

Italian Senate

17TH PARLIAMENTARY TERM

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RESOLUTION OF THE FIRST STANDING COMMITTEE

**Constitutional Affairs, Prime Minister's Office and Home Affairs, General Legal System of
the State and the Civil Service**

Rapporteur RUSSO) adopted at the session held on 12 January 2016 ON THE

**PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND
COUNCIL AMENDING DIRECTIVE 91/477/EEC ON CONTROL OF THE
ACQUISITION AND POSSESSION
OF WEAPONS (COM (2015) 750 final)**

within the meaning of Article 144(1) and (6) of the Regulation

Sent to the Prime Minister's Office on 15 January 2014

C O N T E N T S

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Opinion of the 14th Select Committee

The Committee,

having examined, within the meaning of Article 144(1)and (6) of the Regulation, the proposal for a directive of the European Parliament and Council amending Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons,

issues a favourable opinion,

noting that national law remains fragmented in this regard and that therefore, to achieve the desired result of the Directive, it will be necessary to adapt national law in a combined approach taking care to define a transition stage that safeguards the use of certain categories of weapons (in particular the B7 semi-automatic for civilian use) by hunters, sportspersons and collectors.

OPINION OF THE 14TH SELECT COMMITTEE
(EU POLICIES)

(Rapporteur: GINETTI)

13 January 2016

The Committee, having examined the Act,

whereas the proposal for a directive is intended to reinforce the rules in force concerning access to firearms and trade in them, in order to increase public security, in view of the increase of terrorism in Europe and the link between organised crime and terrorism, in particular with regard to the acquisition of firearms (including through the acquisition on the internet of weapon parts for assembly) as shown by the attacks in Paris and Copenhagen (January and February 2015) and the attempted attack on the Thalys train (August 2015) and the recent attacks of 12 November in Paris;

it being recalled that the acquisition, possession, importation and exportation of firearms for civilian use are subject to general EU law set out in Council Directive 91/477/EEC of 18 June 1991 as amended by Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 including the provisions of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;

taking account of the report by the European Commission to the Council and the European Parliament of 18 November 2015, Refit evaluation of Council Directive 91/477/EEC of 18 June 1991, as amended by Directive 2008/51/EC of 21 May 2008, on control of the acquisition and possession of weapons (COM(2015) 751), setting out the results of an evaluation study called for in the said Directive 91/477/EEC and the subsequent recommendations, also deriving from evaluations following the terrorist attacks in 2015;

taking account of the European Agenda on Security and, in particular, the EU Action Plan against illicit trafficking in and use of firearms and explosives of 2 December 2015 (COM(2015) 624) laying down guidelines for limiting access to illegal firearms and explosives, reinforcing co-operation in controlling movements

of firearms, improving the collection and sharing of operational information through the optimal use of existing tools and intensifying co-operation with third countries;

taking account of Commission Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, in view of the fact that the most recent attacks were actually carried out with weapons that had been deactivated, in a non-irreversible way, acquired in Europe and then reconditioned;

in view of the fact that the main innovations contained in the proposal for a directive are, in particular, an absolute ban on the possession by private individuals of semi-automatic weapons resembling automatic firearms, because they are easily convertible into automatic weapons; prohibition on the acquisition and possession of category A weapons (military weapons), even if deactivated; extension of national registers to also include deactivated weapons with the obligation to keep a record of them until certified destruction of the weapon; common rules on the marking of weapons, to increase traceability; stricter rules concerning the deactivation and *online* acquisition of firearms; limiting authorisation for the acquisition and possession of weapons by making it subject to a *standard* medical examination and restricting validity to no more than five years; extension of legislation to also include collections and museums and alarm and signal weapons, weapons of salute and acoustic weapons; greater exchange of information between Member States;

having assessed the report submitted by the Government within the meaning of Article 6(4) of Act No 234 of 2012;

hereby issues a favourable opinion within its area of competence, with the following comments:

the legal basis has been correctly identified as Article 114 of the Treaty on the Functioning of the European Union on the approximation of the laws, regulations and administrative provisions in Member States which have as their object the establishment and functioning of the internal market;

the proposal respects the principle of subsidiarity, in that the threats of organised crime and terrorism are inherently transnational by nature, as are problems relating to the possession and circulation of the weapons covered by the proposal for a directive;

the proposal also respects the principle of proportionality, in that the provisions it introduces do not go beyond what is necessary to achieve the objective of ensuring the security of European citizens, without imposing needless restrictions on the single market;

regarding the transfer from category B to category A of semi-automatic weapons similar to automatic weapons, note is taken of the need for transitional provisions in view of the situation of unlawfulness all the current holders, producers, importers and dealers would find themselves in and the need to provide for ways of disposing of unsold stocks;

a similar consideration applies to the prohibition on the possession and acquisition of deactivated weapons belonging to category A, in that it is necessary to provide for ways of disposing of unsold stocks of such weapons;

whereas the strategic objective of the proposal for a directive, to reinforce the current European legal framework intended to combat illegal trafficking in weapons and parts thereof has become even more necessary and urgent following the occurrence of the tragic acts of terrorism that threaten the internal safety of the European Union, it is regarded as appropriate to consider the possibility, within the limits set by the Treaties, of adopting the legislation in the form of a Regulation rather than a Directive, in order to ensure immediate applicability.

EUR 1.00