EU FIREARMS LEGISLATION: CURRENT SITUATION AND ONGOING DEVELOPMENTS

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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

PLEASSE 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
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”
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
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 kinds of restrictions

• Concrete actions are collaboration among firearms-stakeholders is the only way forward
THANK YOU
FOR YOUR ATTENTION

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