



## EUROPEAN COMMISSION

*Brussels, 19.04.2016  
C(2016) 2208 final*

*Mr Stanisław Karczewski  
Marshal of the Senat  
Ul. Wiejska 6  
PL – 00-902 WARSAW*

*Dear President,*

*The Commission would like to thank the Senat for its Opinion on the Commission 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 {COM(2015) 750 final} and has taken note of the concerns expressed therein.*

*The Commission considers that the proposals are proportionate and justified given the need to safeguard public security. The Commission's proposal aims to prevent crimes involving legally held firearms and to save human lives by closing certain loopholes in the existing legislation. At the same time, it seeks to strike a balance between the legitimate interests of hunters or sports shooters and the security of EU citizens whilst respecting the principles of subsidiarity and proportionality as enshrined in the Treaty on European Union.*

*The Commission would like to reassure the Senat that the Commission's proposal was based on a thorough assessment of a wide body of evidence including three very robust studies evaluating all provisions of the firearms Directive that the Commission has recently conducted<sup>1</sup>.*

*On the basis of these studies, the Commission presented a report on the implementation of the Directive to the European Parliament and the Council on 18 November 2015 together with proposed measures to the firearms Directive to address the shortcomings identified.*

*This report notably indicates that over the last decade 10,000 homicides have been committed in Europe with firearms. In certain Member States, a majority of homicides have been committed with legal firearms. Moreover, there are nearly half a million firearms inside the European Union which have been registered as lost or stolen from the mid-1990s to 2014, and which remain unaccounted for. The report also highlights the risk of conversion of alarm weapons and the fact that certain semi-automatic firearms are particularly dangerous and can be transformed into automatic firearms.*

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<sup>1</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?locale=en>  
[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 risk created by certain semi-automatic firearms has also been highlighted by all Member States in the context of the European Council of 18 December 2015.*

*Consequently, the question of security linked to firearms cannot be limited to terrorist attacks, even if this aspect is of particular importance. The Commission has to take into account the fact that serious crimes are committed with legal semi-automatic firearms.*

*On the other hand, the Commission proposal also takes into account the fact that many European Union citizens own and use firearms for hunting, sport shooting or collecting without necessarily creating any security problems.*

*The Commission notes the Senat's contention that the proposal does not take into account the specificities of individual Member States and their national rules which are, in certain cases, more stringent than those proposed by the Commission. In regard to this particular point, the Commission would like to underline that Article 3 of the existing firearms Directive, which allows Member States to introduce more stringent measures, remains untouched by the proposal.*

*The points made above are based on the initial proposal presented by the Commission which is currently the subject of deliberations as part of the legislative process involving both the European Parliament and the Council in which your government is represented.*

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

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Elzbieta Bienkowska  
Member of the Commission*