

EU FIREARMS LEGISLATION: CURRENT SITUATION AND ONGOING DEVELOPMENTS

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Moscow, 17th May 2013



FACE

THE VOICE OF EUROPEAN HUNTERS

- International non-profit making NGO established in 1977, seat in Brussels, secretariat of 10 people
- FACE Full Members: national hunting associations in 36 states of the Council of Europe, including the 27 European Union Member States
- FACE represents **7 Million European hunters**



FACE MISSION

- To defend and promote sustainable hunting at European and international levels, avoiding unjustified restrictions on that activity
- In practice, most of FACE work is EU-related



THE IMPORTANCE OF THE EU

EU

- 85% of legislation affecting all Europeans is decided at EU level.
- Brussels has the largest press corps in the world
- Complex legislative process, with three key institutions:
European Commission, European Parliament and EU Council
- Over 15,000 lobbyists trying to influence legislation

FACE

- Monitors and provides early warning to its Members
- Informs and advises both its Members and European decision-makers
- Addresses 70+ technical dossiers (wildlife conservation, game meat, firearms, etc)



CURRENT EU RULES ON CIVILIAN FIREARMS

Regulation 258/2012 implementing Article 10 of UN Protocol against illicit trafficking in firearms

- Relevant for temporary export of firearms to countries outside of the EU
- Only requirements for hunters and sport-shooters:
 - national permit or European firearms pass
 - invitation or other proof of hunting or sport shooting activities in destination



CURRENT EU RULES ON CIVILIAN FIREARMS

Commission Regulation 185/2010 laying down implementing rules on civil aviation security

Firearms and ammunition:

- Prohibited in aircraft's cabin
- May be allowed in aircraft's baggage hold



CURRENT EU RULES ON CIVILIAN FIREARMS

Directive 91/477, amended by Directive 2008/51, on control of acquisition and possession of weapons

- Usually known as “Firearms Directive”
- Constitutes main EU legal instrument on civilian firearms (except collector’s firearms and antiques)
- Lays down minimum rules on firearms control
- Lays down common rules for movement of firearms within the EU
- Acknowledges legitimacy of hunting and sport shooting activities and their regulation at national level



CURRENT EU RULES ON CIVILIAN FIREARMS

Firearms Directive:

Minimum rules for firearms control at national level

- Member States can introduce stricter rules
- Requirements for acquisition and possession:
 - Having good cause (sport-shooting, hunting, etc)
 - Being 18 years of age, except for hunting and sport-shooting under certain conditions
 - Not likely to be a danger to oneself, public order or public safety



CURRENT EU RULES ON CIVILIAN FIREARMS

Cornerstone of Firearms Directive :
classification in four categories

Category A:

- mainly fully-automatic firearms
- in principle, prohibited



CURRENT EU RULES ON CIVILIAN FIREARMS

Category B:

- mainly handguns and most semiautomatic rifles and shotguns
- subject to authorisation / licence



Categories C and D:

- mainly non-semiautomatic rifles and shotguns
- subject to declaration / registration



CURRENT EU RULES ON CIVILIAN FIREARMS

Firearms Directive: common rules for movement of firearms within the EU

- Specific procedures for manufacturers and dealers
- Hunters and sport-shooters mainly use **European firearms pass** accompanied by invitation or other proof of hunting or sport-shooting activities in destination



CURRENT EU RULES ON CIVILIAN FIREARMS

General assessment by FACE

Current EU rules are:

- overall satisfactory
- respect different national sensibilities
- do not impose unjustified restrictions on legal users
- do not pose problems of public security



ONGOING DEVELOPMENTS

Main actors

- European Commission:
 - Directorate-General for Enterprise and Industry (DG ENTR) and Commissioner Tajani – responsible for Firearms Directive (legal activities)
 - Directorate-General for Home Affairs (DG HOME) and Commissioner Malmström – responsible for illicit trafficking in firearms
- European Parliament and EU Council – limited role for the moment



ONGOING DEVELOPMENTS

Initiatives by DG HOME and Commissioner Malmström

- Malmström's statements: *“Legally owned weapons in the EU continue to feed the illegal market”*
- Proposal for the ratification by the EU of the UN Firearms Protocol – intended as a pretext to present by end of 2013 Communication on *“how to limit the threat of firearms to the EU's internal security”*.



ONGOING DEVELOPMENTS

- Public consultation “*on a common approach to reducing the harm caused by criminal use of firearms in the EU*” – biased questions aimed at obtaining legitimacy from public opinion to tighten firearms rules

PLEASE PARTICIPATE!

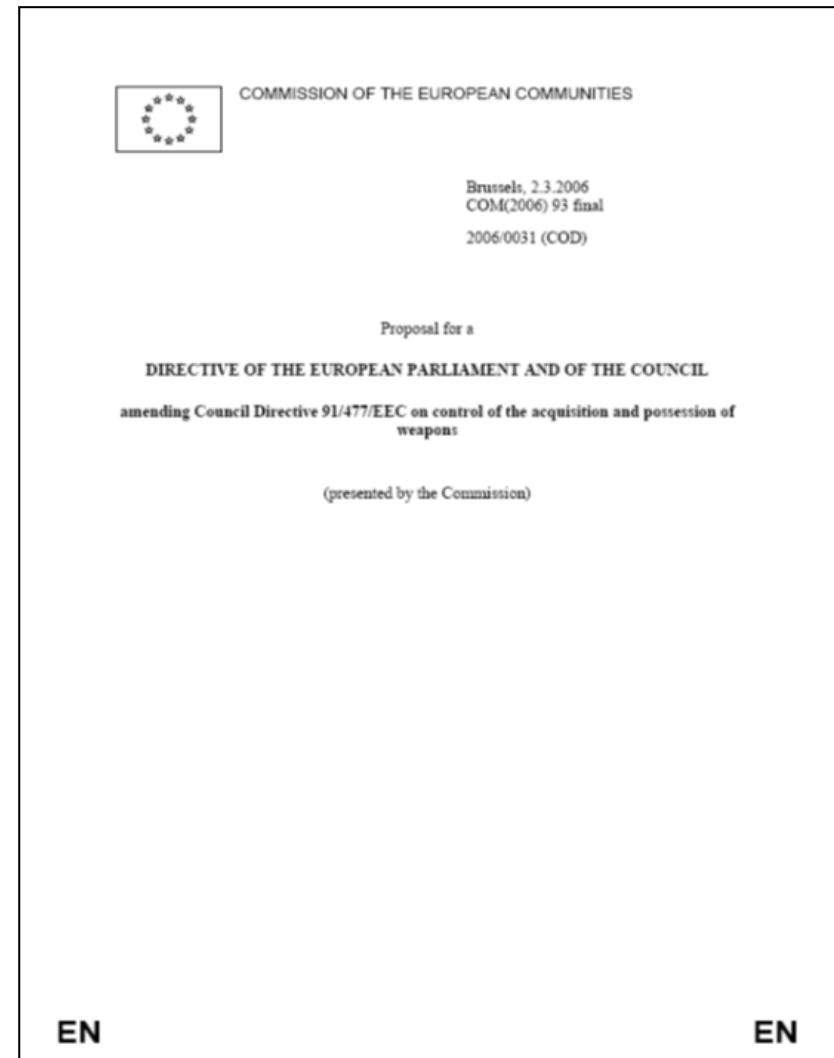
- Setting up of EU Firearms Expert Group – steered by DG HOME and dominated by law enforcement
- Adoption of Arms Trade Treaty (ATT) by UN – another vague pretext for tightening firearms rules?



ONGOING DEVELOPMENTS

Ultimate objective:

Re-opening of
Firearms Directive to
render it much more
restrictive



ONGOING DEVELOPMENTS

Alleged justifications

- (Unsubstantiated) Link between legal firearms ownership and illicit trafficking in firearms, for instance:
 - Burglaries, due to lack of common standards for home storage of firearms
 - Re-activation of deactivated firearms
- Problem of “public perception”



ONGOING DEVELOPMENTS

Examples of further restrictions (I)

- Extension of list of prohibited firearms (semiautomatic rifles? handguns?)
- Deletion of firearms categories C and D – all non-prohibited firearms to be under same regime
- Compulsory mental health tests
- Suppression or tightening of current derogation allowing minors (under-18) to hunt and sport-shoot



ONGOING DEVELOPMENTS

Examples of further restrictions (II)

- General requirement to store all firearms in approved safe
- Mandatory use of locking devices
- Other restrictions that would affect legal manufacturing of and trade in firearms



ONGOING DEVELOPMENTS

Prospects

- Commission obliged to submit by July 2015 report on application of Firearms Directive, “*accompanied, if appropriate, by proposals*”.
- DG ENTR to launch consultation in 2014
- DG HOME and Commissioner Malmström expected to interfere as much as possible in that process
- This Commission’s term to end in mid-2014 – new political situation?



ONGOING DEVELOPMENTS

Actions

- All firearms-stakeholders alerted and working together
- Constant monitoring of developments
- Encouragement of participation in public consultation
- Contacts with DG ENTR and DG HOME
- Contacts with supportive MEPs and (through FACE Members) national authorities
- Application to join Firearms Expert Group
- Preparation of mid- and long- strategy



ONGOING DEVELOPMENTS

Collaboration of sport shooters and hunters

- Share similar concerns and priorities
- Already work together in European Shooting Sports Forum
- Joint action (along with other stakeholders, like industry) essential to send strong message to EU institutions
- FACE can provide assistance to ESC



CONCLUSIONS

- Current EU rules are generally satisfactory
- Serious risks lie ahead – amendment of Firearms Directive could result in all kind of restrictions
- Concrete actions are collaboration among firearms-stakeholders is the only way forward

THANK YOU FOR YOUR ATTENTION

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