

# **Report on European Commission public consultation on EU firearms policy**

## **1. Introduction**

A public consultation entitled 'A common approach to reducing the harm caused by criminal use of firearms in the EU' was open from 25 March to 17 June 2013. Its aim was to gather views of citizens and organisations on the possibility of more action on EU level in the area of firearms controls. A total number of 85 673 responses were received. This document summarises the common themes which emerged.

A full statistical breakdown of responses for each question is at Annex 1.

## **2. Respondents**

In the introductory part of the consultation, participants were asked to indicate their country of origin. The two most represented Member States were France with 35% and the United Kingdom (19%). Responses from each of the other Member States represented 6% of the total or less. The vast majority of responses (95.6%) were from individual citizens, with 4% were from private organisations and 0.3 % from members of public authorities. Hunting and target shooting associations were well mobilised to participate in the survey: for example 2600 French respondents openly declared themselves to be either a representative or member of such an organisation.

Concerning substance, a total of 22 questions were asked on four main issues: (a) Role of the EU, (b) Legal production, possession and sale, (c) Storage, deactivation and destruction, (d) Working with third countries, police cooperation, statistics and reporting. At the end of each set of questions, respondents were able to make comments in a free text box. Most of these comments concerned the roles of the EU (20 963) and legislation (17 028). The section on storage and deactivation prompted 11 131 comments and relations with third countries and police cooperation 10 051.

Overall, respondents were opposed to the suggestion of further action on EU level in this area. For instance, 92% of respondent opposed extending the list of prohibited firearms, as defined in Annex I Part II of Directive 91/477/EEC. Some responses were overall more mixed: on the question of how frequently each Member State should report on its progress in tackling firearms trafficking, 50% responded "never", 29% "regularly" and 17% "occasionally"; on the question of developing police training for tackling firearms trafficking, 44 supported such a development either "to a large extent" or "to some extent", while 54% opposed it.

## **3. Summary of the Comments**

### **a) EU Role**

Responses *against* more EU action on firearms largely involved either citizens (hunters and target shooters) or their associations, i.e. private organisations. There was criticism of

unnecessary "micro-management" on EU level as well as references to specific hunting traditions, particularly from respondents in France and Finland. These respondents linked the danger of terrorist attacks to larger weapons of war and not to firearms.

Citizens from Germany as well as a Finnish organisation endorsing *more* EU action pointed out that free movement of goods and people should lead to common rules for firearms while also remarking positively on the EU's measures in the area of police cooperation, and specifically mentioning the role of Europol.

Czech and French citizens emphasised the EU's role in fighting the trafficking of firearms, since illegally imported arms were seen as the major assets for terrorists and organised crime groups. These citizens also referred to the EU's means for assisting the economies of countries vulnerable to the illicit firearms trade.

## **b) Legal production, possession and sale**

Participants who *contested* the need for stricter legislation and / or further harmonisation were mainly private citizens or hunters' and target shooters' organisations from France, Finland and Sweden who emphasised the distinction between the legal and the illegal possession of firearms. These respondents considered that where legislative action is taken, it should only address the illegal possession of and trafficking in firearms. In this regard, French and German citizens asserted that most illegally possessed firearms used in crimes did not originate in the EU as most arms produced in the EU were exported to other parts of the world. Larger guns, such as the Kalashnikovs, were often cited as a much greater threat in supplying the needs of organised crime.

Rather than legislation on EU and national levels, there was an emphasis on the need for better implementation of existing laws. Concerning harmonisation in criminal matters, some respondents questioned whether there was a legal basis for EU action. Furthermore, German citizens remarked that stricter standards on storage, rather than voluntary agreements, would constitute a disproportionate interference with owners' fundamental rights. British, German and Czech citizens believed that greater controls on firearms had such a drastic impact on fundamental rights that they should be decided upon only by national parliaments which, it was contended, enjoyed more legitimacy than the EU.

Comments *in favour* of further EU legislation included many detailed suggestions.

Spanish and French public authorities, Irish and Spanish private organisations as well as Greek citizens recommended the introduction of a strict harmonised regime governing the possession of arms, including rules on regular medical and mental health examinations, criminal records checks in particular regarding previous history of violence and of alcohol abuse whilst carrying a firearm, the need for training courses on the secure use of a firearm and minimum age for possession. It was suggested by several Irish citizens that European legislation should cover the possession and sale of arms in a more comprehensive way.

Individual suggestions from Romanian, French and British citizens included arguments in favour of EU legislation introducing mandatory registration of firearms along with the collection of samples of fired bullets and used shells by gun owners, in order to facilitate forensic investigation. There was also a call for a common European database on firearms, in the words of one respondent "with all the ballistic patterns of firearms, both legal and illegal (found during investigations)". This database could be used to search for common patterns and trends. A Portuguese public authority suggested that such a database should also contain data concerning the owner of the gun, e.g. his or her DNA and home address which should be updated continuously. Also concerning harmonisation, a German public authority recommended the introduction of common European standards on the labelling of firearms.

A Belgian public authority, Belgian and Italian organisations as well as French, British and German citizens expressed strong criticisms against the sale over the internet of both firearms and ammunition. They proposed either a complete ban or that any such items purchased over the internet must be delivered to a secure location, such as local authority building, where the purchaser would be required to present proper identification in order to collect the items. Concerning ammunition, a member of the Spanish Guardia Civil called for further restrictions on the purchase of ammunition, and several British citizens criticised varying controls under national law on the purchase of rifle bullets as opposed to shotgun cartridges. French public authorities and British citizens expressed their concern that prison sentences for illegal firearms possession were too short. This view was shared by a member of the Czech police who requested a harmonisation of criminal sanctions in this area. In his opinion, harsher criminalisation would facilitate crime prevention and investigation under the Czech Code of Criminal Procedure.

Slovakian, German and British citizens and a member of the Czech police proposed a general amnesty for all illegal owners of firearms for those willing to sell their weapons anonymously to the public authorities with prices set legal market rates. Such amnesties it was claimed had been implemented successfully in the Czech Republic and Germany. Other individual responses included a French organisation representing the victims of hunting accidents which called for legislative action concerning mandatory safety distances between residential areas and hunting areas. A British organisation proposed inserting a chip or electronic tag into each firearm to enable tracking. Several citizens from Sweden proposed an amendment to the existing legislation to include crossbows and air weapons within the scope of the definition of a firearm in Art. 1 (1) of Directive 91/477/EEC.

Specific suggestions were made by French, British and German citizens who were either target shooters, collectors or members of re-enactment societies. These included a re-evaluation of the rules on licensing to avoid categorisation by calibre but rather to take into account other technical characteristics such as barrel sizes and shooting ranges. Easier access was proposed to the European Firearms Pass for collectors and re-enactors of historic battles who travelled regularly across Member States' borders for these activities. These respondents claimed that historical weapons were unlikely to be used in crimes or terrorist attacks.

### **c) Storage, deactivation and destruction**

A number of German and Italian organisations, a German public authority and a number of citizens from Greece were *in favour* of regulating storage on a European level and made various proposals including a requirement for storage in safes at the residences of the firearm owners to mandatory central firearms storage facilities managed or supervised by the police and financed by storage fees, with each loan from the facility being recorded according to its intended use (target shooting, hunting etc.).

Italian, Belgian public authorities and Romanian organisations shared the view that arms should be deactivated irreversibly and by the same manner all over the EU, while a Belgian public authority stated that this should be executed by a single entity per Member State which is fully and exclusively tasked with doing so. A Romanian organisation stressed the need for complete destruction of the essential parts of a firearm, pointing out that in national law this is not even the same for different types of firearms. A French organisation argued against complete destruction on the basis that deactivated guns remained valuable to their owners.

### **d) Working with third countries, police cooperation, statistics and reporting**

Citizens and organisations from France, the United Kingdom, Ireland, Sweden, the Czech Republic, Italy and Finland were in favour of increased border control cooperation especially on the EU's eastern border, with frequent references made to the risks of trafficking from and through ex-Soviet countries and conflict areas in the former Yugoslavia.

Belgian and Italian public authorities called for the EU to take stronger action on both legal and illegal arms: EU authorities should be competent to regulate arms export and import permits and be responsible for monitoring and controlling the EU's external borders most vulnerable to firearms trafficking. Spanish public authorities and German citizens supported the joint preparation and execution of investigations by different police authorities in order to build valuable networks for information exchange. They also suggested police training on legislation and administrative procedures in other Member States.

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