

COMMUNICATION

**from the European Affairs Committee of the Federal Council
to the European Parliament, the Council and the European Commission**

pursuant to Article 23 f (4) of the Austrian Constitutional Law

11 May 2016

COM (2015) 750 final

**Proposal for a Directive of the European Parliament and of the Council amending
Council Directive 91/477/EEC on control of the acquisition and possession of weapons**

Soon after the tragic terrorist attacks in Paris in November 2015, the Commission tabled a package of measures intended to combat illicit firearms trafficking. The package of measures proposed provides, inter alia, for a revision of the Firearms Directive, the objective being to ensure a more effective control of the acquisition and possession of weapons. Moreover, minimum standards for the deactivation of firearms are to be prescribed by way of an EU Regulation and weapons trade online is to be restricted. A plan of action is to be elaborated in order to curtail illicit firearms trafficking.

The plan of action addresses a number of important measures that are supported by Austria. Any measure suited to prevent terrorist attacks without disproportionately interfering with fundamental rights is explicitly welcomed. The Austrian Federal Council emphasizes that the fights against illicit arms trafficking must continue to be given top priority, as restrictions of firearms trade in the legal market alone are not effective in combatting terrorism. Good cooperation and seamless exchange of information on illicit trafficking in firearms between the Member States are essential and urgently needed. However, the Austrian Federal Council rejects measures that categorically put persons who lawfully own weapons for hunting, traditional shooting or target shooting under general suspicion.

Austria's law on firearms is very strict already and there is absolutely no need for the adoption of even stricter rules. However, the Federal Council welcomes the fact that through the proposed amendment European legislation is to be aligned with the Austrian standard.

The Federal Council does not question the fact that access to firearms must be subject to special restrictions. Austria's current rules governing the trade, possession and use of

firearms are exemplary by European standards and serve to exclude the unlawful use of weapons of any type to the greatest possible extent. The Federal Council therefore holds the opinion that the legislative measures currently being discussed at European level have not yet reached the stage of full maturity for decision-making and suggests that further talks be held, above all in order to weigh the expected security gains in Europe against the additional bureaucratic burden. The European Affairs Committee of the Federal Council would welcome a draft directive that aligns the provisions of European law to the Austrian standard with a view to achieving the desired security gains for Europe as a whole.

The European Affairs Committee of the Federal Council therefore calls upon the European Commission, the Council and the European Parliament to thoroughly examine whether the measures proposed for the prevention and combatting of terrorism and crime are necessary and appropriate, or if other and/or less severe means can achieve a comparable result without disproportionately restricting the exercise of the aforementioned activities and, in addition, without causing an extremely high administrative burden.