



# **Directive 91/477/EEC on control of the acquisition and possession of weapons, as amended by Directive 2008/51/EC – "Firearms Directive"**

**EU – Serbia screening exercise**

Brussels, July 2014

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# Objectives

- Define rules on the
  - **acquisition and possession of weapons**
  - **transfers of firearms to another EU Member State**
- Ensure balance between freedom of movement for some firearms and controlling this freedom using safety guarantees
  - **Provide more flexible rules for hunting and target shooting (European firearms pass)**
  - **Prescribe measures enforcing the security aspect of the directive (marking of firearms and establishing a computerized record keeping system)**
- Allow Member States to adopt in their legislation provisions which are more stringent than those provided for in the Directive (Article 3)

# Key provisions: Firearms categories

- Annex I of the Directive classifies firearms primarily in terms of their degree of danger:
  - **Category A – Prohibited firearms**
  - **Category B – Firearms subject to authorization**
  - **Category C – Firearms subject to declaration**
  - **Category D – Other firearms**
- COM(2012) 415 on possible advantages and disadvantages of reducing the classification to two categories of firearms
- The Directive only applies to weapons for civilian use

## Key provisions: Acquisition criteria

The acquisition and possession of a firearm may be permitted when a person

- Has a 'good cause' for the acquisition or possession
- Is at least 18 years of age (exceptions with regard to firearms for hunting and target shooting)
- Is not likely to be a danger to themselves and to public order or safety

# Key provisions: Security aspect

- Marking of firearms
- Checking the private and professional integrity of the dealer
- Establishing a computerized record keeping systems for firearms

# Key provisions: Hunting and Target Shooting

- More flexible rules in respect of hunting and target shooting in order to avoid impeding the free movement of persons more than is necessary
- European firearms pass, issued by the authorities of an EU country to a person lawfully entering into possession of and using a firearm

# Challenges

- Illicit trafficking and manufacturing - COM(2013) 716 on firearms and the internal security of the EU
  - **Safeguarding the licit market**
  - **Preventing the diversion of firearms into criminal hands**
  - **Improving cross border cooperation**
- Diverse national legislation and approaches as a result of different security concerns of MS (e.g. marking)
- Need for harmonised approach to deactivation of firearms
- Replicas and alarm weapons: Need for clearer definitions and criteria?
- New technologies, new developments: e.g. 3D printing, the sale of firearms through internet



## Next steps

- The Commission will present a report on the application of this directive by 28 July 2015
- The report will present a picture of the current situation and could, if appropriate, be accompanied by proposals to amend the Directive

## More information and contacts

Website:

[http://ec.europa.eu/enterprise/sectors/defence/legislation/firearms/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/defence/legislation/firearms/index_en.htm)