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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**Evaluation of Council Directive 91/477/EC of 18 June 1991, as amended by Directive  
2008/51/EC of 21 May 2008, on control of the acquisition and possession of weapons**

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## 1. Introduction

(1) Council Directive 91/477/EEC on control of the acquisition and possession of weapons was adopted on 18 June 1991<sup>1</sup> and amended by Directive 2008/51/EC on 21 May 2008<sup>2</sup> (The Firearms Directive).

(2) Article 17 of the Firearms Directive provides that "the Commission shall, by 28 July 2015, submit a report to the European Parliament and the Council on the situation resulting from the application of the Directive, accompanied, if appropriate, by proposals". In view of preparing the report, the Commission launched an evaluation study carried out by external consultants. The evaluation study, concluded in December 2014<sup>3</sup>, contains an extensive analysis on the Directive's implementation as well as an analysis of the performance of the legislation according to five key evaluation criteria. It also provides, on the basis of the findings, specific recommendations for improvements directed either to the Commission, or to Member States authorities, or to both. This evaluation has been linked to the Regulatory Fitness and Performance (REFIT) Programme of the Commission<sup>4</sup>.

(3) Upon conclusion of the evaluation study, the Commission asked to the members of the Committee established under Article 13(a) of the Directive (Firearms Committee), representing the 28 EU Member States (MS) and the four EEA<sup>5</sup> and EFTA<sup>6</sup> countries<sup>7</sup>, to comment and provide an assessment of its findings and recommendations. The committee members provided their feedback orally at the committee meetings (on 18 December 2014 and 25 March 2015), complemented in writing by some MS (Belgium, France, Sweden, and the United Kingdom).

(4) The final report of the evaluation study was delivered just before the dramatic event of Paris and Copenhagen took place in January 2015. These developments have highlighted the existence of pressing security issues at EU level. At the Firearms Committee meeting held in March 2015, the Commission invited Member States representative not only to comment on the evaluation's conclusions but also to raise other possible concerns on the implementation of the Firearms Directive linked to the recent dramatic events that would not have been identified by the consultant.

(5) The aim of this report is to describe the findings of the evaluation study, complement them with feedback received so far and present the critical assessment of the Commission. The

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<sup>1</sup> OJ L 256, 13.9.1991, p.51

<sup>2</sup> OJ L 179, 8.7.2008, p. 5

<sup>3</sup> <http://bookshop.europa.eu/en/evaluation-of-the-firearms-directive-pbNB0514159/>;

<http://bookshop.europa.eu/en/evaluation-of-the-firearms-directive-pbNB0114006/>

<sup>4</sup> COM(2013)685 final

<sup>5</sup> European Economic Area

<sup>6</sup> European Free Trade Association

<sup>7</sup> Iceland, Liechtenstein, Norway and Switzerland

report firstly recalls the background and the main provisions of the Firearms Directive. It presents the methodology, the results of the evaluation study in relation to five evaluation criteria (i.e. effectiveness, efficiency, consistency, relevance, EU added value), and its recommendations. It provides as well a critical assessment of the findings. Finally, it indicates which initiatives the Commission might consider to undertake to tackle issues highlighted by the evaluation and confirmed by Member States feedback.

## **2. Background**

(6) The Firearms Directive regulates the acquisition, possession, and the commercial exchange within the EU of civil firearms (e.g. firearms used for sport shooting and hunting). It sets common minimum standards, which Member States have to transpose in their national weapon laws, and aims at balancing internal market objectives (i.e. cross border movement of firearms) and security policy objectives (i.e. high level of security and protection against criminal acts and illicit trafficking) within the EU.

(7) Directive 91/477/EEC originally constituted an accompanying measure for the completion of the internal market. The abolition of controls on the possession of weapons at intra-Community frontiers made it necessary to adopt effective rules enabling controls to be carried out within the Member States. To this end the Directive contains rules on the acquisition and possession of firearms and on the transfers of the firearms between Member States. The Directive leaves the possibility to Member States to adopt more stringent rules than those prescribed (Article 3).

(8) The Commission submitted to the European Parliament and Council a first report in 2000 assessing the implementation of Directive 91/477/EEC in Member States<sup>8</sup>. This report stated that Member States and interested parties deemed that the legal framework created by the Directive was sufficient as a whole. However, key problems related to the national implementation of the Directive were identified such as: difficulties with the exchange of information; disparity and complexity of national legislations, administrative measures and authorisation procedures; differences in the classification of hunting and sporting firearms and administrative burdens for SME. This showed the need for clarification of certain provisions (e.g. defining certain types of weapons, namely deactivated and antique weapons) to ensure a more uniform application of the Directive.

(9) This report was submitted while the Commission was negotiating on behalf of the EU Member States the United Nations Protocol against the illicit manufacturing on firearms<sup>9</sup> (UNFP) in the context of the United Nations Convention on transnational organised crime. The protocol was going to prescribe new rules concerning in particular traceability (i.e. marking and record keeping) and deactivation of firearms. Therefore, the report concluded

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<sup>8</sup> Report from the Commission to the European Parliament and the Council on "The implementation of Council Directive 91/477/EEC, of 18 June 1991, on control of the acquisition and possession of weapons", COM (2000) 837 final. Brussels, 15.12.2000.

<sup>9</sup> 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 Organised Crime.

that the Commission, taken into account the state of the negotiations of the UNFP and the feedback of all interested parties on the Directive, intended to present appropriate amending proposals.

(10) Following the entering into force of the UNFP in 2005<sup>10</sup>, Directive 91/477/EC was amended by Directive 2008/51/EC to strengthen the security aspects, allowing a partial alignment with the UNFP itself. The Firearms Directive is part of a set of initiatives taken at international and EU level for the implementation of the UNFP. The relevant provisions have been transposed into European legislation by Regulation No. 258/2012<sup>11</sup> that establishes rules for authorised export, import and transit for non-military firearms coming from or directed to third countries<sup>12</sup>.

(11) The principles guiding the action of the European Commission to manage and reduce the risks posed by civilian firearms were embedded in an overall strategy - Communication “Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking”<sup>13</sup>-, launched in October 2013,. This Communication proposes measures to increase the level of security of EU citizens in relation to firearms and to safeguard their licit market. In addition, the upcoming initiatives related to firearms have been outlined in the recently issued Commission Communication “The European Agenda for Security”<sup>14</sup> which underlines the need for a common approach on the de-activation of firearms to prevent reactivation and use by criminals, to be treated as a priority. The Communication also called for a review of the existing legislation on firearms in 2016 to improve the sharing of information (e.g. by uploading information on seized firearms in Europol’s information system), to reinforce traceability, to standardise marking, and to establish common standards for neutralising firearms. Following the tragic events of 13 November 2015 in Paris, the Commission decided to advance the review of the Firearms Directive which would be adopted together with this report. This report provides evidence supporting these actions.

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<sup>10</sup> The UNFP was ratified by the Commission in 2014. Council Decision of 11 February 2014 on the conclusion, on behalf of the European Union, of the Protocol against the illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime (2014/164/EU). OJ 89, 23.3.2014, p.7.

<sup>11</sup> Regulation No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations’ Protocol against the illicit manufacturing of an trafficking in firearms, their parts and components and ammunition, supplementing the UN Convention against Transnational Organised crime (UNFP) and establishing export authorisation, an import and transit measures for firearms, their parts and components and ammunition.

<sup>12</sup> The main contribution of the Regulation is the principle that civilian firearms transfer between MS is conditional on the knowledge and authorisation of all countries involved and that their origin should be known.

<sup>13</sup> COM(2013) 716 final, Communication from the Commission to the Council and the European Parliament, Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking.

<sup>14</sup> COM(2015) 185 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Agenda on Security.

### 3. Main provisions of the Firearms Directive

(12) The two main objectives of the Firearms Directive are to ensure the proper functioning of the internal market and to ensure a high level of security in the EU. It provides in particular minimum requirements<sup>15</sup> for the acquisition and possession of firearms for civil use in the EU and harmonised administrative measures for the transfer of firearms within the EU.

(13) The scope of the Directive is described in its Annex I, where the categories of firearms corresponding to different regimes of applications are described as follows:

- “Category A, consisting of prohibited firearms – fully automatic weapons and military weapons”;
- “Category B, including firearms subject to authorisation – used mostly by marksmen and hunters”;
- “Category C, covering firearms subject to declaration – essentially firearms used by hunters”;
- “Category D, for other firearms – which mainly applies to single-shot long firearms with smooth-bore barrels”.

(14) The main provisions of the Firearms Directive refer to:

- **Marking and traceability (Article 4):** Member States shall ensure that any firearm or its part placed on the market has been marked and registered. For this purpose, MS shall require either a unique marking or maintain any alternative marking with a number or alphanumeric code allowing the identification of the country of manufacture. The marking shall be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable. The amended Directive also includes provisions for the introduction of national computerised data-filing systems in order to strengthen traceability of firearms. These systems will register key information on all circulating firearms in MS and had to be in place in all MS by 31 December 2014.
- **Requirements for the acquisition and possession of firearms (Article 5):** MS shall allow the acquisition and possession of firearms only by persons who have good cause and who:
  - o are at least 18 years of age, except in relation to the acquisition, other than through purchase, and possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licenced or otherwise approved training centre;

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<sup>15</sup> In accordance with Article 3 of the Firearms Directive: "Member States may adopt in their legislation provisions which are more stringent than those provided for in this Directive".

- are not likely to be a danger to themselves, to public order or to public safety. Having been convicted of a violent intentional crime shall be considered as indicative of such danger.
- **European Firearms Pass (EFP) (Article 12):** the Directive has introduced more flexible rules in respect of weapons used for hunting and sport shooting in order not to hinder their movement across MS. With the introduction of the EFP, hunters with firearms of category C and D and marksmen with firearms of category B, C and D can travel to another MS without prior authorisation by the MS of destination. The EFP should be regarded as the main document needed by hunters and marksmen and MS should not make acceptance of an EFP conditional upon the payment of any fee or charge.
- **Deactivation (Annex I, section III):** the Firearms Directive establishes minimum restrictions and includes the obligation for MS to make arrangements for the deactivation measures to be verified by a competent authority. This authority shall ensure that the national procedures for deactivation of firearms render the weapons permanently deactivated. As requested by the co-legislators at the time of the amendment, Annex I - Part III point (a) states that 'the Commission shall issue common guidelines on deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable'. Until the common guidelines on deactivation are adopted, MS are free to adopt the most suitable procedures in this regard.

(15) Finally, Article 17 of the Firearms Directive prescribes that the Commission submit a report, by 28 July 2015, on the situation resulting from the application of the Directive. In line with the Directive's provision, in 2014 the Commission has launched a 12-month study to evaluate how of the Firearms Directive and successive amendment have been implemented and in how far this legal framework has met the two general objectives of ensuring the correct functioning of the internal market and achieving a high level of security within the EU.

#### **4. Methodology of the evaluation**

(16) The one-year evaluation study has been carried out with the aim to analyse the achievements of the Directive's objectives (well-functioning of the internal market and high level of security) along the line of five evaluation criteria:

- Effectiveness: in terms of the extent to which provisions have contributed to the achievement of the objectives;
- Efficiency: of procedures and obligations introduced by the Directive, namely if results (benefits) have been achieved at reasonable costs;
- Consistency: of the implementation of the Directive's provisions, of the interpretation of key terms and an overall coherence of the Directive with other relevant legislation;

- Relevance: of the Directive's provisions with respect to existing needs for the functioning of the internal market and the EU's citizens security;
- Added value: of EU intervention as opposed to national legislation and actions.

(17) The evaluation covered all the Directive's provisions in all EU 28 Member States from 1991 to date. In addition the evaluators were asked to take into account previous studies and Commission initiatives<sup>16</sup> as well as two studies that were being concluded at the same time, on deactivation, destruction and marking procedures<sup>17</sup> and on combatting illicit arms trafficking in the EU<sup>18</sup>.

(18) The analysis was carried out through desk research, an online survey, interviews and four case studies<sup>19</sup> (conducted in four MS: Belgium, France, Germany, and Poland). The evaluators contacted: MS authorities; representatives of firearms producers, dealers and brokers; firearms users including hunters and marksmen; international bodies, associations, research institutes and other experts. The online survey was completed by 83 stakeholders (34 MS authorities, 28 industry representatives, 16 users, 5 experts), the interviews were carried out with 56 stakeholders (23 MS authorities, 16 industry, 9 users, 8 experts), and 30 stakeholders were interviewed for the case studies (12 MS authorities, 8 industry, 8 users, 2 experts).

(19) Since the first months of the study, the evaluators flagged the lack of key data relating to both market and security aspects. Regarding the market aspect, available statistics at national and EU level usually did not distinguish civilian from military firearms (therefore making it difficult to isolate data on civilian firearms). Even when this was possible, data were not always available at Member States level for all countries (due to confidentiality), thus not allowing tracing trends of production over time. , Finally the main company operating in the sector did not provide large access to information. Concerning security, the main issue was the absence of disaggregated data on the types/categories of firearms circulating in the EU, and/or illegally used and trafficked, as well as the lack of comparable and detailed data on trends in criminal offences and activities involving civilian firearms at EU level. Another

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<sup>16</sup> Including: COM (2012)415 – Possible advantages and disadvantages of reducing the classification to two categories of firearms (prohibited or authorised) with a view to improving the functioning of the internal market for the products in question through simplification; COM (2010)4040 – The placing on the market of replica firearms.

<sup>17</sup> Study to support an Impact Assessment on a possible initiative related to improving rules on deactivation, destruction and marking procedures of firearms in the EU, as well as alarm weapons and replicas (<http://www.sipri.org/research/security/europe/publications/study-on-firearms> )

<sup>18</sup> Study to support an Impact Assessment on options for combatting illicit arms trafficking in the EU

<sup>19</sup> The criteria to select the MS for the case studies were: i) the size of the firearms market; ii) security issues experienced by MS; iii) firearms as a share of the population; iv) number of stolen or lost firearms recorded.



limitation related to the limited available for data quantifying administrative burden and cost in the implementation of specific provision.

## **5. Findings**

### **5.1 Evaluation criteria**

#### *5.1.1 Effectiveness*

(20) The Directive has positively contributed to the establishment of a well-functioning internal market for firearms, which is one of its objectives. However, the contractor concluded that its potential contribution could be further improved. Firstly, the introduction of categories and related regulatory regimes allowed preventing potential market distortions linked to the abolition of internal controls thereby creating an internal market. Since 2005<sup>20</sup> the intra-EU trade remained pretty much stable. However, the different interpretations of the Directives provisions have limited the magnitude of the expected benefits of EU intervention. Stakeholders (industry and users) raised a number of concerns related to specific obstacles and burdens on procedures, especially as they have to bear information costs to understand rules and procedures implemented in the other MS (in particular with reference to the EFP). Even if the Commission has established a contact group since 2009<sup>21</sup> to ease the exchange of information, stakeholders interviewed continue to flag the need to further improve the communication of useful information between MS.

(21) In relation to the "security" objective (i.e. protection of citizens and of the legal firearms market), the level of security and protection against illicit traffic of firearms and criminal acts has been increased by introducing:

- Tracing requirements for MS authorities (i.e. computerised registry) and for dealers (register of all firearms transaction) – Article 4.
- Marking requirements for manufacturers (even if some concerns were raised in relation to cases of erased marking) – Article 4(4).
- Minimum requirements for the acquisition and possession of firearms - Article 5.

However, room for improvement is seen in connection with reported cases of conversion of alarm weapons, reactivation of deactivated firearms, illegal trade in firearms parts and the interpretation of "essential components".

(22) Due to the lack of comprehensive data, it has been difficult for the evaluator to assess the effectiveness of the Directive in connection to the security objectives. In particular, the analysis was hampered by the lack of an information base including specific and detailed data on criminal offences committed with legally owned firearms, converted alarm weapons and reactivated firearms in EU MS.

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<sup>20</sup> The time frame 2005-2013 is used as a reference as the EU had already 25 MS.

<sup>21</sup> The establishment of the contact group is envisaged by Article 13(3) of the Firearms Directive.

### **5.1.2 Efficiency**

(23) The evaluation has identified the costs related to the activities needed to implement each provision of the Directive (direct compliance costs – including administrative burdens - and information costs<sup>22</sup>) and mapped the stakeholders bearing them. The assessment did not include costs due to the implementation of additional requirements as well as costs brought by national implementation differences.

(24) In order to assess if the Directive's objectives were reached at a reasonable cost, in the absence of any quantitative data on costs, the contractor qualitatively assess whether costs related to specific provisions were considered reasonable according to stakeholders assessment. This qualitative assessment was performed using three criteria: objectives served, stakeholders' participation, and nature of the cost. From the analysis it seems that the overall results have been achieved at a reasonable cost. Most of the times, costs are fairly shared among different stakeholders. The partial harmonisation of the Directive results in indirect costs with negative effects in relation to specific provisions (and specific stakeholders categories), such as: EFP, categories, register of dealers and brokers, information sharing, firearms ownership requirements, deactivation, traceability, marking.

(25) According to various industry representatives (producers and national associations), administrative burden is mainly linked to national and bureaucratic inefficiencies rather than to the Directive's provisions. Examples are: sometimes long time to issue import and export licences for transfers within the EU; security requirements introduced at national level (e.g. compulsory inspection of alarm systems charged to dealers). Industry representatives confirmed that these administrative burdens could slow down market movements.

(26) The contractor concluded that the overall results of the Directive itself have been achieved at reasonable costs. Administrative burden and costs perceived by stakeholders are more linked to the administrative procedures implementing the Directive at the national level and a reduction of these costs would be seen as an improvement

### **5.1.3 Consistency**

(27) The adoption of a directive setting out minimum requirements led to certain differences in its application at MS level that impacting either the internal market or the security objectives.

Concerning differences with an impact on the internal market, the evaluation highlighted:

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<sup>22</sup> Direct compliance costs mean all the procedures needed to adopt the Directive at national level. Administrative burdens are costs imposed on business and users, when complying with information obligation stemming from government regulation as well as costs for MS authorities to implement additional procedures. Information costs are due to differences in the Directive's implementation which may oblige MS, producers and users to get informed about requirement in force abroad.

- Discrepancies in the application of categories , in particular with categories C and D creating confusion in the document required when buying a firearm in different countries, impeding the firearms movement across Europe and generating costs
- Differences in the application of provisions related to the EFP, such as the number of documents required. This has a negative impact as it hampers the smooth transfer of firearms;

Implementation inconsistencies with an impact on security of EU citizens are:

- Differences in marking standards as they limit the ability to trace firearms or to fight illicit trafficking;
- Differences in deactivation techniques and standards as well as in the designation of the authority carrying them out. Such differences cause concerns as not only the authority or actor in charge of the deactivation might not have the necessary technical skills but also because the standards in some MS are not considered sufficient;
- Differences in categorisation of weapons in national legislation cause problems in traceability and law enforcement. This is the case in particular when an object considered as a firearm in one MS is transferred to a MS where it is not considered as a firearm anymore and hence the authorities lose trace of it.
- Differences in the interpretation of key terms included in the Directive (essential components, brokers, alarms weapons and antique weapons)

On the other hand, it came out that there are no issues related to ownership requirements and the Directive has helped in harmonising them.

(28) Concerning the consistency of the Firearms Directive with existing EU legislation, the study concluded that the main problems relate to the UNFP. The 2008 amendment has only partially aligned the terminology of the Directive to the UNFP. In fact, the Directive introduced a distinction between essential parts and components that is not mirrored in the United Nations' text which refers to "parts and components". Additionally the UNFP<sup>23</sup> gives the possibility to a State Party to recognise a deactivated firearm as a firearm in accordance with its domestic law and to take any necessary measures on this basis.

#### ***5.1.4 Relevance***

(29) The evaluation concluded that overall the firearms directive continues to be fully relevant to current market needs (i.e. the cross-border movement of firearms). Concerns raised by economic operators relate mainly to the different implementing measures and procedures that MS have adopted, that are a source of additional burden and costs that impact negatively on the cross border movement of firearms.

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<sup>23</sup> Article 19 of UNFP

(30) Concerning the security objectives (e.g. offences involving legally held firearms, theft or loss of originally legally held firearms, conversion of alarm weapons or deactivated firearms), the evaluators conclude that the Directive is relevant to most of the security risks. They have listed some activities to be considered for inclusion in the scope of the Directive or better described. These are: conversion of alarm weapons; conversion of semi-automatic weapons; reactivation of deactivated firearms; erasing of marking; illegal use of inherited arms. All the mentioned activities are cause of security concerns at MS level. Finally, the evaluators note that the future technological developments such as new technologies (including 3D printing) and new sales channels (e.g. internet)<sup>24</sup>, may challenge the scope of the Directive in the future. .

#### ***5.1.5 EU Added value***

(31) Firearms are items of a special nature. Most of the security issues that the Firearms Directive tries to tackle have a cross-border nature. Vulnerabilities of a single MS to criminal activity affect the EU as a whole (e.g. cases of conversion of alarm weapons). Differences in national legislation are an obstacle to controls and police cooperation across MS (e.g. different registration requirements for the same type of firearms). The study concluded that effective action to reach the objectives of ensuring a high level of security for EU citizens and allowing the cross-border movement of firearms can only be taken at EU level. The undeniable added value of the Firearms Directive lies in the establishment of a common regulatory framework for firearms regulation that would not have been achieved through national or bilateral interventions.

(32) The possibility to maintain high level of security and enhance the internal market has been possible thanks to the flexible nature of the Directive itself. The Directive sets out common minimum requirements while respecting the subsidiarity principle and leaving MS the opportunity to adopt more stringent rules according to their national needs and background. In addition, MS and EU citizens have been provided with the guarantee that the common security measures included in the Directive and concerning firearms produced and circulating across Europe are valid in all MS.

(33) The minimum threshold also contributes to the functioning of the internal market and to strengthen the licit firearms market. In terms of market the major expected contribution of EU intervention (establishment common categories) has been hampered by the different implementation at MS level. However, the effectiveness of the EFP is an example of the potential added value of EU intervention in terms of support to the cross-border movement of hunters and marksmen.

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<sup>24</sup> As concerns sales on internet and new technologies, the study, although it considered the current framework adequate to tackle such challenges, cast light on the increasing use of internet as a sales channel for firearms and the difficulties for controls for the future.

## 5.2 Recommendations

(34) Based on the findings of the evaluation, the contractor has formulated a set of recommendations divided between actions requiring a legislative intervention or not.

### - **Common criteria on convertibility of alarm weapons** *(Legislative)*

The evaluation highlighted the importance of clarifying the definition of convertibility and the criteria to define alarm weapons so as to create a common understanding of which types of alarm weapons can be converted and to restrict the circulation of those that proved to be convertible into operable firearms. **Underlying issues:** The conversion of originally blank firing weapons (alarm and signal weapons) to fire live ammunition emerged as a serious issue in a high number of Member States.

### - **Harmonising standards and rules on deactivation** *(Legislative)*

The evaluation recommended continuing the ongoing process of defining common guidelines on deactivation standards and techniques for firearms in line also with the provisions of the Directive which explicitly foresee the drafting of common deactivation guidelines by the Commission. The scope of the guidelines should be extended in order to address rules related to the requirements for the ownership, sale, or transfer of deactivated firearms. **Underlying issues:** The lack of common guidelines on deactivation standards and techniques is at the origin of the circulation of deactivated firearms with different levels of security that could be potentially reactivated. Besides technical standards for deactivation, an additional important aspect to take into account relates to the requirements for ownership, selling or transfer. In most MS, deactivated firearms are not considered firearms anymore. Thus they are erased from the official register making it impossible to trace them back to their original owner. Nonetheless, these items can be considered as a security concern and used for intimidation.

### - **Harmonising rules on marking** *(Legislative)*

- The evaluation recommended aligning the Directive's current definition of parts and components with the definition included in the UNFP, proposing the adoption of EU-wide standards for marking, and including in the Directive an obligation to mark all essential components at the time of manufacturing or import. **Underlying issues:** The failure of some Member States to treat essential components as firearms and the obligation of only marking "an essential component" generates differences creating difficulties for law enforcement authorities when tracing firearms in cross-border criminal offences. It also implies potential obstacles to the functioning of the Internal Market as marks may not be recognised in all Member States. A preliminary in-depth analysis of the firearms parts regulated and marked across MS should be performed and differences between the definition of "essential components" included in the Firearms Directive and "parts and components" regulated by the UNFP should be addressed at EU level to evaluate the need for changes of the definitions in the Directive.

- **Transparency and accessibility of national rules implementing the Directive (*Non legislative*)**

The evaluation recommended improving the accessibility at EU level of information collected at national level for all interested parties, especially in consideration of information costs that SMEs might be incurred (e.g. by creating a database collecting information on the existing legislation and requirements in the 28 Member States). **Underlying issues:** Differences in the implementation are the source of: slower intra-EU exchanges of firearms; information costs – especially for SMEs; burden resulting from the diversity of administrative procedures adopted.

- **Defining an agreed approach to the classification of hunting and sporting firearms and clarifying the rules of the EFP (*Non-legislative*)**

The evaluation recommended that rules related to EFP are further defined at EU level (such as number of additional documents requested by national authorities and number of firearms that can be included in the EFP). **Underlying issues:** different classification of firearms commonly used for these activities across MS (i.e. firearms commonly used for sport shooting may be forbidden in some MS), as well as to restrictive interpretations of some rules related to the EFP.

- **In-depth analysis on key issues (*Non legislative*)**

The evaluation recommended conducting in-depth analyses of specific aspects related to the Directive that were found problematic in the study: 1) further harmonisation of the firearms ownership requirements; 2) interpretation of the term broker; 3) assessment of rules applied to semi-automatic weapons and assessment of their level of danger (in relation to their convertibility into automatic weapons). **Underlying issues:** 1) Firearms ownership requirements: the evaluators noticed the progressive alignment of MS towards common and more detailed requirements than the ones indicated in the Directive; 2) Term broker: inconsistencies in the definition of the term might create risks. 3) Semi-automatic guns: a number of MS has highlighted the risks associated to the conversion of semi-automatic guns into automatic guns.

- **Strengthening the knowledge on new technologies (*Non-legislative*)**

The evaluation recommended further measures to facilitate knowledge sharing among MS regarding developments in the firearms market and trafficking (such as the online market for firearms, firearms parts and other weapons), and the impact of new technologies (3D printing) on control and tracing of weapons. **Underlying issues:** New technologies challenge the capacity of law enforcement authorities to trace and detect firearms or their components across MS and will probably trigger difficulties of tracing and controlling firearms transfers in the future.

- **Strengthening data collection (Non-legislative)**

The evaluation recommended strengthening data collection activities in order to create a sound information base on civilian firearms and related criminal offences to support future decision-making processes at EU level. **Underlying issues:** The lack of detailed and comprehensive data is one of the major obstacles preventing policy makers from designing evidence-based policies.

## **6. Critical assessment and feedback of the Firearms Committee**

(35) The evaluation study responded to the evaluation questions spelled out by the Commission and its analysis was based on a thorough analysis of the data collected. However, from a qualitative point of view, the data available through official statistics were not sufficient. There is a clear lack of data availability related to security issues (e.g. data on crimes not disaggregated per category of firearms, limited distinction between legal and illegal firearms used in crimes, limited data on the production of civil firearms per MS, etc.) as well as poor quality of data available in relation to the civilian firearms market structure (i.e. production, import and export of civilian firearms, employees and turnover of companies operating in the sector). Data on quantifying costs and administrative burden of the implementation of specific provisions are lacking.

(36) The evaluators mitigated the lack of aggregated data and statistics on civilian's firearms at EU level by contacting national sectorial organisation and gathering through interviews missing useful information. Information from different sources allowed them to cross check the quality and reliability of the information.

(37) To better form its opinion on the validity of the study's findings and recommendations the Commission invited the representatives of the Firearms Committee (composed by EU 28 Member State representatives and 4 EEA and EFTA countries) to comment on them. At the committee meeting of 18 December 2014, the committee members were presented with the study's results. On this occasion, Member States representatives concluded that overall the recommendations were valid. Following the dramatic events of January 2015, Member States expressed a more informative opinion on the evaluation's recommendations at a committee meeting held on 25 March 2015. Member States expressed their assessment of the urgency and validity of each recommendation. In addition some Member States (France, UK, Sweden and Belgium), complemented the feedback provided orally by writing comments.

(38) From the information collected by Member States, it can be concluded that:

- A large number of Member States agreed that high priority recommendations are: i) Common criteria on **convertibility of alarm weapons**, ii) Harmonising standards and rules on **deactivation**, iii) Harmonising rules on **marking**. According to the majority of Member States, these issues call for a revision of the Directive. A number of Member States underlined the need to push ahead with the ongoing work on the deactivation guidelines foreseen by the Directive.

- For most MS the following recommendations should be taken into account but should be considered as low/ medium priority: i) Transparency and accessibility of national rules implementing the Directive; ii) Strengthening the knowledge on new technologies; iii) Strengthening data collection.
- Concerning the recommendation on **interoperability** between the information systems created at national level, Member States views were not homogenous. A number of Member States believes that one of the most pressing issues is traceability of firearms. Therefore linking the national data-filing systems could help the police forces and national authorities to better share information. On the other hand, a number of Member States underlined that linking the systems could result in a long and not necessarily fruitful exercise due to IT/technical problems incompatibilities and, more importantly, due to privacy issues and exchange of personal data. Member States suggested to carefully balancing costs and administrative burden versus the potential benefit of interoperability. First step should be to analyse which kind information needs to be exchanged and then to assess how this could be done.
- On the recommendation to define an agreed approach to the classification of hunting and sporting firearms and clarify the rules of the European Firearms Pass (EFP), there was no common view amongst Member States. Some Member States stated that it would not be a problem to augment the number of weapons registered in the EFP, however the freedom to ask for additional documents should still be preserved. Other Member States believe that the lack of information available on EFP is an issue. In particular, a Member State highlighted the need to better inform hunters visiting other Member States about the use of the EFP. Only a few Member States suggested revising the Directive in order to harmonise the categories of firearms.
- Concerning the recommendation to investigate issues such as ownership requirements, definitions of brokers, and convertibility, again Member States had diverging views. A large number seemed to agree on the need of better defining the term of brokers, components and parts (and if needed to revise the Directive accordingly), and look into the issue of convertibility of semi-automatic weapons into automatic ones (and vice-versa). However, only few Member States underlined the need to revise current ownership requirements.
- A substantial number of Member States also felt that certain definitions (dealers, essential components of firearms, replicas) need clarification.

(39) On the basis of the evaluator's work and the feedback provided by Member States, the Commission agrees with the findings of this evaluation. It also considers that the recommendations are justified and valuable although some require more urgent actions than others. In addition, some recommendations (such as marking of all parts of firearms and interconnecting information registry) might have a significant impact in terms of costs also on manufacturers and dealers (in particular SMEs) and therefore further examination and



possibly feasibility studies (for interconnecting the information registries for example) may be envisaged .

## **7. The way ahead**

(40) The evaluation study showed that that the Firearms Directive has positively contributed to the functioning of the internal market supporting cross border movement of firearms and maintaining high levels of security, has EU added value and is relevant.

(41) However, some obstacles remain that could risk undermining its functioning. The evaluators and the discussion with MS have highlighted the following critical issues for further action: a) the issue of convertibility of blank firing weapons (such as alarm guns) into real firearms, b) the need to clarify requirements for the marking of firearms (allowing their traceability), c) the need for common and stringent guidelines for the deactivation of firearms, d) the need to clarify definitions e) the need to consider internet selling arrangements, f) the need to streamline and improve the national data-exchange systems and explore the possibilities for interoperability and g) the need to strengthen data collection activities related to civilian firearms and related criminal offences to support appropriately future decision-making processes at EU level.

(42) With the work on the common deactivation guidelines and standards already well on its way, the Commission decided to advance the review of the Directive taking into consideration the impact of the terrorist attacks on 15 November in Paris as well as previous attacks and shooting in Paris and Copenhagen and the incident in Thalys. The Commission therefore decided to accompany this report with a revision of the Directive on the basis of the evidence collected so far, considering Better Regulation aspects.

(43) In line with the Commission Communication "The European Agenda for Security"<sup>25</sup>, in answer to the EU minister's Riga Joint Statement<sup>26</sup> and to the Declaration from the Home Affairs Ministers of 29 August 2015, the proposal accompanying this report will aim to reinforce the existing legislative framework on firearms, to improve the sharing of information, to address trafficking and reactivation of weapons, to enhance standards for marking in view of better traceability, and, finally, it will consider how to address the issues related to convertibility of weapons or blank-firing weapons (i.e. alarm weapons).

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<sup>25</sup> COM(2015) 185 final.

<sup>26</sup> Riga Joint Statement following the informal meeting of Justice and Home Affairs Ministers in Riga on 29 and 30 January.