

ANNEX 2**Reasoned opinion of the Swedish Parliament**

Report 2015/16:JuU26 by the Committee on Justice contains an assessment of the application of the principle of subsidiarity in the Commission's 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). In the light of this assessment, the Swedish Parliament takes the view that, overall, the Directive complies with the principle of subsidiarity, while at the same time several parts of it do not.

We support a review of the Weapons Directive and believe it is important for Member States' control of dangerous types of weapon to be strengthened. Above all, this control should target those weapons that experience has shown are the most likely to be used in a terrorist attack or other serious crime, while at the same time the rules must not be unnecessarily burdensome or restrictive for individual licence holders or for voluntary defence organisations.

The security issues covered by the Weapons Directive are cross-border in nature, and we share the Commission's view that the question cannot be resolved individually by each Member State. Action at EU level is required to guarantee a high level of security and regulate the movement of firearms across borders.

However, we are also of the opinion that there are shortcomings in the Commission's assessment of the proposal's compatibility with the principle of subsidiarity. In spite of the fact that the aims of the proposed Directive cannot be achieved to a sufficient degree by the Member States and that, because of the scale and effects of the measures, it could be implemented more successfully at Union level, it is doubtful whether this all needs regulation in such detail and covering all the issues proposed by the Commission. The effectiveness of some of the proposed measures is also questionable. For example, it is unclear to what extent the proposals on licences with a limited period of validity and on mandatory medical tests in conjunction with applying for a licence — a measure which is burdensome for both the authorities and the individual — contribute to increasing security for EU citizens. This also applies to the proposal for museum weapons to be covered by the Directive. We consider it highly unlikely that such weapons would be used for the purposes the proposal is intended to counteract. The proposal to limit trade in weapons between private individuals also appears far too restrictive. In our view, the justification provided by the Commission with regard to the issue of subsidiarity should be more detailed and contain a clear line of reasoning as to how the conclusion has been drawn that the various proposed measures are compatible with the principle of subsidiarity.

In places, the proposal is also vague and incomplete, which makes it harder to assess the question of subsidiarity. For instance, it is unclear what is meant by 'firearms which *resemble* weapons with automatic mechanisms' and which should thus be moved to another category, and also how extensive the required standard medical tests will be.

Against this background, we wish to stress that it is vital in further work on the Directive for careful consideration to be given as regards the compatibility of the various parts of the proposal with the principle of subsidiarity.

In conclusion, our view is that, overall, the Directive complies with the principle of subsidiarity, while at the same time several parts of it do not. primarily concerns the rules on licences with a limited period of validity and the mandatory medical tests in conjunction with applying for a licence. In our opinion, these measures go beyond what is necessary to achieve the aim pursued. We believe that these aims can be achieved just as well by giving Member States greater scope within the framework of the Directive to determine themselves the measures that need to be taken.