



EUROPEAN COMMISSION

Brussels, 28.07.2016

C(2016) 4884 final

Mr Florin Iordache

President of the Camera Deputaților

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Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion and general support to the Commission's proposal to amend the Directive on control of the acquisition and possession of weapons {COM(2015) 750 final} (hereinafter "the Firearms Directive").

As acknowledged by the Camera Deputaților, the objective of the proposal is to improve internal security in Europe notably in the light of recent terrorist attacks. In that regard the Commission would however like to stress that the question of security is not limited to terrorism alone; the proposal is the result of preparatory work based on the conclusions of three recent studies conducted by the Commission, evaluating the provisions of the Firearms Directive¹ and involving extensive consultations with relevant stakeholders and Member States' authorities. These studies identified gaps in the current legislation as also confirmed by the conclusions of the national police authorities in the framework of the investigations of the January and November 2015 Paris attacks.

On 18 November 2015, the Commission presented a report to the European Parliament and the Council on the implementation of the Directive drawn up on the basis of these studies together with the proposed changes to the Firearms Directive addressing the identified gaps. The report notably indicates that over the last decade, 10 000 homicides have been committed in Europe with firearms. In some Member States, a majority of homicides have been committed with legal firearms. Moreover, from the mid-90s up to 2014, nearly half a million firearms inside the EU have been registered as lost or stolen. 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.

¹ Links to the studies:

1. <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>
2. <http://ec.europa.eu/DocsRoom/documents/8385?locale=en>
3. [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 the Member States in the context of the European Council of 18 December 2015. As confirmed by the French police authorities automatic weapons were used at the Paris attacks of November 2015 in semi-automatic mode (due to the fact that bullets are not expended as quickly as with automatic firearms). Consequently, the proposal includes types of firearms that were used in the January 2015 Paris attacks and that are currently outside the scope of the Firearms Directive (acoustic weapons converted into real firearms).

Additionally, the Commission considers that the suggestion to ban certain categories of semi-automatic firearms across the EU would help resolving the problem identified by the Romanian Ministry of Interior and highlighted by the Camera Deputaților, notably the possibility that weapons for which some Member States do not require authorisation may end up in Member States that do, as it is the situation today.

The Commission appreciates the Camera Deputaților's support of the proposal to ban certain categories of firearms for civilian use and understands its concerns with regard to the possibility for Member States to reserve the right to grant exceptions for reasons linked to national defence policies. With regard to reservists, it is essential to clarify that the proposed measures do not aim at abolishing the right of reservists and of Member States to allow civilians to possess or own firearms under certain conditions. The Commission will work to ensure that when discussing the proposal with Member States and the European Parliament a solution is found to preserve the possibility for reservists to train adequately.

The Commission notes the Camera Deputaților's concern about the lack of comprehensive statistical data and of specific and detailed data on criminal offences committed with legally owned firearms, converted alarm weapons and reactivated firearms in Member States. The Commission would like to highlight that one of aim of the proposal is precisely to improve the traceability of weapons which are not covered by the current Directive, more particularly alarm/acoustic and other blank-firing weapons as well as deactivated weapons, so as to ensure that information is withheld by national authorities on these weapons and they do not end in the illegal trafficking chain. Furthermore, the proposal aims at creating an information exchange platform between Member States.

As concerns collectors, these are currently outside the scope of the Directive - unlike other firearms users like hunters or sport shooters - and they are not covered by all traceability requirements stemming from the Firearms Directive. The Commission considers that this is unjustified and creates security concerns. Against this background, it is difficult to collect data as regards links with criminal activity and collectors simply because they are not bound by traceability requirements. The proposal aims at remedying this gap.

At the same time, the Commission takes into account the fact that several million EU citizens own and use firearms for hunting, sport shooting or collection without causing any security concerns. The proposal therefore aims at striking a fair balance between the legitimate interests of hunters or sports shooters and the security of EU citizens whilst respecting the subsidiarity principle as enshrined in the Treaty.

The Commission would like to reassure the Camera Deputaților that it will take into consideration its views regarding the national defence, integrity of brokers and dealers, "good cause" criteria for authorisation, internet sales and correct implementation of the recently adopted deactivation Regulation during the discussions with the Council and the European Parliament.

Finally, the Commission would like to stress that the proposed measures alone on possession and acquisition of weapons by civilians cannot address today's security challenges in a comprehensive manner, especially as regards illegal trafficking and reinforcing external controls. To this effect, the Commission also announced on 2 December an action plan against the illegal trafficking of weapons and explosives².

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

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Elżbieta Bienkowska
Member of the Commission*

² [http://europa.eu/rapid/press-release MEMO-15-6219_en.htm](http://europa.eu/rapid/press-release_MEMO-15-6219_en.htm)