



## EUROPEAN COMMISSION

*Brussels, 28.07.2016  
C(2016) 4891 final*

*Mr Josef Saller  
President of the Bundesrat  
Dr Karl Renner-Ring 3  
A – 1017 WIEN*

*Dear President,*

*The Commission would like to thank the Bundesrat for its Opinion on the proposal for a Directive amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons {COM(2015) 750 final}.*

*The objective for revising the Council Directive 91/477/EEC on control of the acquisition and possession of weapons ('Firearms Directive')<sup>1</sup> is to update the existing legislation on the possession and acquisition of legal firearms in order to improve security for EU citizens, especially in light of recent terror attacks, although the question of security is not limited to terrorism. Updating the existing legislation includes measures such as banning certain dangerous assault weapons, including highly powerful automatic and semi-automatic firearms.*

*The proposal is based on the conclusions of three studies that the Commission recently conducted to support the evaluation of the Firearms Directive<sup>2</sup>. In this context, stakeholders and Member States authorities were consulted, including hunters and sport shooters' associations.*

*As highlighted by the conclusions of the above-mentioned studies, it is estimated that over the last decade 10 000 homicides were committed in Europe with firearms, including legally-owned firearms. In certain Member States, a majority of homicides were even committed with legally owned firearms. Additionally, there are nearly half a million firearms in circulation within the EU which have been registered as lost or stolen from the mid-90s up to 2014 which could be used by criminal organisations.*

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<sup>1</sup> OJ L 256, 13.9.1991, pp. 51-58.

<sup>2</sup> <http://docplayer.net/1238312-Study-to-support-an-impact-assessment-on-a-possible-initiative-related-to-improving-rules-on-deactivation-destruction-and-marking-procedures-of.html>

<http://ec.europa.eu/DocsRoom/documents/8385/attachments/4/translations/en/renditions/native>

[http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/general/docs/dg\\_home\\_-\\_illicit\\_firearms\\_trafficking\\_final\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/general/docs/dg_home_-_illicit_firearms_trafficking_final_en.pdf)

*The studies also highlight the risk of conversion of alarm weapons and the fact that certain semi-automatic firearms are particularly dangerous and can easily be transformed into automatic firearms. Alarm weapons converted into real weapons were used in the Paris attacks of January 2015 and the risk created by certain semi-automatic firearms was also underscored by all Member States in the context of the European Council of 18 December 2015.*

*Against this background, the Commission notes that there are public security concerns which stem not only from the illegal trade of firearms but also from loopholes within the current Firearms Directive that urgently need to be addressed. The Commission considers that in light of these findings, the measures proposed by the Commission are proportionate and necessary.*

*The Commission welcomes the Bundesrat's broad support for the proposal, especially as regards measures aimed at improving the cooperation and exchange of information between Member States. However, the Commission also notes the Bundesrat's concerns as regards the need to take into account the interests of persons who lawfully own weapons and to avoid unnecessary administrative burdens.*

*The Commission duly notes that millions of EU citizens own and use firearms for hunting, sport shooting or collection without necessarily creating any security problems. The proposal therefore aims to strike a balance between the legitimate interests of such groups and the security of the EU citizens in general.*

*As regards the possession and trafficking of illegal firearms, the Commission shares the Bundesrat's view that the proposed measures on the possession and acquisition of weapons by civilians alone cannot possibly address today's security challenges in a comprehensive manner. For this reason, the Commission announced on 2 December 2015 an action plan against the illegal trafficking of weapons and explosives<sup>3</sup>.*

*The discussions on the legislative proposal are currently ongoing in the European Parliament and also in the Council in which your government is represented. The Commission hopes that an agreement can be reached which strikes the right balance between the different interests involved.*

*The Commission hopes that these clarifications address the issues raised by the Bundesrat and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Elżbieta Bienkowska  
Member of the Commission*

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<sup>3</sup> COM(2015) 624 final; [http://europa.eu/rapid/press-release MEMO-15-6219\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-6219_en.htm)