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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2020) 48 final
Subject:	ANNEXES to the Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on control of the acquisition and possession of weapons (codification)

Delegations will find attached document COM(2020) 48 final - Annexes 1 to 4.

Encl.: COM(2020) 48 final - Annexes 1 to 4

EUROPEAN
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ANNEXES 1 to 4

ANNEXES

to the

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on control of the acquisition and possession of weapons (codification)

↓ 91/477

ANNEX I

I. For the purposes of this Directive, 'weapon' means:

↓ 2008/51 Art. 1.13(a) (adapted)

– any firearm as defined in Article 1,

↓ 91/477 (adapted)
→1 2017/853 Art. 1.19(1)(a)

– weapons other than firearms as defined in national legislation.

II. →1 For the purposes of this Directive, firearms are classified in the following categories: ←

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.

↓ 2017/853 Art. 1.19(1)(b)(ii)

6. Automatic firearms which have been converted into semi-automatic firearms, without prejudice to Article 10(5).

7. Any of the following centre-fire semi-automatic firearms:

   (a) short firearms which allow the firing of more than 21 rounds without reloading, if:

      (i) a loading device with a capacity exceeding 20 rounds is part of that firearm; or

      (ii) a detachable loading device with a capacity exceeding 20 rounds is inserted into it;

(b) long firearms which allow the firing of more than 11 rounds without reloading, if:

(i) a loading device with a capacity exceeding 10 rounds is part of that firearm; or

(ii) a detachable loading device with a capacity exceeding 10 rounds is inserted into it.

8. Semi-automatic long firearms (i.e. firearms that are originally intended to be fired from the shoulder) that can be reduced to a length of less than 60 cm without losing functionality by means of a folding or telescoping stock or by a stock that can be removed without using tools.

9. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.

↓ 2017/853 Art. 1.19(1)(b)(iii)

Category B — Firearms subject to authorisation

1. 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 loading device and chamber can together hold more than three rounds in the case of rimfire firearms and more than three but fewer than twelve rounds in the case of centre-fire firearms.

5. Semi-automatic short firearms other than those listed under point 7(a) of category A.

6. Semi-automatic long firearms listed under point 7(b) of category A whose loading device and chamber cannot together hold more than three rounds, where the loading device is detachable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose loading device and chamber can together hold more than three rounds.

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

8. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.

9. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms other than those listed under point 6, 7 or 8 of category A.

↓ 2017/853 Art. 1.19(1)(b)(iv)

Category C — Firearms and weapons subject to declaration

1. Repeating long firearms other than those listed in point 7 of category B.

2. Long firearms with single-shot rifled barrels.

3. Semi-automatic long firearms other than those listed in category A or B.

4. Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm.

5. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.

6. Firearms classified in category A or B or this category that have been deactivated in accordance with Implementing Regulation (EU) 2015/2403.

7. Single-shot long firearms with smooth-bore barrels placed on the market on or after 14 September 2018.

↓ 2017/853 Art. 1.19(2)

III. For the purposes of this Annex, objects which correspond to the definition of a 'firearm' shall not be included in that definition if they:

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

(b) are regarded as antique weapons where these have not been included in the categories set out in Part II and are subject to national laws.

Pending coordination throughout the Union, Member States may apply their national laws to the firearms listed in this Part.

↓ 91/477

IV. For the purposes of this Annex:

(a) 'short firearm' means a firearm with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres;

(b) 'long firearm' means any firearm other than a short firearm;

(c) 'automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull on the trigger;

(d) 'semi-automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire only one round with one pull on the trigger;

(e) ‘repeating firearm’ means a firearm which after a round has been fired is designed to be reloaded from a magazine or cylinder by means of a manually-operated action;

(f) ‘single-shot firearm’ means a firearm with no magazine which is loaded before each shot by the manual insertion of a round into the chamber or a loading recess at the breech of the barrel;

(g) ‘ammunition with penetrating projectiles’ means ammunition for military use where the projectile is jacketed and has a penetrating hard core;

(h) ‘ammunition with explosive projectiles’ means ammunition for military use where the projectile contains a charge which explodes on impact;

(i) ‘ammunition with incendiary projectiles’ means ammunition for military use where the projectile contains a chemical mixture which bursts into flame on contact with the air or on impact.

↓ 91/477 (adapted)

ANNEX II

EUROPEAN FIREARMS PASS

The pass must include the following Sections:

(a) identity of the holder;

(b) identification of the weapon or firearm, including a reference to the category within the meaning of ⊠ this ⊠ Directive;

(c) period of validity of the pass;

(d) Section for use by the Member State issuing the pass (type and references of authorisations, etc.);

(e) Section for entries by other Member States (authorisations to enter their territory, etc.);

↓ 2017/853 Art. 1.20

(f) the statements:

'The right to travel to another Member State with one or more of the firearms classified in category A, B or C mentioned in this pass shall be subject to one or more prior corresponding authorisations from the Member State visited. Such authorisations may be recorded on the pass.

The prior authorisation referred to above is not in principle necessary in order to travel with a firearm classified in category C with a view to engaging in hunting or historical re-enactment activities or with a firearm classified in category A, B or C for the purpose of taking part in target shooting, on condition that the traveller is in possession of the firearms pass and can establish the reason for the journey.'

Where a Member State has informed the other Member States, in accordance with Article 11(3), that the possession of certain firearms classified in category B or C is prohibited or subject to authorisation, one of the following statements shall be added:

'A journey to … (State(s) concerned) with the firearm … (identification) shall be prohibited.'

'A journey to … (State(s) concerned) with the firearm … (identification) shall be subject to authorisation.'

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ANNEX III

Part A

Repealed Directive with list of the successive amendments thereto (referred to in Article 26)

Council Directive 91/477/EEC	(OJ L 256, 13.9.1991, p. 51)
Directive 2008/51/EC of the European Parliament and of the Council	(OJ L 179, 8.7.2008, p. 5)
Directive (EU) 2017/853 of the European Parliament and of the Council	(OJ L 137, 24.5.2017, p. 22)

Part B

Time-limits for transposition into national law (referred to in Article 26)

Directive	Time-limit for transposition
91/477/EEC	31 December 1992
2008/51/EC	28 July 2010
(EU) 2017/853	14 September 2018[1]

[1] However, under Article 2(2) of Directive (EU) 2017/853, *'By way of derogation from paragraph 1 of this Article, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3) and Article 4(4) of Directive 91/477/EEC, as amended by this Directive, by 14 December 2019'*.

ANNEX IV

CORRELATION TABLE

Directive 91/477/EEC	This Directive
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4(1) and (2)	Article 4(1) and (2)
Article 4(2a)	Article 4(3)
Article 4(3)	Article 4(4)
Article 4(4)	Article 4(5)
Article 4(5)	Article 4(6)
Article 4a	Article 5
Article 5	Article 6
Article 5a	Article 7
Article 5b	Article 8
Article 6	Article 9
Article 7(1) to (4)	Article 10(1) to (4)
Article 7(4a)	Article 10(5)
Article 7(5)	Article 10(6)
Article 8(1), first subparagraph	Article 11(1), first subparagraph
Article 8(1), second subparagraph	–
–	Article 11(1), second subparagraph
Article 8(2) and (3)	Article 11(2) and (3)
Article 9(1), introductory wording	Article 12(1), introductory wording
Article 9(1), first indent	Article 12(1)(a)
Article 9(1), second indent	Article 12(1)(b)

Article 9(2)	Article 12(2)
Article 10	Article 13
Article 10a	Article 14
Article 10b	Article 15
Article 11(1)	Article 16(1)
Article 11(2), first subparagraph, introductory wording	Article 16(2), first subparagraph, introductory wording
Article 11(2), first subparagraph, first indent	Article 16(2)(a)
Article 11(2), first subparagraph, second indent	Article 16(2)(b)
Article 11(2), first subparagraph, third indent	Article 16(2)(c)
Article 11(2), first subparagraph, fourth indent	Article 16(2)(d)
Article 11(2), first subparagraph, fifth indent	Article 16(2)(e)
Article 11(2), first subparagraph, sixth indent	Article 16(2)(f)
Article 11(2), second, third and fourth subparagraph	Article 16(2), second, third and fourth subparagraph
Article 11(3) and (4)	Article 16(3) and (4)
Article 12	Article 17
Article 13	Article 18
Article 13a	Article 19
Article 13b	Article 20
Article 14, introductory wording	Article 21, introductory wording
Article 14, first indent	Article 21(a)
Article 14, second indent	Article 21(b)
Article 15	Article 22
Article 16	Article 23
Article 17	Article 24
Article 18	–

–	Articles 25, 26 and 27
Article 19	Article 28
Annex I	Annex I
Annex II	Annex II
–	Annex III
–	Annex IV