

## Firearms directive: Commission proposals very poorly drafted

Written by Vicky Ford on 11 July 2016 in Opinion  
Opinion

It is right that we close the current loopholes in EU firearms legislation, but the Commission's proposal has been very poorly drafted, writes Vicky Ford.



Vicky Ford | *Photo credit: European Parliament audiovisual*

---

There has been European legislation on firearms since 1991. After the Paris attacks, it became clear there were loopholes in the law, especially regarding "acoustic weapons". These had been converted from a live firearm and sold as a "blank-firing" firearm.

In many European countries, these do not require the owner to have any authorisation licence or permit. Some of the guns used in the Charlie Hebdo attacks were easily reconverted back into their original state, with similar firearms have been found smuggled into the UK.

It is right that we close these loopholes. However, the first draft of the Commission's text was poorly worded and would have had unintended or unnecessary consequences for many different legal owners. Therefore, there is unprecedented interest in this file and MEPs have tabled over 850 amendments.

---

## RELATED CONTENT

- [Stephen A. Petroni: EU Parliament should reject firearms directive](#) [1]
  - [Robert Iswaszkiewicz: Firearms proposals will penalise law-abiding citizens](#) [2]
  - [Gun lobby says revision of firearms directive is 'futile'](#) [3]
  - [Parliament slams Commission's 'unworkable' gun law proposals](#) [4]
- 

In the proposed compromises, there are clearer rules on blank firers. If they have been converted from a live fi rearm, they will continue to be treated as they were before the conversion i.e. depending on the category of the firearm.

Under current EU legislation, people can own many category A "prohibited" firearms, provided they have been deactivated; these are often used by military re-enactors. However, a firearm should only be considered as deactivated if the process is truly irreversible.

Last November, the Commission and Council proposed a new European regulation on deactivation. However, there are many technical issues with poor or inconsistent drafting, which is causing significant implementation issues in many member states and real problems for legal owners.

Amendments have been tabled to ensure that the deactivation regulation is reworded to take these issues into account. Where member states had standards that achieved permanent deactivation, those standards should be recognised as equivalent to the EU regulation.

The Commission proposal suggested substantial changes to the list of category A firearms that are prohibited for the general public, including a ban on any fi rearm which "resembles" an automatic firearm.

This raised considerable concern as similar language has been used in certain member states in the past and is legally challenging to implement.

The Council has instead suggested restrictions on firearms capable of firing more than a fixed number of rounds and on magazine capacity, with member states able to give exemptions for those involved in sports shooting. Each of these items will be put to a separate vote by MEPs.

The Commission's proposal has created uncertainty for national defence, particularly in countries such as Finland, with significant numbers of volunteer reservists. I have proposed amendments and compromises to address this.

Parliament's internal market and consumer protection committee heard from many experts and stakeholders. We were told how important it is for proof houses, ballistics experts, film makers and manufactures and other such organisations to be able to hold category A firearms under strict conditions. The committee's amendments will give member states the responsibility of granting exemptions.

Under the current directive, museums and collectors are excluded from the scope. The Commission proposal removes this exemption and places restrictive constraints on museums which would, inter alia, prohibit them from adding new items to collections.

This has been strongly opposed by MEPs. The committee will vote on whether to once again exempt these organisations from scope or to give member states the ability to grant specific exemptions. This is subject to measures being in place to ensure no risks to public order.

The Commission's proposal also suggested new restrictions on distance sales and mandatory medical tests for those applying for firearms permits. The internal market committee text modifies this so to permit online sales but final transfer must take place face-to-face or be verifiable.

The new text also says member states will not need to have a one-size-fits-all approach to medical tests but can apply their own systems.

One benefit of the revisions to the directive will be increases sharing of information between law enforcement authorities, for example on whether an individual has been refused authorisation to hold firearms in the past. This data exchange could happen via single points of contact or via interoperable systems, while continuing to respect data protection and data security.

Several members of the Parliament's internal market committee have tabled different amendments and alternative approaches. It is not clear where the majority views lie on many different issues. Therefore, the voting list is structured to allow MEPs to vote on the different approaches.

This will give the Parliament negotiators a clearer mandate in trilogue discussions.

## About the author

Vicky Ford (ECR, UK) is Parliament's rapporteur on the control of the acquisition and possession of weapons

## Tags

[European Commission](#) [5]

[Internal Market](#) [6]

## Categories

[Defence and Security](#) [7]

[Society and welfare](#) [8]



**THE PARLIAMENT**   
POLITICS, POLICY AND PEOPLE **MAGAZINE**

The

Parliament Magazine is a Dods Group plc title

## Site Sections

- [Home](#)
- [Content](#)

- [Policy](#)
- [Magazines](#)
- [PM+](#)
- [Thought Leader](#)
- [Climate Crisis](#)
- [Editorial Calendar](#)
- [Policy Events](#)
- [Event Coverage](#)
- [MEP Awards 2020](#)
- [Contact Us](#)

## **Services**

[Dods PeopleDods](#)  
[MonitoringDods](#)  
[ResearchDods](#)  
[EventsDods](#)  
[Training](#)

## **Media & publishing titles**

[Politics HomeThe](#)  
[HouseThe](#)  
[Parliament](#)  
[MagazineHolyrood](#)  
[Total PoliticsPublic](#)  
[Affairs NewsCivil](#)  
[Service](#)  
[World](#)  
[PublicTechnology](#)  
[Training](#)  
[JournalDods](#)  
[Parliamentary](#)  
[CompanionVacher's](#)  
[Quarterly The](#)  
[European Union and](#)  
[Public Affairs](#)  
[Directory](#)

## **Dods events**

[Westminster](#)  
[BriefingDigital](#)  
[Health & Care](#)  
[ScotlandMEP](#)  
[AwardsThe Skills](#)  
[SummitScottish](#)  
[Public Service](#)  
[AwardsPublic Sector](#)  
[Procurement](#)  
[SummitPublic](#)

[Sector ICT](#)  
[SummitCyber](#)  
[Security](#)  
[SummitCyber](#)  
[Security](#)  
[2017Training](#)  
[Journal Awards](#)

### **Partnership events**

[The Health and  
Care Innovation  
ExpoCivil Service](#)  
[LiveCivil Service](#)  
[AwardsChief](#)  
[Nursing Officer for  
England's](#)  
[SummitWomen into  
LeadershipThe](#)  
[Youth Justice](#)  
[ConventionSocitm](#)  
[Spring](#)  
[ConferenceNHSCC](#)  
[Annual Members'](#)  
[EventDods at Party](#)  
[Conference](#)

---

[Privacy Policy](#)[Terms & Conditions](#)[Advertising](#)[Sponsorship](#) [Subscriptions](#)

---

**Source URL:** <https://www.theparliamentmagazine.eu/articles/opinion/firearms-directive-commission-proposals--ery-poorly-drafted>

### **Links**

- [1] [https://www.theparliamentmagazine.eu/articles/partner\\_article/firearms-united/eu-parliament-should-re-ect-firearms-directive](https://www.theparliamentmagazine.eu/articles/partner_article/firearms-united/eu-parliament-should-re-ect-firearms-directive)
- [2] <https://www.theparliamentmagazine.eu/articles/opinion/firearms-proposals-will-penalise-law-abiding-citizens>
- [3] <https://www.theparliamentmagazine.eu/articles/news/gun-lobby-says-revision-firearms-directive-futile>
- [4] <https://www.theparliamentmagazine.eu/articles/news/parliament-slams-commissions-unworkable-gu->

-law-proposals

[5] <https://www.theparliamentmagazine.eu/tags/european-commission>

[6] <https://www.theparliamentmagazine.eu/tags/internal-market>

[7] <https://www.theparliamentmagazine.eu/categories/defence-and-security>

[8] <https://www.theparliamentmagazine.eu/categories/society-and-welfare>