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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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 (first reading) - Adoption of the legislative act = Statements

Statement by Luxembourg

Effective and proportionate action at EU level is essential to respond to complex threats to security and to protect our citizens. The terrorist attacks, including those in France and in Belgium, have revealed considerable gaps in the European regulatory framework on firearms.

To address those gaps, the reform of Directive 91/477/EEC focuses on a number of areas: improved control of firearms trafficking, greater traceability and better deactivation of firearms, stricter rules for the acquisition and possession of firearms, a ban on civilian use of the most dangerous firearms and improved information exchange between Member States.

Throughout the negotiations, Luxembourg actively supported all those aspects of the original proposal for a directive and reiterated its commitment to maintaining the ambition of the reform at a level capable of responding to the security threats that Europe currently faces.

In that context, the ban on the most dangerous semi-automatic firearms based on objective specification criteria is a key part of the reform: a strict and harmonised ban on those firearms would have a direct impact on the security of all European citizens.

However, the compromise text resulting from the interinstitutional negotiations waters down any such strict and harmonised ban by making provision for excessively broad exemptions for certain categories of people (target shooters), that is to say exemptions for a significant percentage of those who possess firearms and apply for authorisations for them.

Given that the restrictions on the acquisition and possession of such firearms are insufficient, Luxembourg cannot support the compromise text to be formally adopted by the Council and the European Parliament and will vote against the text.

Statement by the Czech Republic

The Czech Republic welcomes the fact that work has started on an amendment of Council Directive 91/477/EEC on control of the acquisition and possession of weapons with a view to enabling the European Union and the individual Member States to better respond to current security threats, and in particular to terrorism. We have participated in the negotiations on the proposal in an active and constructive manner and are pleased that some problems have been resolved.

Nevertheless, we consider certain key elements of the proposal to be inappropriate in substance, legally unclear and, sometimes, markedly disproportionate. In some cases, the Directive advocates discriminatory treatment. In particular, we would express our disappointment with regard to the unclear and unnecessary prohibition of certain semi-automatic firearms. Together with the ill-thought-out grandfathering clause, these measures may even worsen the security situation in the medium and long term. They cannot and will not achieve the declared goals of the Directive.

We consider the proposed implementation period to be unreasonably short, since a large number of national laws will need to be amended significantly. Moreover, it should be noted that the national legislator will have to accommodate Commission implementing and delegated acts in national legislation in an even shorter period of time.

For these and other reasons, the Czech Republic cannot endorse the draft Directive.

Statement by the Commission on most dangerous semi-automatic firearms and on collectors

The European Commission is satisfied that the co-legislators have reached an agreement on the revised firearm directive. These new rules will substantially reduce the likelihood of dangerous but legally held weapons falling into the hands of criminals and terrorists.

At the same time, the Commission regrets that some parts of the original proposal were not supported by the Parliament and the Council– in particular concerning semi-automatic firearms where the Commission had proposed a greater level of ambition with a complete ban of the most dangerous semi-automatic firearms, including all semi-automatic firearms of the AK47 or AR15 families. The Commission also regrets that the magazine size was not limited to 10 rounds for all semi-automatic firearms.

The Commission also stresses the importance of the proper implementation of the strict security rules relating to collectors.

Statement by the Commission on deactivation

The Commission recognises the importance of a well-functioning standard for deactivation, which contributes to improved levels of safety and gives authorities reassurance that deactivated weapons are properly and effectively deactivated.

The Commission will, therefore, accelerate the work on the revision of the deactivation criteria conducted by national experts in the Committee established under Directive 477/91/EEC in order to allow the Commission to adopt, by the end of May 2017, in accordance with the committee procedure established by directive 91/477/EEC, subject to a positive opinion by national experts, a Commission implementing Regulation amending 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. The Commission calls on Member States to fully support the acceleration of this work.
