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COVER NOTE

From:	Presidency
To:	Working Party on General Matters, including Evaluations (Firearms)
No. Cion doc.:	COM(2015) 750 final
Subject:	Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons = Revised text

1. On 26 November 2015 the Working Group on general matters, including evaluations (GENVAL) started examining the draft Directive. The first round of discussion was completed at the meetings on 18 December 2015 and 25 January 2016.

2. In the light of those discussions and of the written comments submitted by Member States by 29 January 2016¹, the Presidency has revised the text of the proposal, taking into account as much as possible the various concerns raised by delegations. The revised text, together with the explanatory notes, is set out in the Annex. Substantial changes compared to the initial version of the proposal are marked in **bold and underlined**. The purely linguistic changes of the text are solely underlined.

3. Member States are invited to consider the revised text of the Presidency in view of the next meeting of the Genval Working Group, scheduled to take place on 8 February 2016.

¹ Comments submitted after the deadline will be addressed during the meeting itself.

Proposal^{2 3} 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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Directive 91/477/EEC⁴ established an accompanying measure for the internal market. It created a balance between on the one hand the undertaking to ensure a certain freedom of movement for some firearms within the Union, and on the other the need to control this freedom using security guarantees suited to this type of product.
- (2) As a response to recent terrorist acts which demonstrated gaps in the implementation of Directive 91/477/EEC especially with regard to deactivation of weapons, convertibility and marking rules, the "European Agenda on Security" adopted in April 2015 and the Declaration of the Home Affairs Ministers Council of 29 August 2015 called for the revision of that Directive and for a common approach on the deactivation of firearms to prevent reactivation and use by criminals.
- (3) Certain issues in Directive 91/477/EEC need further improvement.
- (4) Bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established and holding in their possession firearms classified in category A acquired before the date of entry into force of this Directive should be able to keep those firearms in their possession subject to authorisation by the Member State concerned and provided that those firearms have been deactivated.

² With participation of the associated countries.

³ Text with EPA relevance

⁴ Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (OJ L 256, 13.9.1991, p. 51).

- (5) Since collectors have been identified as a possible source of traffic of firearms, they should be covered by this Directive.
- (6) Since brokers provide services similar to those of dealers, they should also be covered by this Directive.
- (7) Taking into consideration the high risk of reactivating badly deactivated weapons and in order to enhance security across the Union, deactivated firearms should be covered by this Directive. Additionally, for the most dangerous firearms stricter rules should be introduced in order to ensure that those firearms are not allowed to be owned or traded. Those rules should also apply to firearms of that category even after they have been deactivated. Where those rules are not respected, Member States should take appropriate measures including the destruction of those firearms.
- (8) In order to ensure the traceability of deactivated firearms, they should be registered in national registries.
- (9) Some semi-automatic firearms can be easily converted to automatic firearms, thus posing a threat to security. Even in the absence of conversion to category "A", certain semi-automatic firearms may be very dangerous when their capacity regarding the number of rounds is high. Such semi-automatic weapons should therefore be banned for civilian use.
- (10) To avoid that markings are easily erased and to clarify on which components the marking should be affixed, common Union rules on marking should be introduced.
- (11) Firearms may be used for far more than 20 years. In order to ensure their traceability, records of them should be kept for an indeterminate period of time until destruction is certified.
- (12) Selling arrangements of firearms and their components by means of distance communication may pose a serious threat to security as they are more difficult to control than the conventional selling methods, especially as regards the on line verification of the legality of authorisations. It is therefore appropriate to limit the selling of arms and components by means of distance communication, notably internet, to dealers and brokers.
- (13) Furthermore, the risk of alarm weapons and other types of blank firing weapons being converted to real firearms is high, and in some of the terrorist acts converted arms were used. It is therefore essential to address the problem of converted firearms being used in criminal offences, notably by including them in the scope of the Directive. Technical specifications for alarm and signal weapons as well as for salute and acoustic weapons should be adopted in order to ensure that they cannot be converted into firearms.
- (14) In order to improve the functioning of the information exchange between Member States, the Commission should assess the necessary elements of a system to support such exchange of information contained in the computerised data-filing systems in place in Member States. The Commission's assessment may be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

- (15) In order to ensure appropriate exchange of information between the Member States on authorisations granted and on refusals, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adopting an act to enable the Member States to create such a system of exchange of information on authorisations granted and on refusals. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (16) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵.
- (17) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.
- (18) Since the objectives of this Directive cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (19) Directive 91/477/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1⁶

Directive 91/477/EEC is amended as follows:

- (1) Article 1 is amended as follows:

⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁶ The Presidency is still reflecting on introducing definitions for collectors and bodies concerned as well as for antique weapons.

(a) Paragraph 1b is replaced by the following:

"1b. For the purposes of this Directive, "essential component" **means any part of a firearm that is essential to its operation such as**⁷ the barrel, frame, receiver, slide or cylinder, bolt or breach block⁸ 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"**.

(b) Paragraph 1e is replaced by the following:

"1e. For the purposes of this Directive, "broker"⁹ **means** any natural or legal person, other than a dealer whose trade or business consists wholly or in part of 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**¹⁰ to a third country **or from a third country to a Member State**¹¹ (...) firearms, their parts and ammunition"

(c) In paragraph 1, the following paragraphs are added:

"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**¹² are **originally**¹³ designed and constructed for the purpose of **provoking a sound effect**¹⁴, e.g. raising alarm or sending a signal, and which are designed to fire only blanks, irritants, other active substances or pyrotechnic ammunition.

1g. For the purposes of this Directive, "salute and acoustic weapons" **means** firearms specifically converted to the sole use of firing blanks, for use **such as** in theatre performances, photographic sessions, film and television recordings, historical reenactments, parades, sporting events and training.

1h. For the purposes of this Directive, "**replica (...)**" **means** objects that have the physical appearance of¹⁵ 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.

⁷ CZ delegation stated the need to clarify the definition in order to be able to differentiate "components" from "parts".

⁸ Suggested by FR

⁹ PL, UK and RO requested a clarification of the definition scope to ensure its proper implementation.

¹⁰ Suggested by DE

¹¹ Suggested by DE

¹² Suggested by FR

¹³ Suggested by FR.

¹⁴ Suggested by FR. The EL delegation requested clarification whether flare signal weapons and gas alarm weapons are covered too.

¹⁵ Suggested by FR

- 1i. For the purposes of this Directive, "deactivated firearms" **means** firearms that have been modified with the purpose of rendering them permanently unfit for use **as firearms and which are irreversibly inoperable by deactivation¹⁶ in accordance with¹⁷ Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques¹⁸**"

(d) Paragraph 2 is replaced by the following:

"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 thereof¹⁹**; or
- (ii) the manufacture, trade, exchange or conversion of ammunition."

(2) In Article 2, paragraph 2 is replaced by the following:

"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^{20 21}**."

(3) In Article 4, paragraphs 1, 2 and 3 are replaced by the following:

"1. Member States shall ensure that any firearm or **essential component thereof²²** placed on the market²³ has been marked **in a durable way²⁴** and registered in compliance with this Directive.

2²⁵. For the purposes of identifying and tracing each assembled firearm **and its essential components²⁶**, 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 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.

¹⁶ Suggested by IT

¹⁷ Suggested by DE, CZ .

¹⁸ OJ L 333, 19.12.2015, p. 62.

¹⁹ Suggested by FR

²⁰ OJ L 146, 10.6.2009, p. 1

²¹ Suggested by FR, CZ.

²² Suggested by PL, FI, ES, PT, SK.

²³ FI raised the attention that there should be a possibility to mark a firearm directly after it is being imported to the EU.

²⁴ Suggested by ES, DE, FR

²⁵ HU, FI specified that if the firearms is imported the year of import should be marked before it is placed on the market.

²⁶ Suggested by ES

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**²⁷.

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 1969²⁸.

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**.

3. **(...)**

(4) ²⁹In Article 4, paragraph 4 is amended as follows:

(a) in the first subparagraph, the second sentence is replaced by the following:

"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**³⁰."

(b) the second subparagraph is replaced by the following:

"Throughout their period of activity, dealers³¹ 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.

²⁷ PT and ES proposed marking of all essential components, where as IT suggested that they bear only the serial number as due to their size full marking might not be possible. MT expressed the concern whether the essential components of imported firearms with antique or historic value should be marked.

²⁸ A number of delegations (ES, SK, CZ, BE, UK) requested restoring this provision. Small adaptation has been made as suggested by CZ to clarify that the Convention to which not all MS are members does not represent an alternative regime to the EU one. In this regard FR raised the question whether accession to that Convention should be considered by the EU.

²⁹ FR suggested a merge with 4b

³⁰ AT, DE, LU, ES, IT, FR (keep data including of the export). PT, HR underlined the need to keep each entry, changing only the status of the firearm.

³¹ Covers manufacturers according to its definition.

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**^{32 33} computerised data-filing system of firearms."

(5) Article 4b is replaced by the following:

"Article 4b

1. Member States shall establish a system for the regulation of the activities of dealers and brokers. Such a system **shall** include **at least**³⁴ the following measures:
 - (a) registration of dealers and brokers operating within the territory **of each Member State**; and
 - (b) licensing or authorisation of the activities of dealers and brokers.

2³⁵. 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."

(6) Articles 5 and 6 are replaced by the following:

"Article 5

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.

³² PL and FR indicated their preference for a centralised system. AT, ES, CH, UK, NO, BG stressed the high cost for the set up of such system, especially for small dealers.

³³ AT and CH proposed as alternative option that dealers and brokers established in the territory of a MS allow access to their records or registers at all times.

³⁴ ES specified that measures should be cumulative.

³⁵ FR suggested the addition of the obligation for manufacturers and dealers to have secure facilities to store the firearms they hold.

- (c) **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)**³⁶.
2. Member States **shall make the issuance or renewal of the** authorisations referred to in paragraph 1 **subject to a standard system of medical, including psychological, review**³⁷. **Member States shall withdraw the authorisations and refuse their renewal** if any of the conditions on the basis of which the authorisation was granted are 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*³⁸

1. **Without prejudice to Article 2(2),** Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition listed in category A in Annex I. They shall ensure that those firearms and ammunition unlawfully held in contravention of that prohibition are seized. .
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.**³⁹
3. **Without prejudice to paragraph 6.1,** 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*⁴⁰the date of entry into force of this Directive] provided they have been deactivated in accordance with **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**⁴⁰.

³⁶ FR. COM clarified that the aim of the provision is to allow minors to do sports and hunting but not owning a firearm.

³⁷ DE, SE, UK, FI, NO, AT, IE, SK, CH, CZ expressed serious misgivings regarding the proportionality, cost and usefulness of such measure. FR supports the inclusion of compulsory medical tests.

³⁸ DK parliamentary scrutiny reservation.

³⁹ DE, AT, UK, FR, EE, NO, PL, HU, CZ, EL, LT, DK, IT, CH - need to provide exceptions, FI, LV, DE - compensation

⁴⁰ Suggested by FI, MT, IT

4. Member States shall authorise the acquisition **and selling**⁴¹ of firearms and their parts and ammunition covered by categories A, B, C **[and D**⁴² **set out in Annex I** by means of distance communication⁴³, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council(**), **only through authorised** dealers and brokers. The Member States shall subject such acquisitions **and sales**⁴⁴ to a strict control.

(*) OJ: Please insert a date: data of publication of this amending Directive +20 days.

(**) Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (OJ L 144, 4.6.1997, p.19)."

(7) In Article 7, the following subparagraph is added to paragraph 4, after point c):

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

(8) The following Articles 10a and 10b are inserted:

"Article 10a

Member States shall take measures to ensure that alarm and signal weapons as well as salute and acoustic weapons, **including replica⁴⁵ and gas weapons⁴⁶**, 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).

⁴¹ Suggested by LT, CH, FR.

⁴² Suggested by CZ, HR, FR.

⁴³ Delegations requested more clarity regarding this prohibition as well as an alternative (UK, HR, FI).

⁴⁴ Adaptation to the addition proposed by LT and CH.

⁴⁵ Suggested by PL, LT

⁴⁶ Suggested by RO, LV. The question about the retroactive application of these rules was raised by AT.

Member States shall establish rules on the proper storage of firearms and ammunition that ensure that they are kept under supervision and stored in a way that there is not risk of being accessed by an unauthorised person. Supervision in this case shall mean that the person possessing the firearm or the ammunition has immediate control over them and shall include as a minimum the storage in a standardised safe box when the firearm or ammunition is not in use. The level of scrutiny for the storage arrangements shall correspond to the level of dangerousness of the firearm.

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).

Article 10b

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**⁴⁸ record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm.

The Commission shall 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)⁴⁹."

(9) In Article 13, the following paragraphs 4 and 5 are added:

- "4. The competent authorities of the Member States shall exchange **by electronic means**^{50 51} information on the authorisations granted for the transfers of firearms to another Member State as well as information with regard to refusals to grant authorisations as defined in Article 7.
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 13a concerning the detailed arrangements for the exchange of information on authorisations granted and on refusals."

⁴⁷ Suggested by SE; LV also raised the need of setting up an obligation for the holder of firearms to ensure conditions for their proper storage.

⁴⁸ FR, BG, ES and confirmed by COM.

⁴⁹ OJ L 333, 19.12.2015, p. 62.

⁵⁰ Suggested by DE, FI, SE, UK, FR.

⁵¹ FR suggested the exchange to be done through a European data exchange platform to be established and maintained by the Commission.

(10) Article 13a is replaced by the following:

"Article 13a⁵²

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Article 13 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.
3. The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council."

(11) Article 13b is inserted:

"Article 13b

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council(*).
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(*) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)."

⁵² DE requested that the article specifies the areas in which Commission is empowered to adopt delegated acts.

- (12) Article 17 is replaced by the following:

"Article 17

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, 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."

- (13) (...) Annex I to Directive 91/477/EC (...) is amended as follows⁵³:

(a) part II is replaced by the following:

"For the purposes of this Directive, the following categories of firearms are set out:"

(i) point A **and definition of firearms are deleted**⁵⁴.

(ii) in Category A, the following points are added:

"6. Automatic firearms which have been converted into semi-automatic firearms⁵⁵;

7. Semi-automatic **long** firearms for civilian use which resemble weapons with automatic mechanisms⁵⁶;

8. **(...)**⁵⁷

(ii) in category B, point 7 is deleted.

⁵³

⁵⁴ LT delegation pointed out the existence of two definitions of firearms in the text of the Directive.

⁵⁵ CY, AT, SE, ES, DE, PT, MT, BG supported this point. IT expressed the view that there is no need of this provision.

⁵⁶ New text should be considered taking into account the technical specifications of the firearm such as capacity, calibre, firing power, as well as its degree of danger in order to answer to the concerns of MS (AT, CZ, EL, SE, NO, ES, DE, FI, LV, EE, FR, DK, UK, MT, PL, SK, BE, IT, BG) regarding the ban itself as well as the use of "resemblance".as criterion. LT stressed that keeping the old regime for this firearms would allow to trace their owners and would not lead to increase of the illegal weapons.

⁵⁷ Suggested by AT, LT, CZ, HU, DE, PT, EE, MT, BE, IT.

(iii) In Category C, the following points are added:

"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**⁵⁸."

(b) point B⁵⁹ **and** the following text **are** deleted.

"The breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted."

(14) in Annex I to Directive 91/477/EC part III is amended as follows:

(a) point (a) is deleted;

(b) point (b) is replaced by the following:

"are designed for life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only;"

(c) the second subparagraph is deleted.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive [**12**⁶⁰ months after publication to the OJ]. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

⁵⁸ Suggested by FR, EE, BE, IT, BG.

⁵⁹ As indicated by DE the deletion of point A and the whole text of point B requires the deletion of the point itself.

⁶⁰ PL, DK, CZ, SK, HU, LT, PT, RO, CY, FR, MT. 24 months was proposed by SK, DE, PT, RO, HR, BG. Several indicated the need of transitional provisions (CY, NO, LT).

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President