essential components of the deactivated** firearm.

The Commission shall adopt deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2)

Article 11.3

Il convient de supprimer au premier paragraphe de l'article 11.3 la référence aux armes de guerre et de mentionner les transferts au sens de la directive 2009/43/CE.

Proposition de reformulation

11.3. In the case of transfer of the firearms, other than weapons ~~of war~~ **that are under the scope of Directive 2009/43, and** so excluded from the scope of this Directive pursuant to Article 2 (2), each Member State may grant dealers the right to effect transfers of firearms from its territory to a dealer established in another Member State without the prior authorization referred to in paragraph 2.

Article 11.4 et 15.4

Les autorités françaises soulignent l'intérêt qu'il y aurait à ce que le site internet de la Commission serve à centraliser les informations visées :

- à l'article 11.4 concernant la liste d'armes à feu pour lesquelles l'autorisation de transfert vers le territoire d'un Etat Membre peut être donnée sans accord préalable.
- A l'article 15.4, s'agissant des dispositions des Etats membres, y compris les modifications en matière d'acquisition et de détention d'armes, lorsque la législation nationale est plus stricte que la norme minimale à adopter.

Proposition de reformulation

Article 11.4

Each Member State shall supply the **Commission and** other Member States with a list of firearms the transfer of which to its territory may be authorized without its prior consent.

Such lists of firearms shall be communicated to dealers who have obtained approval for transferring firearms without prior authorization under the procedure laid down in paragraph

3. **The Commission shall maintains on its website the information transmitted by**

Member States

Article 15.4

Member States shall notify the Commission of their national provisions, including changes relating to the acquisition and possession of weapons, where the national law is more stringent than the minimum standard they are required to adopt. **The Commission shall maintain on its website such information transmitted by Member States.**

Article 13.4 et 13.5

Les autorités françaises rappellent toute l'importance de la mise en œuvre d'une plateforme européenne d'échange de données sur les transferts intra-communautaires d'armes à feu. A ce titre, les articles 13.4 et 13.5 pourraient faire l'objet d'une nouvelle rédaction afin que la directive précise les modalités d'établissement de cette obligation collective.

En outre, le périmètre de l'échange d'information prévu à l'article 13 ne devrait pas se limiter aux autorisations et aux refus au sens de l'article 7, mais concerner tous les articles de la directive prévoyant un échange d'informations (articles 8, 4.4 et 17).

Proposition de reformulation

13.4. The competent authorities of the Member States ~~shall~~ exchange by electronic means information on ~~the authorisation granted for the transfers of firearms to another Member State as well as information with regard to refusal to grant authorisation as defined in Article 7.~~ licenses issued or refused mentioned in paragraphs 1 and 2 above, via a European platform for data exchange before [date].

13.5. The Commission shall provide for the establishment and the maintenance of a European platform for data exchange no later than [date], and is empowered to adopt delegated acts in accordance with Article 13a to define the modalities for exchange of information on the authorizations granted and on refusals

Proposition d'ajout du paragraphe 15.5

Les autorités françaises proposent l'ajout dans la directive de dispositions relatives à la sécurisation du transport et des expéditions d'armes à feu. La sensibilité du commerce d'armes au moment du transport appelle à une vigilance des Etats membres. Le plan d'action de l'UE contre le trafic illicite d'armes et d'explosifs a identifié cet enjeu en particulier s'agissant des colis postaux.

Article 15.5 :

Les entreprises expéditrices d'armes à feu prennent les dispositions nécessaires pour ne s'assurer qu'aucune mention sur l'emballage extérieur ne fait apparaître la nature du contenu quel que soit le mode d'expédition.

L'envoi postal s'effectue à vingt-quatre heures d'intervalle au moins par deux colis séparés, l'un contenant l'arme proprement dite, l'autre une partie essentielle prélevée sur cette arme.

L'expédition par voie postale doit être réalisée par envoi suivi contre signature.

Dans le cadre d'un transport par voie ferrée, aérienne et maritime, les entreprises expéditrices ou destinataires d'armes et de parties essentielles des armes des catégories A, B, C ou D prennent toutes les dispositions utiles pour que le séjour de ces armes ou parties essentielles n'excède pas vingt-quatre heures dans les gares ou aéroports et soixante-douze heures dans les ports.

Ces armes ou parties essentielles doivent être placées dans des cartons ou dans des caisses cerclées ou des conteneurs métalliques cadenassés.

Lors d'un transport par voie routière, les entreprises expéditrices ou destinataires d'armes ou de parties essentielles des catégories A, B, C ou D prennent toutes les dispositions utiles pour garantir la sécurité du transport.

Les armes ou parties essentielles doivent être placées dans des cartons ou dans des caisses cerclées ou des conteneurs métalliques cadenassés et rester sous une surveillance constante tout au long du trajet.

Proposition de refonte de l'article 16

Afin de veiller à ce que les sanctions au non-respect des dispositions de la directive sont effectives, proportionnées et dissuasives, les autorités françaises souhaitent sensibiliser la Présidence et les Etats membres à l'intérêt à renforcer la formulation de l'article 16.

Annexe I, catégorie A

La suppression de l'ancien point A8 permet d'éviter une surclassification des armes neutralisées et prend en compte l'adoption du règlement EU 2015/2403.

S'agissant du point A 5, ce classement semble problématique car rien ne permet de définir ce qu'est une munition pour arme de poing ; et ce qu'est une munition avec des projectiles expansifs.

Armes automatiques converties en armes semi-automatiques :

La France juge prioritaire d'interdire les armes automatiques converties en semi-automatiques (catégorie A6), armes dont la réversibilité est aisément opérable. La question fait davantage sens de s'attaquer à ce type d'armes dont les capacités létales sont avérées. En revanche, un travail sur les calibres pourrait déboucher sur des résultats aléatoires et difficilement opératoires.

Cette interdiction pourrait s'opérer de deux façons.

1. classement effectif de ces armes en catégorie A ;
2. application progressive de cette interdiction, de manière à ne pas inciter les détenteurs à rester dans l'illégalité :
 - sur demande de dérogation, délivrance d'une autorisation exceptionnelle de détention, personnelle et non cessible ou transmissible ;
 - dès la première cession ou transmission, obligation de neutraliser l'arme ou de procéder à une remise aux services de l'Etat pour destruction.

Armes longues ayant l'apparence d'une arme automatique : les autorités françaises sont favorables à la réintégration « des armes à feu civiles semi-automatiques qui ont l'apparence d'une arme à feu automatique » en catégorie B7. Il paraît encore plus difficile de réaliser des contrôles spécifiques aux armes longues semi-automatiques qui ont l'apparence d'une arme à feu automatique. Les armes de cette catégorie B7 se distinguent donc de celles de la catégorie A6 par le fait qu'elles sont conçues dès l'origine pour le tir en semi-automatique.

Annexe I, catégorie C :

Armes d'alarme et de signalisation : Les autorités françaises s'opposent au principe d'inclusion en catégorie C.5 des armes d'alarme et de signalisation conformes aux spécifications techniques et des répliques.

Les armes d'alarme et de signalisation pourraient être intégrées en catégorie D lorsqu'elles obéissent aux spécifications techniques définies par l'acte d'exécution de la Commission au sens de l'article 10a. Ces armes pourraient être surclassées en catégories A, B ou C lorsqu'elles ne répondent pas à ces critères.

La catégorie D pourrait être scindée en deux sous catégories D1 pour les armes soumises à enregistrement et D2 pour les armes en vente et détention libre.

Les armes visées dans la partie III de l'annexe I devraient être intégrées dans la catégorie D.

Proposition de reformulation de la classification

Category A — Prohibited firearms

1. Explosive military missiles and launchers
2. Automatic firearms
3. Firearms disguised as other objects ;
4. Ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition
- ~~5. Pistol and revolver ammunition with expanding projectiles and the projectiles for such ammunition, except in the case of weapons for hunting or for target shooting, for persons entitled to use them.~~

5. Ammunition over 12,7 mm calibre for rifled barreled firearms ;

6. Automatic firearms which have been converted into semi-automatic firearms.
- ~~7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms;~~

Category B — Firearms subject to authorization

1. Semi-automatic or repeating short firearms.
2. Single-shot short firearms with centre-fire percussion.
3. Single-shot short firearms with rimfire percussion whose overall length is less than 28 cm.
4. Semi-automatic long firearms whose magazine and chamber can together hold more than three rounds.

5. Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose magazine and chamber can together hold more than three rounds.

6. Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length.

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

Category C — Firearms subject to declaration

1. Repeating long firearms other than those listed in category B, point 6.

2. Long firearms with single-shot rifled barrels.

3. Semi-automatic long firearms other than those in category B, points 4 to 7.

4. Single-shot short firearms with rimfire percussion whose overall length is not less than 30 cm.

~~5. Alarm and signal weapons, as well as replicas;~~

Salute and acoustic weapons stay in the category in which they would fall according to how they were originally built.

~~6. Firearms from categories A, B-C, [and D] that have been deactivated in accordance with Regulation on deactivation.~~

Category D — Other firearms

1) Firearms subject to registration :

Single-shot long firearms with smooth-bore barrels.

2) Firearms on free sale and detention are those that :

i) have been rendered permanently unfit for use by deactivation according to the European regulation xxxx/xx ;

ii) were designed for alarm, signalling, life-saving, animal slaughter or harpoon fishing bird scaring or for industrial or technical purposes, provided that they can be used for the stated purpose only;

iii) are regarded as antique weapons according to national laws.

Délai de mise en œuvre

Les autorités françaises soulignent l'intérêt de prévoir une entrée en vigueur différée de la directive en fonction des dispositions et de leur impact au plan national. Il pourrait être proposé un délai de six mois pour les éléments transposables sans difficultés et un délai plus long pour les dispositions nécessitant l'adoption d'actes législatifs et d'adaptations techniques des systèmes d'information (5 ans).

LATVIA

Amendment 1(a) Art.1b.

LV considers that any device designed or adapted to diminish the sound caused by firing a firearm (e.g. “*silencers*”) is not an essential component of the firearm. Therefore LV is among those MS delegations that are of the opinion that “*silencers*” should not be in the scope of the Art.1b. of the Directive as an essential component.

Amendment 8, Art.10aa

LV suggests deleting the second para of Art.10aa. The minimum rules and specifications for the storage of firearms and ammunitions should be in the scope of national rules of each MS.

(Example: National rules and specifications of LV provides that the thickness of a metal safe for storage of firearms and ammunition should be not less than 2.5mm, if the Commission will adopt rules with the technical specifications for the metal safe and its thickness of at least 3mm, it will affect around 33 601 legal owners of firearms, who will have to purchase new metal safes).

Amendment 7, Art.7

LV is of the opinion that it is a matter of national rules of each MS to determine the maximum period of authorisation for possession of firearms.

(Example: LV issues the hunting and sports licences for the indefinite time, but in case of self-protection for 10 years. Such provisions were introduced in order to minimise the administrative burden on the competent authorities as well as on legal owners. Thus, instead of focussing on the period of authorisation for possession of firearms, Latvia pays attention to other (more effective) safeguards such as medical examinations (including psychological tests), which are being done on a regular basis (e.g. in LV each 5 years).)

Amendment 13 (a)(ii), Annex I category A

LV is against the addition of point 6 (“automatic firearms which have been converted into semi-automatic firearms”) and point 7 (“semi-automatic long firearms for civilian use which resemble weapons with automatic mechanisms”) to the category A. Inclusion of such weapons in the category A will affect national budgets of MS as it will be necessary to provide compensation for removal of these weapons from the private property. The storage and destruction of removed firearms is also considered as an administrative burden and will have financial impact on MS national budgets. In this regard, it would be useful to receive an estimation from the COM on the number of firearms in the EU that would fall under these categories.

(Example: If there are 1000 semi-automatic firearms registered in the possession in the MS A, which will fall under the scope of the Directive’s Annex I point 7 category A, and the price of 1 semi-automatic firearms is at least 1000 EUR, this means that MS A will bear the costs for removal of at least $1000 \times 1000 \text{ EUR} = 1 \text{ million EUR}$. In addition, the costs of storage and destruction of removed firearms will also arise.)

Amendment 13 (a)(iii), Annex I category C and category D

LV considers that only those “alarm and signal weapons” that can be converted to firearms should be included into category C, those “alarm and signal weapons” that cannot be converted into firearms should be included into category D.

ITALY

ARTICLE 1

Paragraph 1a.:

- In order to overcome the scarce understanding claimed by a lot of Member States' representatives as to the definitions of “part” (which is not involved in the Directive enforcement) and weapon “essential component” (which is crucial, instead), it would be easier to delete this paragraph, rendering the following paragraph 1b more detailed and precise.

Paragraph 1b.:

- In the present wording a generic “such as” is not deemed adequate because it can be subject to potential broad interpretations; therefore, a wording with a precise listing shall be preferred;
- It is not deemed appropriate to include the silencer among the essential components;
- As proposed by a Belgian representative, the opportunity should be taken into account it to highlight removable magazines of weapons, in particular as to semiautomatic weapons. In fact, as already said, a removable magazine makes a weapon potentially more offensive, not only for its functioning but also because of the magazines it is fitted with.

Paragraph 1e.:

- The proposed definition of “broker” overlaps, for some aspects, with the definition of “dealer” arousing doubts among a lot of Member States representatives that asked for a clarification. Since the discriminating element between the two professional profiles is represented by the physical possession “**of firearms, their essential components** (and not “parts”, as defined in the present draft) and **ammunition**”, the amendment shall be proposed precisising that the activities envisaged for brokers are exerted “**without having the relevant material availability**”.

Paragraphs 1f. and 1g.:

- The drawing up of the two paragraphs concerned aroused a lot of doubts. Just to make an example, the formulations are proposed as suggested by the Italian proof house :

Paragraph 1f.

- For the purposes of this Directive “alarm weapons, acoustic or visual signal and tear weapons” means any portable weapon not designed to fire solid projectiles from chamber through the barrel and which are based and produced on an independent construction, which is not a conversion of a firearm and which are only designed:
 - to fire blanks;
 - to fire irritants or other active substances;
 - to shoot pyrotechnic ammunition or pyrotechnic article.

Paragraph 1g.

- Replace “salute and acoustic weapons” with “scenic weapons”.

Paragraph 1h.:

- We are puzzled by the fact that the Directive application might include an object defined as “replica”, of a firearm, with which it shares the physical appearance only. Mention is made of the questions it could bring about : shall the manufacturers be given a particular authorization for weapons? Shall replicas bear a unique marking? Shall they be stored in databases for firearms? Said measures seem exaggerate.

For a better understanding, it is suggested to replace “replica” with “mock-up” and to delete “by the action of a combustible propellant” since said items cannot use other propelling systems (for example.: air, gas, spring, etc.).

ARTICLE 4

Paragraph 1.:

- The provision by which firearms and their essential components shall be marked “in a durable way” looks very generic, thus the wording “in an indelible way”, even though lacking concrete elements, looks more appropriate.

Paragraph 2.:

- The German proposal could be shared, according to which the calibre should be included among the elements bearing a unique marking; to simplify, it could suffice to provide for it to be present “at least on the barrels”;
- The measure providing for a traceability element together the serial number with a unique marking shall become compulsory for every essential component of a firearm;

Paragraph 4.(a):

- The provision was deleted by which the destruction of firearms should be certified by the competent public authority. The provision was in line with the stricter objectives which the Directive would like to achieve as regards control and traceability of firearms.

Paragraph 4.(b):

- Some doubts are shared as aroused by some Member States representatives as to the contents of registers of dealers and brokers. In fact, it is fundamental that the registers of dealers contain the elements indicated in the provision, while, as to the register of brokers, since the latter - as already said - shall not have the physical availability of firearms, essential components and ammunition included in the transaction, it is not always necessary for them to bear detailed information on the aforesaid items. Should that be the case, a compulsory registration could be envisaged for the “carried out operations”, containing a detailed list of persons, materials and relevant quantities, as object of transaction;

- The provision that the registers of dealers and brokers shall be linked to the centralized weapons data bank is a good solution to guarantee a stricter weapons traceability. However, attention should be drawn on the economic and organization impact of such fulfilment; the implementation of the data bank presently used for the census of weapons owners in which such information shall be entered into requires the provision of an adequate timetable for the relevant adjustment.

ARTICLE 5

Paragraph 1.(c)

- We agree with the provision that persons of less than 18 years of age – under the guidance of a parent or other adult **authorized by the parental authority** - may use weapons for hunting and sports purposes; in addition, it is deemed opportune to indicate the minimum age that, however, should be no less than 14 year of age.

Paragraph 2.

- We agree to the provision according to which the issuance and renewal of the authorization relative to weapons shall be subject to the assessment of the possession of specific psycho-physical requirements by the applicants.

ARTICLE 6

Paragraph 1.

- The ban introduced on the purchase and possession of the weapons under Category A of the Annex I has the drawback to produce many administrative and economic effects which shall be faced by Member States, as well as effects on the acquired rights of nationals who presently legally hold them.

Such effects may be overcome through the provision of a ban only on the purchase enabling therefore the present owners to keep their items with a possible introduction of stricter requirements. In fact, the ban on the weapons transfer to third parties – except to public bodies and professional operators – as well as on the possession of ammunition of calibers for those weapons and the absolute ban on their use may be provided for.

Paragraph 2.

- During the meeting the expression “in special cases” produced conflicting interpretations among MS representatives. It is therefore necessary a re-wording of the paragraph avoiding in the provision transposition any inappropriate differences.

Paragraph 3.

- The exclusion provisions defined for collectors are not considered sufficient to overcome the consequent administrative and economic effects which in this case would be more significant than in the one illustrated under paragraph 1. To curb the burden on the public administration and collectors the same proposals formulated under paragraph 1 are considered sufficiently effective.

ARTICLE 7

Sub-paragraph added to paragraph 4, after point c)

- We agree on the opportunity to introduce a time limit after which it is necessary a renewal of the authorization for the weapons possession which shall be then subject to the assessment of the existence of the issuance requirements.

ARTICLE 10a

- We reassert the perplexity expressed on the fact that the replica – so as defined – falls within the Directive implementation scope.

ARTICLE 10aa

- We agree on the opportunity to define the criteria for the safe storage of weapons and ammunition. It is however advisable to entrust Member States with the specifics of the devices to that end.

ARTICLE 10b

- The provision on the marking of deactivated weapons shall not be alternative, but compulsory.

ARTICLE 13

Paragraph 4.

- We are in favour of the adoption of computer systems for the exchange of information on intra-community weapons transfers which will have the positive effect of a stricter traceability of firearms.

ANNEX I

Categories

- We agree to the introduction of Category A6 under which automatic firearms converted to semi-automatic mode are envisaged. They represent a category of firearms with particularly critical aspects because there are not technical protocols which may absolutely exclude that the previous mode be reactivated.
- We reassert the perplexities about a transfer of the weapons presently listed under Category B7 - semi-automatic firearms for civil use similar to automatic firearms in relation to which it is necessary to clarify the concept of similarity with the introduction of concrete evaluation elements. To this end, **see the following proposal drawn up with the cooperation of the Italian Proof House** – to the proposed Category A7 because it would produce – as already mentioned – both huge administrative and economic effects on the nationals who are legitimate holders and economic consequences on the interested sectors. In addition, it is deemed not opportune the introduction of the adjective “**long**” for the definition of Category A7, because it would exclude from stricter rules weapons with more critical aspects due to their concealability.
- To avoid such dangerous effects - instead of an absolute ban - it is advisable to resort to restrictions which would curb the circulation of weapons under Category B7. A provision banning their use for hunting purposes – allowing therefore their use only for sports purposes - may be adopted. In addition, limits on the number of holdable exemplars may be introduced.

- Category C5 – if the wording of art. 1, paragraphs 1.f, 1.g and 1.h is agreed to – should be reformulated envisaging, if opportune, the deletion of “as well as replicas” and replacement of “salute and acoustic weapons” with “scenic weapons”.
- We agree to the provision that “salute and acoustic weapons” are put in the original categories and propose that it is not envisaged that they may be at disposal of private people making them exclusively at disposal of duly authorized companies operating professionally in the specific sector.

Confirming the intention to maintain the present Category B7 according to the wording of the following criteria, we propose the introduction of category A7 under which **semi-automatic bull pup firearms and semi-automatic pistol machines should be listed.**

HYPOTHESIS OF CRITERIA FOR THE CLASSIFICATION OF SEMI-AUTOMATIC FIREARMS UNDER CATEGORY B7 OF
ANNEX I TO DIRECTIVE 477/91/EEC.

Category B7 includes:

1. **Clone war weapons and their spin-off¹;**
2. **Semi-automatic weapons that have three* or more of the following characteristics:**
 - a) removable magazine;
 - b) folding or telescopic butt;
 - c) gun grip²
 - d) total weapon length less than 830 mm³;
 - e) barrel length less than 450 mm⁴;

Additional characteristics of firearms which may be considered may be the following:

- f) Presence of two or more optics supports (Piccatinny rail);
- g) Bayonet connection or bayonet if fixed;
- h) Od green or desert tan coloured weapon.

*** Three are the characteristics that should be present, obviously the number may be evaluated differently.**

¹ As clone war weapons are considered the semi-automatic weapons with one of the following characteristics:
a) Same release device or release device compatible with components of the release device of automatic weapons;
b) Upper receiver identical to the one of automatic weapons;
c) Breech or breech carrier identical to the one of automatic weapons;
d) Flash eliminator if it has also the function of a grenade launcher.

² It is not considered as gun grip the one obtained from the butt and having a hole for the housing of the thumb (thumbhole);

³ Length is to be considered with close butt, excluding any flash eliminators.

⁴ Barrel length measured without attachments as flash eliminators, mouth brakes, compensators.

SWEDEN

Article 5

SE would like to propose the following amendment to Article 5.1 c): *Member States may also allow authorization for a person of less than 18 years of age in cases where this person is taking part in a formal education where a firearm is mandatory, such as biathlon high schools or hunting training, and provided that the person fully comply with point b).*

SE would like to change the text in Article 5.2 as follows: *"Member States shall ensure that in cases where the competent authority deems it necessary for the public security or for any other appropriate reason, the issuance of the authorization referred to in paragraph 1 shall be subject to a standard system of medical, including psychological, review."*

Article 6

Like FI, SE suggests the following compromise proposal to Article 6.2: *"In cases where Member States considers it necessary for national security purposes, the competent authorities may grant authorization for the acquisition and possession of such firearms and ammunition"*.

Point 7, Article 7

SE suggests to add the following text in Article 7.5: *"Member States may adopt exemptions from this rule in cases where the competent authorities deem it not being contrary to public security, for example regarding semi-automatic firearms for hunting with limited firing capacity, with limited magazine capacity or when the circumstances otherwise are deemed to allow for it."*

Point 13, Annex

SE suggest to replace the text under (a) (ii) 7. with the following definition: *"Semi-automatic long firearms for civilian use which have or can be equipped with magazines with a capacity exceeding 5 rounds, or firearms which are constructed in a way that they are more appropriate for combat than for hunting."*

FINLAND

Comments 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

ARTICLE 1: DEFINITIONS

Paragraphs 1a and 1b

It is important to know what the difference between parts and essential components is and does the Directive have some difference in the provisions concerning parts and essential components. Maybe it is not necessary to legislate separately on parts and essential components. The definition of parts is partially overlapping with the definition on essential components.

Paragraph 1 e

The definition of a broker is very important in relation to third countries. The proposed definition does not include import to third countries, only export is included. Import should be added in the definition. In addition, it would be important to include in the definition brokers residing in the EU and who carry out their business or trade between third countries.

Essential components are, according to the Annex 1, weapons if they are essential components to a firearm that is classified in Annex I. In paragraph 1 e, it would be good to mention also essential components. Just to make it clear that the legislation also covers the trade and business on essential components.

Paragraph 1 g

Finland supports the French proposal to add to the definition that these weapons should remain in their original classification. Otherwise we will create a very attractive alternative for deactivation.

"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. These modified weapons remain in their original classification."

Paragraph 1 h

Unfortunately the definition of replicas is too unclear. The current wording would include toys, softball guns and air guns. Therefore, these objects would fall under the scope of this Directive and also the provisions of brokers and dealers would apply to those that do business with these objects.

If the definition of replicas is left in the Directive, it should make a clear difference to the objects mentioned above. When it comes to those replicas that are reproductions (i.e. able to fire a shot or can be converted to do so) these type of replicas should remain in the category of the original firearm.

Paragraph 1 i

In this paragraph Finland would like to refer to the Commission's implementing Regulation on deactivation.

"For the purpose of this Directive, "deactivated firearms" shall mean firearms that have been modified in accordance with the Commission implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable was published on the Official Journal of the European Union."

Paragraph 2

Essential components are, according to the Annex 1, weapons if they are essential components to a firearm that is classified in Annex I. In paragraph 2, it would be good to mention also essential components. Just to make it clear that the legislation also covers the trade and business of essential components.

ARTICLE 4

Paragraph 2, first section

Commission proposes to add few words (at the time of import to the Union) to this section. This small amendment would, however, lead to a bigger difficulty. The proposed wording would mean that Member States shall at the time of import require a unique marking in the firearm. What would happen to those firearms that do not bear a marking before the import? Would they be allowed to be imported without a marking? It should be allowed to add the marking when the firearm enters a Member State.

Finland proposes to reword this paragraph as follows:

"For the purposes of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. In case a firearm does not bear a marking at the time of import, an appropriate marking shall be affixed. This shall be without prejudice to the affixing of the manufacturer's trademark"

Paragraph 2, fourth section

The Commission proposes to delete the word appropriate in this section ("the ~~appropriate~~ unique marking"). When a firearm is transferred from government stock to permanent civilian use, all the information required for unique marking is not necessarily known. Therefore, it would be better to leave the possibility to have an appropriate unique marking.

Paragraph 4

The Commission proposes that the record of firearms shall be maintained until the destruction of a firearm has been certified. In case a weapon is exported, it might be difficult to get this information. Therefore, Finland proposes that when a firearm is exported, the data would be kept 20 years following the export.

ARTICLE 5

AGE LIMIT

During the negotiations in the GENVAL, some Member States commented on the age limit in Article 5(1). Finland is of the opinion that a person under 18 years of age should continue to have the right to at least possess firearms for hunting and target shooting. Article 5(1) provides strict rules for parental permission or guidance for persons under 18 of age. People who hunt or do sports shooting need to be able to train and participate in these exercises already before they reach the age of 18.

MEDICAL TESTS

In Finland, the firearms legislation is based on evidence-based approach when it comes to the behaviour and medical status of a person who applies for and holds a license for the acquisition and possession of firearms.

Finnish legislation previously required a medical examination as a prerequisite for the acquisition and possession of firearms. However, standard medical tests were not deemed a sufficiently reliable means of predicting future violent behavior or acts of terrorism. National legislation was amended to improve firearms safety and to find the best means to ensure the suitability of persons to acquire or possess firearms.

Forensic psychiatrists specialized in assessing the dangerousness and risk of violent persons were involved in the preparation of the amendment. The aim was to find the best means to ensure that information on persons whose medical state is likely to cause a risk of danger would be available to the police for the purposes of authorization or withdrawal of authorization of firearms permits.

Finnish experts believe that an evidence-based approach, in other words a person's previous violent behavior, is the best means of predicting future violent behavior. In this respect the information available to the police is in a key role in identifying potential dangerous persons. For reference:

Guns, Public Health and Mental Illness: An Evidence-Based Approach for State Policy
(Consortium for Risk-Based Firearm Policy) <http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/GPHMI-State.pdf>

The Finnish system provides several points at which the suitability of a person to acquire or possess firearms is assessed.

First, when issuing a licence for the acquisition and possession of firearms, the police have to assess whether a person is suitable for this purpose. According to the Finnish Firearms Act the suitability is assessed according to the behaviour and health of a person. When assessing behaviour, a person's obedience to the law, ability to control violent behaviour and substance abuse are taken into account. Everyone applying for the license has to pass a computerised test which measures his/her suitability to possess firearms.

All the license holders are checked every day against the police reports. If the name of a person appears in the police reports, it is automatically checked whether this person has licenses, e.g. firearm license, issued by the police. This check is done every morning and it takes into account police reports done during the previous 24 hours.

In addition, the Finnish Firearms Act sets out an obligation for physicians to notify the police of a person, who, based on a forensic psychiatric examination or a standardized assessment of dangerousness and risk, has been deemed dangerous to him/herself or to others, or has been committed to involuntary treatment due to attempted suicide and whom the physician has deemed unfit to possess a firearm. The Act further provides for the right of physicians and other health care personnel to notify the police of a person who, based on medical records or an encounter with him/her, is deemed unfit to possess a firearm. Finland considers such a procedure to be the best means of ensuring that a person whom physicians have deemed unfit to possess a firearm is not authorised to acquire or possess one. The information notified by physicians may only be used in handling permits for firearms and only specifically designated persons who handle firearms permits are allowed to handle that information. The police keep a log of all persons handling that information as a means to control the use of the information.

Therefore, we consider that Finland has provided in national legislation a very strict control on license holders. Finland believes that it should be left to national legislation to regulate how each Member State wishes to ensure that a person is suitable to acquire or possess firearms.

Commission proposal	Proposed rewording	Comments
Article 5		
1. Without prejudice to Article 3, Member States shall permit authorize 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.	1. Without prejudice to Article 3, Member States shall permit authorize 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 <u>or to others</u>, to public order or to public safety; <u>the following shall in particular be considered as indicative of such danger:</u> (i) Having been convicted of a violent intentional crime shall be considered as indicative of such danger: <u>(ii) having, based on a forensic psychiatric examination, been deemed dangerous to themselves or to others;</u>	<u>Indications of danger</u> Finland would like to add more indications where a person could be considered as danger to themselves or to others, to public order or to public safety. Finland considers it important to include also other indications that convictions on this list. Dangerous behavior may be envisaged already before criminal convictions. The wording gives leeway for Member States to include also other indications.

	<u>(iii) having been committed to involuntary treatment due to attempted suicide and having been deemed by the physician unfit to possess a firearm</u>	
2. Member States shall provide for standard medical tests for issuing or renewing authorization as referred to in paragraph 1 and shall may withdraw authorisations for possession of a firearm if any of the conditions on the basis of which it was granted are no longer satisfied is no longer met. Member States may not prohibit persons resident within their territory from possessing a weapon acquired in another Member State unless they prohibit the acquisition of the same weapon within their own territory.	<u>2. Member States shall ensure [in accordance with national law] that information regarding a person who, based on a medical examination, a diagnosed medical condition or the demonstration of violent behavior, has been deemed by health professionals to be a danger to themselves or to others, to public order or to public safety, is relayed/available to the competent authorities for the purposes of issuing or renewing authorisations for the acquisition and possession of firearms.</u> <u>Member States shall withdraw authorisations if any of the conditions on the basis of which it was granted is no longer met.</u> 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.	As explained above, Finland has chosen an evidence-based approach to assess the suitability of a person to acquire or possess firearms. Finland believes that it should be left to Member States to legislate on how they ensure that the licensing authority has the relevant information to decide whether to issue or renew authorizations.

ARTICLE 6 - Exceptions to prohibited firearms

Paragraph 1

Finland is against adding the current B7 weapons to Category A. However, in case the current B7 weapons become prohibited, some exceptions should be allowed.

As a concrete proposal, Finland would like to suggest that the second sentence in the current Article 6 would not be deleted from the text and competent authorities would still have the possibility to authorize in special cases licenses to weapons in Category A. Many Member States have expressed justified reasons (research, development and testing, experts, collectors etc) to keep this possibility for allowing exceptions in certain cases. The main concern for Finland is that the new categorization of weapons would have a considerable effect on Finland's national defence. The proposed A7 weapons are used in the voluntary military training organized by the National Defence Training Association. This training is vital in maintaining and developing military skills and capabilities of the reserve.

If it is not possible to keep the current wording in Article 6 concerning the authorizations in special cases, Finland would like to propose a wording that allows the competent authorities to authorize the acquisition and possession of category A firearms where a Member State considers it necessary for national security purposes. In a recital it could be further explained that in certain Member States this means voluntary military training which is based on national legislation.

In addition, in the Directive it needs to be clarified how a person who is given this authorization is able to buy Category A weapons. Perhaps Article 2(2) should be clarified in this regard.

Article 6	
Commission proposal	Proposed rewording
Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to destroy those firearms and ammunition held in violation of this provision and seized. 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.	Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A and to destroy those firearms and ammunition held in violation of this provision and seized. <u>In cases where a Member State considers it necessary for national security purposes, the competent authorities may grant authorizations for the acquisition and possession of such firearms and ammunition.</u>

ARTICLE 10 aa: Swedish proposal on storage of firearms

Finland supports the idea to include a provision concerning the storage of firearms and ammunition. Finland would like to propose some changes to the Swedish proposal.

Swedish proposal	Proposed rewording	Comments
Article 10aa Member States shall provide for rules on storage of firearms and ammunition that ensure that these are kept under supervision and stored in a way so that there is no risk that an unauthorized person will get access to the firearm or ammunition. Supervision in this case shall mean that the person possessing the firearm or ammunition has immediate control over these and shall include as a minimum storage in a standardized safe box when the firearm or ammunition is not being used. The level of security for the storage arrangements shall	Article 10aa Member States shall provide for rules on storage of firearms and ammunition that ensure that these are kept under supervision and stored in a way so that there is no risk that an unauthorized person will get access to the firearm or ammunition. Supervision in this case shall mean that the person possessing the firearm or ammunition has immediate control over these. and shall include as a minimum storage in a standardized safe box when the firearm or ammunition is not being used. The level of security for the storage arrangements shall	Finland would like to delete the word immediate. It would be difficult to have all the time immediate control of weapons for example during holidays. Finland would also like to leave it to Member States to regulate the requirements for safe boxes and other secured places of storage. Therefore, we would like to delete the reference to a standardized safe box and paragraph 2 of this Article. As the Directive will also cover

correspond to the level of dangerousness a weapon has. The Commission shall adopt minimum rules and specifications for the storage of firearms and ammunition that ensure that there is no risk that an unauthorized person will get access to the firearm or ammunition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).	correspond to the level of dangerousness a weapon has. The Commission shall adopt minimum rules and specifications for the storage of firearms and ammunition that ensure that there is no risk that an unauthorized person will get access to the firearm or ammunition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2)."	deactivated firearms etc, it might not always be necessary to require the storage of firearms in a standardized safe box.
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Paragraph 3

Finland considers it important to allow sales on firearms and ammunition also by means of distance communication. This should be possible subject to strict control of the Member States. Therefore, Finland proposes the following wording to paragraph 3:

"The acquisition and sale of firearms and ammunition concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council, shall be authorised only subject to the strict control of the Member States including secure verification of the validity of the license for acquisition of firearms and ammunition and the identity of the buyer by electronic means "

ARTICLE 17

Paragraph 1

Finland would prefer to mention in this paragraph that already in the Commission's first report the new technologies such as 3D printing should be addressed.

Paragraph 2

It is important to set up the computerized data-filing system as soon as possible. In addition to this system, it would be important to have a proposal from the Commission concerning the exchange of information referred in Article 13.

ANNEX 1

Category A

The proposal to transfer semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms from Category B to Category A is very restrictive. Furthermore, the word "resemble" leaves the definition of the proposed A7 weapons unclear and open for wide interpretation. Finland would like to keep the current B7 weapons in Category B. The new categorization would have a considerable effect on Finland's national defence.

Category C

Clarification is needed when defining alarm and signal weapons, salute and acoustic weapons and replicas. If these weapons are converted from a functioning firearm into alarm, signal, salute or acoustic weapons, then these weapons should belong to the original classification. Unless a firearm is deactivated, it is still a firearm.

In addition, if a replica is a so called reproduction of a firearm, then these replicas should belong to the original classification.

In general, Finland considers that the scope of this Directive should not cover those objects that look like weapons but cannot be converted to functioning weapons. Although these objects can be used for intimidation purposes, they should not be under the scope of this Directive.

In general, Finland would like to refer to the comments made in the GENVAL meetings as well as to the written contributions sent 7 December 2015 and 26 January 2016.

Article 1

Paragraph 1 b

There still seems to be overlapping between definitions on parts (para 1a) and essential components (para 1 b). Perhaps there is no need to define parts and essential components separately. If they are defined separately, it has to be done in a way that gives clear understanding what the difference between them is. Furthermore, in the Directive references to parts and essential components should be adjusted in accordance with the definitions in para 1 a and 1 b.

In general, when drafting the definitions, it would be useful to utilize the Firearms Glossary made by the European Firearms Experts.

In its written comments (12th Feb 2016), the Czech Republic proposed to delete paragraph 1 a and instead define essential components only. Finland supports this wording.

COM proposal Art 1 (1b)	Revised text	CZ proposal as supported by Finland
1b. For the purposes of this Directive, "essential component" shall mean the barrel, frame, receiver, slide or cylinder, bolt or breach block and any device designed or adapted to diminish the sound caused by firing a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.	1b. For the purposes of this Directive, "essential component" <u>means any part of a firearm that is essential to its operation such as</u> the barrel, frame, receiver, slide or cylinder, bolt or breach block which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted. <u>In addition, any device designed or adapted to diminish the sound caused by firing a firearm shall be regarded as an "essential component".</u>	1 b. For the purposes of this Directive, "essential component" means any a part of a firearm that is essential to its operation such as and that fulfills the function of the barrel, frame, receiver, slide or cylinder, bolt or breach block. "Essential components" which , being separate objects, are included in the category of the firearms on which they are or are intended to be mounted. In addition, any device designed or adapted to diminish the sound caused by firing a firearm shall be regarded as an "essential component".

Paragraph 1 e

It is good that this paragraph is amended so that it covers a broker's activities also when carried out from a Member State to a third country or from a third country to a Member State. In addition, Finland would like to add to the definition those brokers who are established in EU but carry out their broker activities between third countries. This would be helpful in decreasing the risk of these weapons finding their way into EU area.

COM proposal Art 1 (1e)	Revised text	FI proposal
1e. For the purposes of this Directive, "broker" shall mean any natural or legal person, other than a dealer whose trade or business consists wholly or partly in buying, selling or arranging the transfer within a Member State, from one Member State to another Member State or exporting to a third country fully assembled firearms, their parts and ammunition.	1e. For the purposes of this Directive, "broker" means any natural or legal person, other than a dealer whose trade or business consists wholly or <u>in part of</u> any of the following: buying, selling, or arranging the transfer within a Member State, from one Member State to another Member State, from a Member State to a third country or from a third country to a Member State (...) firearms, their parts and ammunition.	1e. For the purposes of this Directive, "broker" means any natural or legal person other than a dealer whose trade or business consists wholly or <u>in part of</u> any of the following: buying, selling, or arranging the transfer within a Member State, from one Member State to another Member State, from a Member State to a third country or from a third country to a Member State <i>or, when the broker is established in the EU, between third countries (...)</i> firearms, their parts and ammunition.

Paragraph 1 h

The definition on replicas is still too open. The definition refers to the physical appearance of an object. Therefore, also toys that look like firearms would be considered replicas. Finland considers that objects that can be used to intimidate people, such as toys, should not be covered by this Directive. Only those replicas that have both the physical appearance and technical characteristics of a firearm should be considered replicas in this Directive.

COM proposal Art 1 (1h)	Revised text	FI proposal
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.	1h. For the purposes of this Directive, " <u>replica (...)</u> " <u>means</u> 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.	1h. For the purposes of this Directive, " <u>replica (...)</u> " <u>means</u> objects that have the physical appearance <i>and technical characteristics</i> 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.

Article 2

Finland can agree to the wording in the revised text, provided that in Article 6 there are exceptions for acquiring and possessing category A firearms made possible for 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.

In the context of this Article, Finland raised a question in the GENVAL meeting. According to Article 2(2), the Directive does not apply to the acquisition and possession of firearms and ammunition by the armed forces, the police and the public authorities. Neither does it apply to commercial transfers of weapons and ammunition of war. How about other dealers and brokers or other entrepreneurs (e.g. those who repair weapons, those who need to test with weapons when developing their products, those who transport weapons)? Are they foreseen to need authorization for the acquisition and possession of weapons and ammunition? The Directive is not very clear on this issue. Finland does not seek to keep these actors outside of the scope of this Directive. But it would be useful to understand the way in which these actors are allowed to acquire and possess weapons needed for carrying out their business.

Article 4

Paragraph 1

In the revised text it is proposed that "... *any firearm or essential component thereof placed on the market has been marked...*" Finland proposes that instead it should be ensured that "each assembled firearm placed on the market or individual essential component placed on the market separately" are marked.

The reason for our proposal is that the main principle should be that assembled firearms are marked and that the marking is done to an essential component. There is no need to mark every essential component of an assembled firearm.

The requirement of a marking to be done "in a durable way" is not clear. As proposed by Germany in its written comments (doc 5342/2/16) the marking should be permanently affixed, but different marking methods should be allowed.

COM proposal Art 4 (1)	Revised text	FI proposal
1. Member States shall ensure that any firearm or part placed on the market has been marked and registered in compliance with this Directive.	1. Member States shall ensure that any firearm or <u>essential component thereof</u> placed on the market has been marked <u>in a durable way</u> and registered in compliance with this Directive.	1. Member States shall ensure that <i><u>each assembled firearm placed on the market or individual essential component placed on the market separately</u></i> any firearm or <u>essential component thereof</u> placed on the market has been marked <u>in a durable way</u> and registered in compliance with this Directive.

Paragraph 2

The current wording in the first subparagraph states that "*... Member States shall, at the time of manufacture thereof or at the time of their import to the Union, require a unique marking ...*" This wording seems to require that a firearm may not enter the EU if it is not marked. This might be problematic in case of older firearms for example. In the GENVAL meeting it was suggested by Germany to add that the marking should be done "without delay". This would be a good way forward and allow the marking to be made without delay after the import to the Union.

The second subparagraph is not in line with paragraph 1. Paragraph 1 requires all the essential components to be marked but in this section the marking shall be affixed only to a receiver of a frame. This section also requires "*The serial number shall be affixed...*". Does this mean that the serial number must be the same in all the essential components? What if one essential component of a firearm is replaced with a new component? A clearer wording might be that "*A serial number shall be affixed ...*".

Finland would like to keep the word "appropriate" in the third subparagraph. The word appropriate can be found in the current Directive. The unique marking requires the knowledge of several issues which might not always be known when a firearm is transferred from government stocks.

COM proposal Art 4 (2)	Revised text	FI proposal (also stated in the DE comments)
2. For the purposes of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm or at the time of import to the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.	2. For the purposes of identifying and tracing each assembled firearm <u>and its essential components</u> , Member States shall, at the time of manufacture <u>thereof</u> or at the time of <u>their</u> import to the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.	2. For the purposes of identifying and tracing each assembled firearm <u>and its essential components</u> , Member States shall, <i>without delay after their</i> manufacture or <u>thereof</u> or at the time of <u>their</u> import to the Union, require a unique marking including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number. This shall be without prejudice to the affixing of the manufacturer's trademark.

The marking shall be affixed to the receiver 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. 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.	The marking shall be affixed to the receiver of the firearm <u>or, for those without a receiver, to the frame. The serial number shall be affixed to all essential components of the firearm.</u> 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. <u>For those purposes, Member States may have regard to the provisions of the Convention on Reciprocal Recognition of Proofmarks on Small Arms of 1 July 1969.</u> 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 <u>entity.</u>	The marking shall be affixed to the receiver of the firearm <u>or, for those without a receiver, to the frame. The A serial number shall be affixed to all essential components of the firearm.</u> 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. <u>For those purposes, Member States may have regard to the provisions of the Convention on Reciprocal Recognition of Proofmarks on Small Arms of 1 July 1969.</u> Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the <i>appropriate</i> unique marking permitting identification of the transferring <u>entity.</u>
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Paragraph 3

In the revised text paragraph 3 is deleted. Finland would like to keep this paragraph in the text as it is much clearer than Article 4 b.

COM proposal Art 4(3)	Revised text	FI proposal (as in the COM proposal)
3. Member States shall make the pursuit of the activity of dealer or broker within their territory conditional upon authorisation on the basis of at least a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.	(deleted)	<i><u>3. Member States shall make the pursuit of the activity of dealer or broker within their territory conditional upon authorisation on the basis of at least a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.</u></i>

Paragraph 4, second sentence

Finland is against keeping the records of destroyed firearms or those that are exported for an indefinite period as proposed in the revised text. As proposed by the Commission, it is enough to keep the records of destroyed firearms until the destruction has been certified by competent authorities. In case a firearm is exported, it should be kept in the record until there is certified information that it has been destroyed or e.g. 20 years has elapsed from the export.

COM proposal	Revised text	FI proposal
4. (second sentence) This filing system shall record each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm. The record of firearms, including deactivated firearms, shall be maintained until destruction of the firearm has been certified by the competent authorities.	4. (second sentence) This filing system shall record the type, make, model, calibre and serial number of each firearm, as well as the names and addresses of the supplier and of the person acquiring or possessing the firearm. The record of firearms, including deactivated <u>ones</u> , shall be maintained <u>for an indefinite period</u>	This filing system shall record each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm. The record of firearms, including deactivated firearms, shall be maintained until destruction of the firearm has been certified by the competent authorities, <i><u>or in case of an exported firearm, 20 years after the export.</u></i>

Article 4 b

The authorizations given to dealers are currently regulated in Art 4(3). In its proposal the Commission added to Article 4(3) also brokers. According to the revised text paragraph 3 in Article 4 would be deleted. Instead, the legislation concerning brokers and dealers would be found in Art 4 b only.

Article 4 b is not very clear. It would be good to get detailed explanation how this system referred to in Article 4 b would work in practice. Is the intention to change the current practice? Article 4(3) is clearer and Finland would prefer the text in it.

COM proposal Art 4b	Revised text	FI proposal
1. Member States shall establish a system for the regulation of the activities of brokers and dealers. Such a system may include one or more of the following measures: (a) registration of brokers and dealers operating within their territory; (b) licensing or authorisation of the activities of brokers and dealers. 2. The system referred to in paragraph 1 shall include at least a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.	1. Member States shall establish a system for the regulation of the activities of dealers and brokers. Such a system <u>shall</u> include <u>at least</u> the following measures: (a) registration of dealers and brokers operating within the territory <u>of each Member State</u>; and (b) licensing or authorisation of the activities of dealers and brokers. 2. The system referred to in paragraph 1 shall include at least a check of the private and professional integrity and of the abilities of the dealer or broker. In the case of a legal person, the check shall be on the legal person and on the person who directs the undertaking.	Delete Article 4 b and keep Article 4(3).

Article 5

Paragraph 1(a) and 1(c)

Finland supports the Commission's proposal for paragraph 1a and keeping the age limit for possessing firearms as it is. Finland is against the revised text for paragraphs 1a and 1 c and has a reservation. This proposed text would have significant impact on hunters and biodiversity. Furthermore, this type of provision would be inefficient as it would be very difficult to implement and control. People hunt and practice shooting very often in their own forests or fields in the country side, where distances to the next neighbor can be tens of kilometers.

In Finland, the hunting tradition involves people at young age and they may also start hunting at quite young age. Finnish legislation allows hunting with parallel gun license already from the age of 15 years. Storage and transferring the firearms should be handled by the guardian of the young person, but actual hunting and shooting is allowed independently.

Last year, in Finland, 1885 persons under 18 years of age passed the hunting examination. Also last year 6070 persons under 18 years of age had paid the hunting license. In practice these young people have used firearms and ammunition responsibly and safely.

For a person who has hunting or target shooting as a hobby, a firearm is a personal equipment which has the measurements and other features that meet the personal physical and other requirements.

The independent use of a firearm is important in hunting. The animals notice the movements of hunters very easily and, therefore, hunting solely in the company of another person would not lead to successful hunting opportunities. When hunting, people alternate between walking together close to each other and at times taking separate routes to herd the animals in.

Hunting is one the most important recreational hobby in Finland. There are more than 300 000 hunters, which is 6% of population. Traditional nature conservation includes safeguarding the ecosystem services and the good state of species and habitats. Management of nature and halting the loss of biodiversity is actually carried out mainly by hunters because they have direct connection to land owners. If involvement of young hunters stops because of age the limit of authorizing the possession of firearms, there is no continuity of hunters taking care of habitats and species. Hunting adds the motivation to take care of the biodiversity.

Paragraph 1 b

Finland would like to add that a person should not be given the authorization for acquisition and possession of firearms if they are likely to be a danger to others as well. Now the paragraph refers to persons themselves only.

COM proposal Art 5(1)	Revised text	FI proposal
1. Without prejudice to Article 3, Member States shall authorise 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 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.	1. Without prejudice to Article 3, Member States shall authorise the acquisition and possession of firearms only by persons who have good cause and who: (a) are at least 18 years of age, and (...) (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. <u>(c) By way of exception from point (a), Member States may authorise the use of firearms</u> by persons of less than 18 years of age for hunting and/or target shooting purposes under parental or other adult guidance, where the parent or adult possesses a valid firearms and/or hunting licence, and where the target shooting is taking place at a licenced <u>location, and who comply with point (b).</u>	1. Without prejudice to Article 3, Member States shall authorise the acquisition and possession of firearms only by persons who have good cause and who: <i><u>(a) are at least 18 years of age, except in relation to the possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licenced or otherwise approved training centre;</u></i> (b) are not likely to be a danger to themselves <u>or others</u>, to public order or to public safety; having been convicted of a violent intentional crime shall be considered as indicative of such danger. <u>(c) By way of exception from point (a), Member States may authorise the use of firearms</u> by persons of less than 18 years of age for hunting and/or target shooting purposes under parental or other adult guidance, where the parent or adult possesses a valid firearms and/or hunting licence, and where the target shooting is taking place at a

		licensed location, and who comply with point (b).
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Paragraph 2

In Finland, standard medical tests have not been deemed a sufficiently reliable means of predicting future violent behavior or acts of terrorism. Therefore, Finland does not support the requirement for standard medical tests.

However and similarly to what is proposed by Sweden, our current system provides for the possibility for the competent authorities, in cases where they deem it necessary, to request a medical review for the purposes of issuing an authorization.

In our view, such a review should be tailored according to the specific circumstances in each case, rather than provided for in a standardized form.

We therefore support the Swedish proposal if the requirement for standard system is deleted and psychological review is required where necessary.

COM proposal Art 5(2)	Revised text	FI proposal (based on Swedish proposal)
2. Member States shall provide for standard medical tests for issuing or renewing authorisations as referred to in paragraph 1 and shall withdraw authorisations if any of the conditions on the basis of which it was granted is no longer met.	2. Member States <u>shall make the issuance or renewal of the</u> authorisations referred to in paragraph 1 <u>subject to a standard system of medical, including psychological, review. Member States shall withdraw the authorisations and refuse their renewal</u> if any of the conditions on the basis of which the authorisation was granted are no longer met.	<i><u>2. Member States shall ensure that in cases where the competent authority deems it necessary for the public security or for any other appropriate reason, the issuance of the authorization referred to in paragraph 1 shall be subject to a standard system of medical, including where necessary psychological, review.</u></i>

Article 6

Paragraph 2

In the revised text it is acknowledged that different Member States have different reasons that would justify the authorisations of firearms and ammunition in category A. It is important that in the recitals it is further explained that in some Member States this provision would become applicable in cases of voluntary military training which is based on national legislation. For Finland, this is the main reason for providing exceptions and it is necessary for national security purposes.

The paragraph needs a little adjustment. According to the revised text, it would only be allowed to possess these weapons but the acquisition would not be possible. Therefore, the possibility for acquisition should be added.

COM proposal Art 6 (2)	Revised text	FI proposal
No equivalent in COM proposal	<u>2. In special cases, and without prejudice to paragraph 6.1, the competent authorities may grant authorisations for possession of such firearms and ammunition where this is not contrary to public security or public order.</u>	<u>2. In special cases, and without prejudice to paragraph 6.1, the competent authorities may grant authorisations for</u> <i>acquisition and</i> <u>possession of such firearms and ammunition listed in category A in Annex I, where this is not contrary to public security or public order.</u>

Paragraph 3

This paragraph in the revised text would allow bodies concerned with the cultural and historical aspects of weapons to keep their firearms in certain cases if the firearms are acquired before the entry into force of this Directive. In other words, these bodies would not be allowed to acquire new firearms and continue to keep their collections up to date. These bodies, which might be museums or private foundations for example, should be able to acquire category A firearms also in the future.

Furthermore, also private persons may have very valuable collection of firearms which have historical and cultural value. Therefore, Finland supports the proposal made by Estonia to add that also private persons concerned with the cultural and historical aspects of weapons and recognised as collectors by the Member State in whose territory they are acting. However, the collection of weapons should be done in an organized manner and that should be reflected in this paragraph as well.

COM proposal Art 6(3)	Revised text	FI proposal
Para 2 in COM proposal: Member States may authorise bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established to keep in their possession firearms classified in category A acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with the provisions that implement Article 10(b).	<u>3. Without prejudice to paragraph 6.1</u>, Member States may authorise bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established to keep in their possession firearms classified in category A acquired before*""the date of entry into force of this Directive] provided they have been deactivated in accordance with <u>Commission Implementing Regulation (EU) 2015/2403 or have been exempted from deactivation on grounds of the conservation of cultural and historical heritage and if it can be demonstrated that their storage does not put public safety and security or public order at risk .</u>	<u>3. Without prejudice to paragraph 6.1</u>, Member States may authorise <i>private collectors or</i> 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 <i>and acquire</i> firearms classified in category A acquired <i>before*""the date of entry into force of this Directive]</i> provided they have been deactivated in accordance with <u>Commission Implementing Regulation (EU) 2015/2403 or have been exempted from deactivation on grounds of the <i>organised</i> conservation of cultural and historical heritage and if it can be demonstrated that their storage does not put public safety and security or public order at risk .</u>

Paragraph 4

Finland supports this paragraph in the revised text. If there is need to further clarify minimum conditions for the online and other trade by means of distance communication, Finland proposes to amend the text by adding some requirements for the strict control.

COM proposal Art 6 (4)	Revised text	FI proposal
Para 3 in COM proposal: The acquisition of firearms and their parts and ammunition concerning categories A, B and C by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(*), shall be authorised only with respect to dealers and brokers and shall be subject to the strict control of the Member States.	<u>4. Member States shall authorise the acquisition and selling of firearms and their parts and ammunition covered by categories A, B, C [and D] set out in Annex I</u> by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(**), <u>only through authorised dealers and brokers. The Member States shall subject such acquisitions and sales to a strict control.</u>	<u>4. Member States shall authorise the acquisition and selling of firearms and their parts and ammunition covered by categories A, B, C [and D] set out in Annex I</u> by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(**), <u>only through authorised dealers and brokers. The Member States shall subject such acquisitions and sales to a strict control, <i>including secure verification of the validity of the license for acquisition of firearms and ammunition and the identity of the buyer.</i> "</u>

Article 7 new subparagraph in para 4, after point c:

As mentioned already in the written comments sent by Finland on 7 December and the oral comments provided in the GENVAL meeting, setting the maximum limit of an authorization to 5 years in Article 7, will create unnecessary administrative burden. In addition, the proposed amendment overlaps with points b and c in the paragraph. Instead of adding this new subparagraph, Finland proposes to amend point b by adding the requirement to carry out the already existing periodic review every five years. The subparagraph proposed by the Commission would be deleted.

COM proposal Art 7(4)	Revised text	FI proposal which amends the current wording of Article 7(4)
7(4) Member States may consider granting persons who satisfy the conditions for the granting of an authorization for a firearm a multi-annual license for the acquisition and possession of all firearms subject to authorization, without prejudice to: a) the obligation to notify the competent authorities of transfers; b) periodic review that those persons continue to satisfy the conditions; and c) the maximum limits for possession laid down in national law. The maximum authorization for possession shall not exceed five years. The authorization may be renewed if the conditions on the basis of which it was granted are still fulfilled."	7(4) Member States may consider granting persons who satisfy the conditions for the granting of an authorization for a firearm a multi-annual license for the acquisition and possession of all firearms subject to authorization, without prejudice to: a) the obligation to notify the competent authorities of transfers; b) periodic review that those persons continue to satisfy the conditions; and c) the maximum limits for possession laid down in national law. The maximum (...) <u>authorisation for possession</u> shall not exceed five years. The authorisation may be renewed if the conditions on the basis of which it was granted are still fulfilled."	7(4) Member States may consider granting persons who satisfy the conditions for the granting of an authorization for a firearm a multi-annual license for the acquisition and possession of all firearms subject to authorization, without prejudice to: a) the obligation to notify the competent authorities of transfers; b) periodic review <u>every five years</u> that those persons continue to satisfy the conditions; and c) the maximum limits for possession laid down in national law. The maximum authorization for possession shall not exceed five years. The authorization may be renewed if the conditions on the basis of which it was granted are still fulfilled."

Article 10 aa

Concerning the proposed Article 10 aa on the conditions for storage of firearms, Finland proposes some changes to the proposed text. Finland would like to delete the word "immediate" in paragraph 1 because it would be difficult to have all the time continuous immediate control of weapons for example during holidays.

Finland would also like to leave it to Member States to regulate the requirements for safe boxes and other secured places of storage. Therefore, we would like to delete the reference to a standardized safe box and paragraph 2 of this Article. As the Directive will also cover deactivated firearms etc, it might not always be necessary to require the storage of firearms in a standardized safe box.

COM proposal Art 10aa	Revised text	FI proposal
No equivalent in the COM proposal.	Article 10aa Member States shall provide for rules on storage of firearms and ammunition that ensure that these are kept under supervision and stored in a way so that there is no risk that an unauthorized person will get access to the firearm or ammunition. Supervision in this case shall mean that the person possessing the firearm or ammunition has immediate control over these. and shall include as a minimum storage in a standardized safe box when the firearm or ammunition is not being used. The level of security for the storage arrangements shall correspond to the level of dangerousness a weapon has. The Commission shall adopt minimum rules and specifications for the storage of firearms and ammunition that ensure that there is no risk that an unauthorized person will get access to the firearm or ammunition. Those	Article 10aa Member States shall provide for rules on storage of firearms and ammunition that ensure that these are kept under supervision and stored in a way so that there is no risk that an unauthorized person will get access to the firearm or ammunition. Supervision in this case shall mean that the person possessing the firearm or ammunition has immediate control over these. and shall include as a minimum storage in a standardized safe box when the firearm or ammunition is not being used. The level of security for the storage arrangements shall correspond to the level of dangerousness of the weapon <u>as in question</u>. The Commission shall adopt minimum rules and specifications for the storage of firearms and ammunition that ensure that there is no risk that an unauthorized person will get access to the firearm or

	implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).	ammunition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).
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Article 17

First subparagraph

Finland would prefer to mention in this paragraph that already in the Commission's first report the new technologies such as 3D printing should be addressed.

COM proposal Art 17	Revised text	FI proposal
The Commission shall submit every five years a report to the European Parliament and the Council on the application of this Directive, accompanied, if appropriate, by proposals in particular as regards the categories of firearms of Annex I and the issues related to new technologies such as 3D printing. The first report shall be submitted two years after the entry into force of this Directive."	The Commission shall submit every five years a report to the European Parliament and the Council on the application of this Directive, accompanied, if appropriate, by proposals in particular as regards the categories of firearms of Annex I and the issues related to new technologies such as 3D printing. The first report shall be submitted two years after the entry into force of this Directive."	The Commission shall submit every five years a report to the European Parliament and the Council on the application of this Directive, accompanied, if appropriate, by proposals in particular as regards the categories of firearms of Annex I and the issues related to new technologies such as 3D printing. The first report shall be submitted two years after the entry into force of this Directive <u>and include issues related to new technologies."</u>
The Commission shall, by [date], assess the necessary elements of a system for the exchange of information contained in the computerised data-filing systems referred to in Article 4(4) between the Member States. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.	The Commission shall, by [date], assess the necessary elements of a system for the exchange of information contained in the computerised data-filing systems referred to in Article 4(4) between the Member States. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.	The Commission shall, by [date], assess the necessary elements of a system for the exchange of information contained in the computerised data-filing systems referred to in Article 4(4) between the Member States. The Commission's assessment shall be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

ANNEX I

Category A

The proposal to transfer semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms from Category B to Category A is very restrictive. In the revised text a word "long" is added to the definition. This is not helpful and the word "resemble" leaves the definition of the proposed A7 weapons still unclear and open for a wide interpretation. Finland would like to keep the current B7 weapons in Category B. The new categorization could have a considerable limiting effect on Finland's national defence.

Category C

The classification is going to the right direction. Alarm and signal weapons should belong to category C. However, in addition to salute and acoustic weapons, replicas should also stay in the category in which they would fall based on their original build. Therefore, Finland would like to delete replicas from C5 and include them in the subparagraph under C5 as follows: **Salute and acoustic weapons as *well as replicas* stay in the category in which they would fall according to how they were originally built.**

In Finland it is considered that if a replica is a so called reproduction of a firearm, then these replicas should belong to the original classification.

In general, Finland considers that the scope of this Directive should not cover those objects that look like weapons but cannot be converted to functioning weapons. Although these objects can be used for intimidation purposes, they should not be included in the scope of this Directive.

HUNGARY

Hungary welcomes the amended proposal, especially the revised articles and paragraphs. However, smaller but important points for us were left where changes are proposed as follows.

We would like to make a proposal to Article 1f as follows: *“This Directive shall not apply to any alarm and signal weapons placed on the internal market before it entered into force.”* The reason behind this proposal is that the authorization of permits for alarm weapons developed from firearms would create controversy of alarm weapons sold before the Directive’s entry into force. Additionally, it would cast doubt on the statuses of the ownership of the current alarm and signal weapons.

Regarding Article 1h we would like to see a more consistent definition of replica because the current one would make all devices which resemble a firearm fall under the scope of the Directive and this is to be avoided as it would create insurmountable workload to register everything.

The proposal does not say what would become to firearms deactivated before the proposal’s entry into force. Re-deactivation would cause enormous workload and significant indemnification for current owners. Therefore we propose to include this sentence at the end of the Article: *This Directive shall not apply to any alarm and signal weapons placed on the internal market before it entered into force.”*

It is imperative that the derogation has been included in the revised text to the right of Member States, particularly in cases pursuant to Article 6. This is high priority for us. The cultural and historical purposes permitted derogation is also welcomed.

We support the supplementation of Article 7 (4), which makes a maximum of five years for granting gun licenses, as well as support the possibility of a renewal given to Member States, as Hungary’s recently adopted national legislation and other considerations we agree with the renewal of firearm licenses and not revoking and reissuing.

Relating to Article 10a we urge the Commission to adopt technical specifications of the alarm and signal arms concerned.

We agree with the newly inserted Article 10aa, we need to monitor compliance with firearms regulations and we welcome the work of the Commission to develop this.

The deletion of Annex I Part II A8 which we among other Member States also proposed is welcomed, as the amendments made to the C category as well.

We would like to make a proposal to point (b) of part III of Annex I as follows: *"are solely designed for life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be properly used for the stated purpose only;"* The reason behind this is that there is no device would fall under the currently proposed definition.

The 12-months which are proposed to implement the Directive are welcomed by Hungary.
