

Report: Impact Assessment on Firearms Directive

10.10.2016
Firearms United
Katja Triebel

Follow this and additional works at: <https://independent.academia.edu/KatjaTriebel>

Recommended Citation

Triebel, Katja (2016) "Impact Assessment" Report: Firearms in Europe, <http://tinyurl.com/FU-reports>

Impact Assessment

When Commission published in November 2015 its "*Proposal for amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons*" it wrote: "**Due to the urgency of the proposal in the light of recent events, it is submitted without an impact assessment.**"¹ European Parliament denied the urgency at the very beginning. Waiting eleven months for the missing impact assessment in vain, FIREARMS UNITED made its own **following Commission's four studies on firearms and gun crime and regarding Commission's "Guidelines on Impact Assessment" as best as possible.**²

Question 1: What is the problem and why is it a problem?

1. (i) Verify the existence of a problem

European Commission described the problem on 18th of November 2015:³

The **recent terrorist attacks** on Europe's people and values were coordinated across borders. We must work together to resist these threats. We are proposing stricter controls on sale and registration of firearms, and stronger rules to irrevocably deactivate weapons. We want to tackle the threat of **weapons falling into the hands of terrorists. Organised criminals accessing** and trading military grade firearms in Europe cannot and will not be tolerated.

1. (i) Identify who is affected

Terrorists, criminals, drivers of illicit trafficking (suppliers, distributors, criminals and terrorists), as well as all sources of illegal firearms.

1. (ii) Estimate the problem's scale and analyse its underlying causes and consequences

EC DG Home published in July 2014 a study with 204 pages on illicit trafficking of firearms. The following sections are copies of this final report.⁴

Illicit firearms' trafficking [n]ot only does it substantially contribute to firearms availability that increases lethality and insecurity from a wide variety of violent crimes, but also there can be particularly close **and organic links with organised criminal activities such as drug smuggling, money laundering and human trafficking, as well as with financial crimes and terrorism.** [T]here are clearly social consequences linked to the distress caused to vulnerable groups. (p. 35)

¹ <http://ec.europa.eu/DocsRoom/documents/13965/attachments/1/translations/en/renditions/native>

² http://ec.europa.eu/smart-regulation/guidelines/ug_chap3_en.htm

³ [Press Release EC IP-15-6110](#), 18.11.2015 and on [Facebook](#)

⁴ [Commented Summary](#) of the "[Study to Support an Impact Assessment on Options for Combating Illicit Firearms Trafficking in the European Union](#)" from July 2014

[H]olders of illicitly trafficked firearms are more likely to be at least irresponsible in relation to safe storage and legitimate use (thus raising risks of 'accidental' misuse) and typically are more likely to be linked with crime or violent disputes. **Thus, illicitly held and trafficked firearms contribute disproportionately to such societal costs from death and injury.** (p. 37)

It is estimated that illicit firearms trafficking has been directly responsible for at least 10,000 firearms-related deaths in EU Member States over the past decade. (p. 59)

[T]he market for firearms in the EU remains modest in size compared to other regions. Trafficking within the EU or for EU-based end-users occurs mainly through relatively small scale transactions (each individual transaction typically involving a few weapons); and the weapons trafficked are intended for either personal use or to meet specific orders. The data collected for the SOCTA 2013 do not indicate an increase in the trafficking of heavy firearms." (p.41)

1. (iii) Identify the EU-dimension and assess the likelihood that the problem will persist.

Drivers of illicit firearms trafficking:

- **End users are criminal or terrorist individuals and groups** that procure firearms illegally to use in the pursuit of their goals.
- **Traffickers** and other intermediaries are involved in the actual trafficking of firearms either for profit or some other reason.
- **Suppliers** are individuals and organisations that provide a source of illicit firearms (either intentionally or unintentionally) who are again likely to be motivated by financial considerations.

The main sources of illegal weapons **within the EU are the reactivation of neutralised weapons**, burglaries and thefts, embezzlement of legal arms, legal arms sold in the illegal market, firearms retired from service by army or police, and the conversion of gas pistols.

Most illicit firearms originate from cross-border trafficking, often as noted above from **outside the EU**. According to Europol, the amount of **heavy firearms** in the EU seems to satisfy much of the demand at present and **suppliers in south-eastern Europe have the capacity to meet any rise in demand** in the foreseeable future. (p. 147)

Without intervention illicit firearms trafficking may increase as demand by terrorist groups has already increased.

Question 2. Why should the EU act?

Minimum, EU-wide rules on illicit firearms trafficking would have the potential benefit of: reducing legal uncertainty produced by divergences between Member States' national laws on illicit arms trafficking offences for police and investigating authorities; facilitating prosecutions, where this is a result of deficient national legislation rather than a 'cultural' or practical reluctance to bring charges for illicit firearms trafficking offences; **ensuring that criminals are unable to exploit loopholes, and reducing incentives for criminals forum shop between EU jurisdictions.**

[R]esearch suggests that in addition to differences in the laws, practical issues such as **lack of resources, impediments to joint investigations by police authorities in different Member States** (for example lack of intelligence-sharing or use of special investigative techniques), conflicting policy priorities (for example with anti-terror legislation) and **lack of enforcement of existing laws also hinder cross-border efforts to combat illicit firearms trafficking.** (page 97)

(T)here are also cases where police and/or judicial cooperation has been made more difficult because of differences in legal frameworks in different countries. **There are also significant complications of tackling cross-border illicit firearms trafficking of a non-legal nature.** (p. 147)

As the drivers (suppliers, traffickers and end users) cross borders within and also the outer borders of the EU, only EU-wide minimum rules and cooperation of all Member States may be able to combat illicit firearms trafficking.

Question 3: What should be achieved?

The Reasons for and objectives of the proposal are explained on page 4 and 5 of the "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"⁵

During the informal European Council meeting of 12 February 2015, the Heads of State and Government requested that all competent **authorities increase the level of cooperation in the fight against illicit trafficking of firearms**, including through the swift review of relevant legislation, and a renewed dialogue with third countries on security issues, particularly in the Middle East and North Africa, and with the Western Balkans.

At the Justice and Home Affairs Council meeting of 12-13 March 2015, Ministers invited the Commission to **propose ways to combat the illicit trafficking of firearms** and, together with Europol, to enhance information exchange and operational cooperation.

⁵ http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_14422_2015_INIT&qid=1448757943077&from=EN

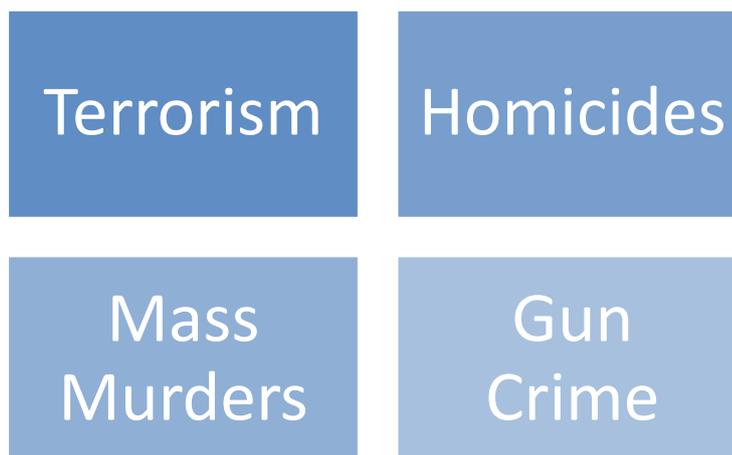
In response, the Commission adopted the European Agenda on Security to ensure an effective and coordinated response at European level to emerging and increasingly more complex security threats. While highlighting the challenges posed by illicit trafficking in firearms, the European Agenda on Security **highlighted the differences between national legislation as an obstacle to effective controls and police cooperation across the EU and called in particular for reviewing legislation on firearms with proposals in 2016 as a priority action. It also called for an urgent action on the deactivation of firearms to prevent their reactivation and use by criminals.** The Declaration of the Home Affairs Ministers Council of 29 August 2015 repeated the call for the revision of the Firearms Directive and for a common approach on the deactivation of firearms.

Finally, on 8 October 2015, the Council adopted conclusions on strengthening the use of means of **fighting trafficking of firearms**, inviting the Member States, the European Commission, Europol and Interpol to take measures including revising the current legislation, **and monitoring the threats posed by firearms through coordinated cross-border investigations and operations. This also covers the trafficking of firearms online.**

The European Parliament has also considered the issue of firearms trafficking on a number of occasions. On 11 February 2015, the European Parliament adopted a Resolution on anti-terrorism measures¹⁰ in which it calls "...on the Commission to evaluate as a matter of urgency the existing EU rules on the **movement of illegal firearms, explosive devices and arms trafficking linked to organised crime.**

[European Council, Commission and European Parliament want to combat illicit firearms trafficking to prevent firearms-related deaths within and outside of the EU.](#)

[All want to decrease:](#)



*For reasons of transparency and accountability, any EU policy intervention should have clear objectives. Objectives should be as S.M.A.R.T. as possible. **Providing general objectives is important to put the proposed initiative into the overall context of the Union's policies and to assess later if and how the initiative has contributed.** However, the IA Report should focus on the presentation of the more specific and operational objectives (for the preferred option) the proposed initiative aims to achieve. (EU Guideline for IA)*

3a: Prevent Terrorism

In 2004 Islamic extremists killed 192 people and injured around 2000 with stolen explosives. The Madrid bombings were the deadliest terrorist attack in the history of Spain and the worst attack in Europe since the 1988 Lockerbie bombing.

As reaction the EU decided a range of counter-terrorism actions, including the **TTE Track & Trace of Explosives**. This EU-identification directive forces every manufacturer, distributor and end user of civil explosives to document consistently their way through the whole supply chain. It came into force in 2013 for producers and in April 2015 for distributors and end users.⁶

The annual costs for this mandatory back tracing tool for legally manufactured explosives are estimated **at 40 million Euro** plus the implementation costs for software and hardware for every manufacturer and distributor.⁷ **This directive did not prevent November 2015 Paris attacks, 2016 Brussels bombing or 2016 Ansbach bombing as the terrorists used illicit explosives.**

EU wants now the same tool for chemical, biological, radiological or nuclear (CBRN) materials. European Parliamentary Research Service wrote in December 2015:⁸

Since the beginning of October, terrorist attacks in Ankara, the Sinai Peninsula, Beirut Paris and Tunis, for which ISIL/Da'esh has claimed responsibility, have cost the lives of 500 people. **The attackers' weapons of choice so far have been explosive devices, including car bombs and suicide belts, and automatic weapons.**

ISIL/Da'esh has vowed that future strikes will be more lethal and even more shocking. At present, European citizens are not seriously contemplating the possibility **that extremist groups might use chemical, biological, radiological or nuclear (CBRN) materials** during attacks in Europe. Under these circumstances, the impact of such an attack, should it occur, would be even more destabilising.

According to the 2014 Communication of the European Commission on a new EU approach to the detection and mitigation of CBRN-E risks, there **are ample opportunities for a determined terrorist outfit to access CBRN material**: Thefts and misplacements of CBRN material occur on hundreds of occasions each year; more than **150 cases of trafficking of radiological and nuclear materials** are reported annually.

There is no EU legislation specifically targeting or seeking to control chemical, biological, radiological and nuclear substances that could be used as ingredients of weapons of mass destruction. EU legislation has so far been restricted to controlling the use of chemicals as explosives precursors. (above described TTE, which did not prevent Brussels)

[EU also wants to ban "most dangerous" legally-held firearms, as well as stricter rules for legal access to firearms and more data-bases of holders, dealers and convictions.](#)

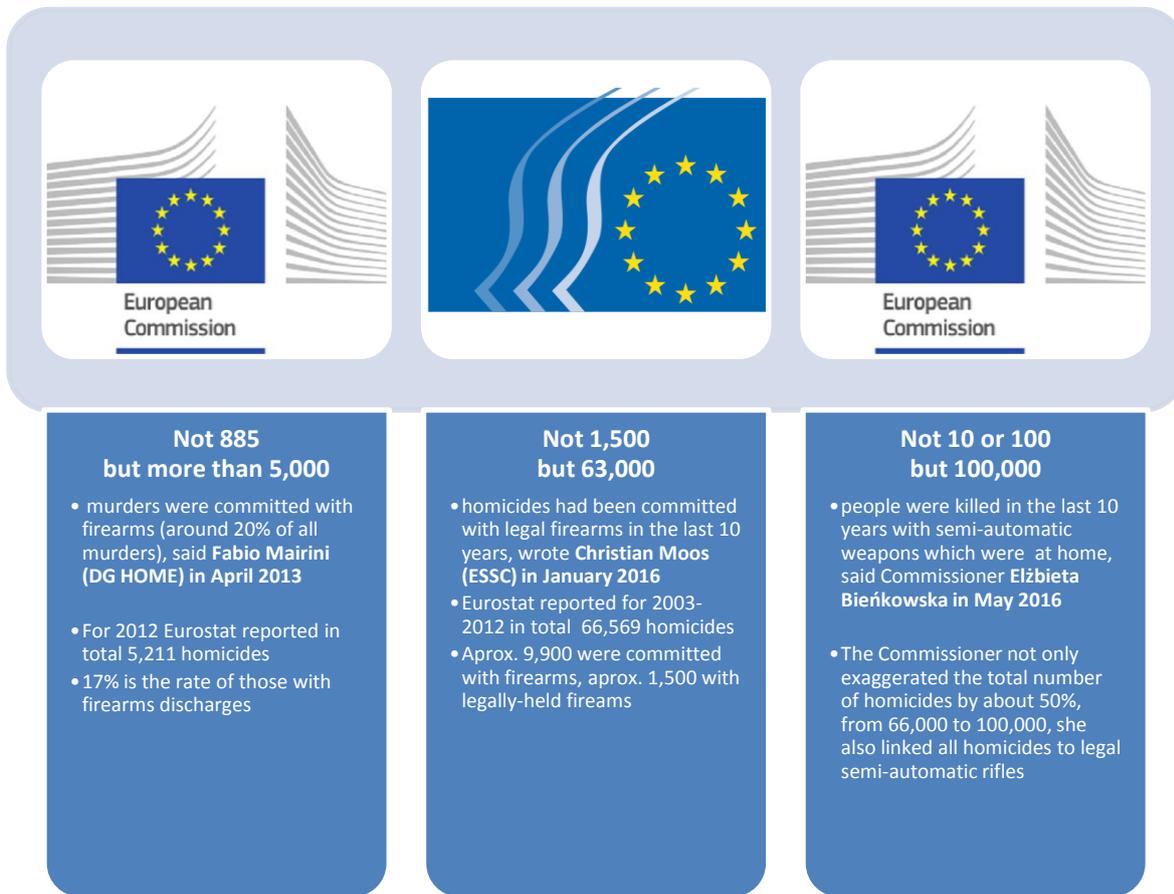
⁶ <http://eur-lex.europa.eu/eli/dir/2012/4/oj>

⁷ <http://www.ontaris.eu/downloads/Sprenginfo-02-2010.pdf>

⁸ [http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/572806/EPRS_BRI\(2015\)572806_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/572806/EPRS_BRI(2015)572806_EN.pdf)

3b: Prevent Homicides

Since October 2013 EU bodies presented a lot of interesting numbers about firearms-related homicides.^{9 10 11}



Fabio Marini, responsible for Commission's "Action Plan on Firearms" corrected his number. 1,000 annual deaths may not look big enough, so he changed to "10,000 deaths within a decade".

Christian Moos of the ESSC corrected his wrong number in the final opinion by not mentioning the number of homicides at all.

If the **Commissioner responsible for the proposal** claims she has evidence for 100.000 killings with legally-held semi-automatic rifles, which are stored in citizens' homes, and **demands due to this number a ban** of these "most dangerous" firearms, **then all MEPs should ask for a real impact assessment.**

The Commission published since July 2014 four studies with facts on firearms and gun crime. The recommendations and conclusions contained therein are however being completely ignored. Instead the Commission interpreted possible future risks - for which the studies recommend to collect more data - as threats to security.

⁹ [Fabio Marini's speech at ERA-Seminar](#), April 2013

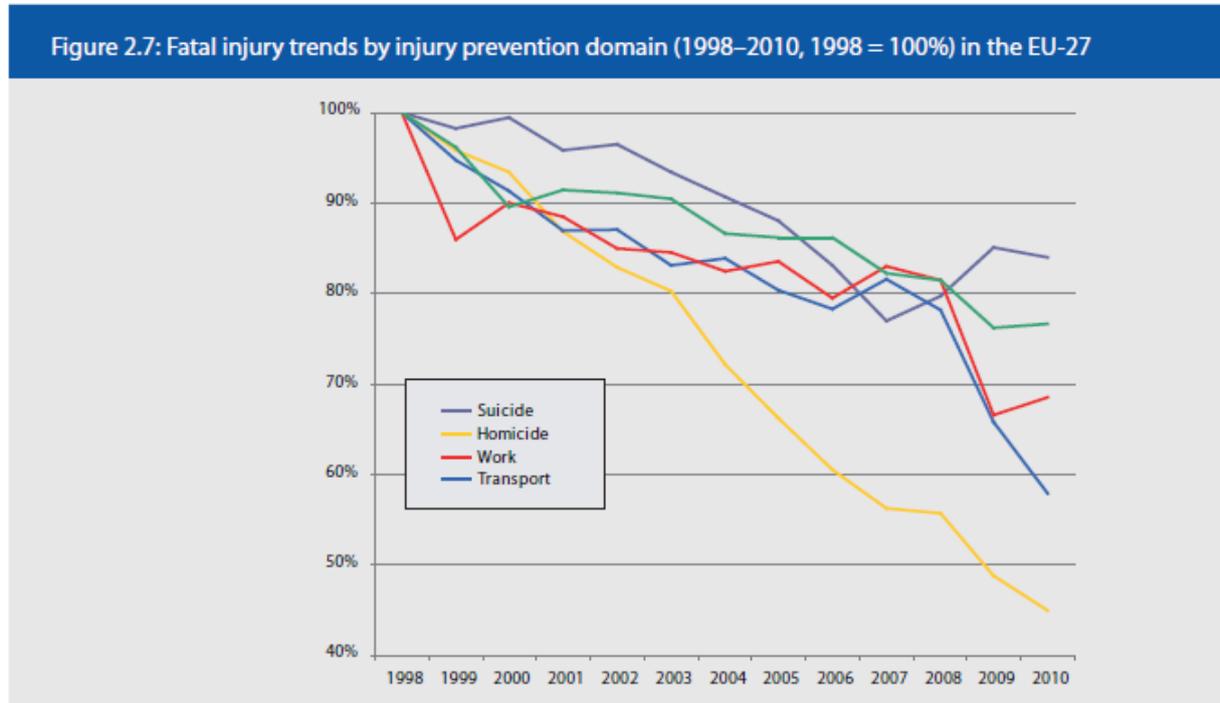
¹⁰ [Working Document of ESSC with chair Christian Moos](#), January 2016

¹¹ [Commissioner Elżbieta Bieńkowska's speech at European Parliament](#), May 2016

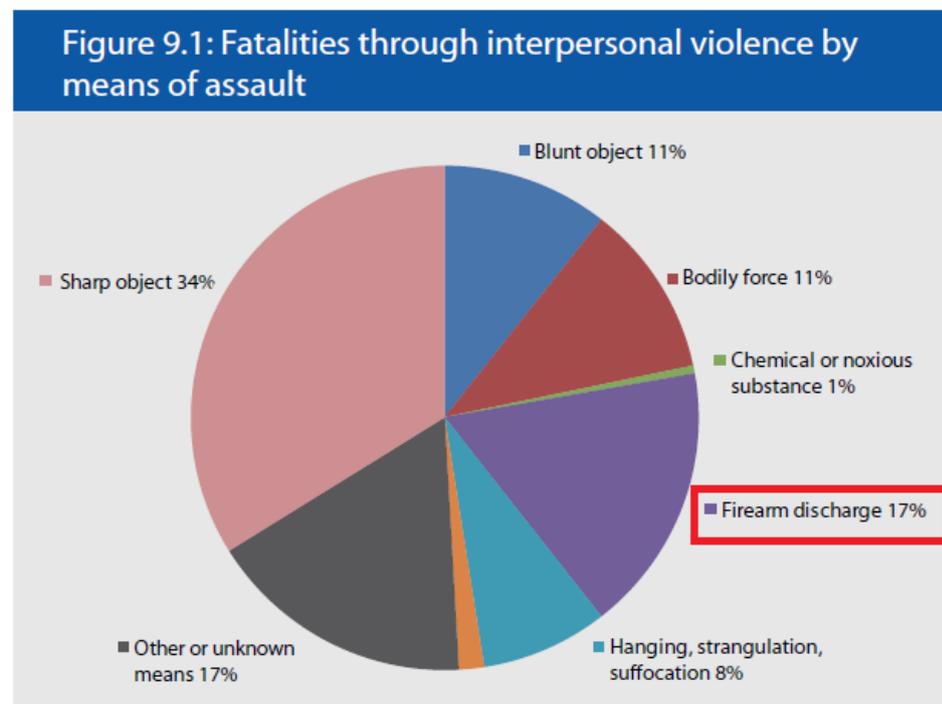
In 2013 Eurosafe published a report about "Injuries in the European Union"¹²

The following graphs and information are from this report.

During 12 years overall homicides within the EU dropped by more than 50%.



Firearms (illegally and legally) had been misused in 17% of all assaults with fatalities.

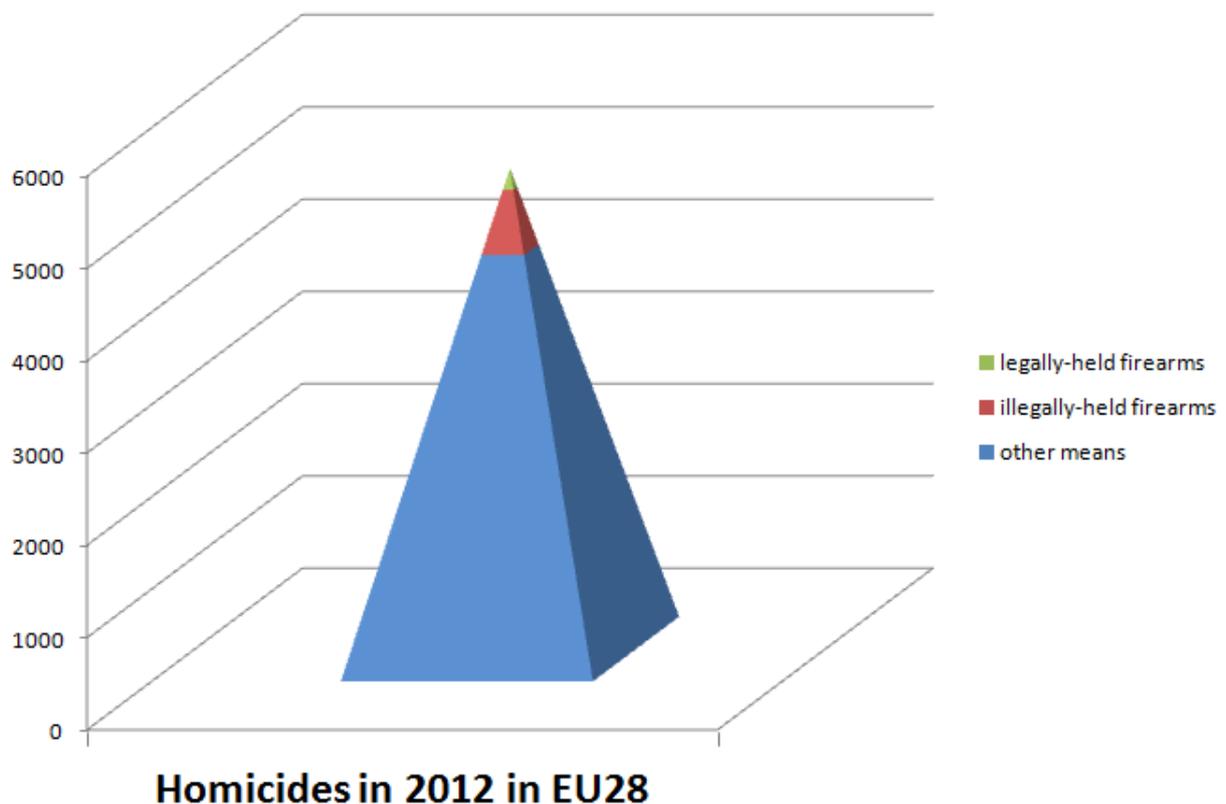


Source: WHO MDB. See Annex "List of figures and tables" for more details.

¹² [Injuries in the European Union](#), EuroSafe 2013

The real facts for firearms-related homicides

- For 2012 Eurostat reported **5211 homicides** within the 28 Member States.
- Eurosafe reported **17% deadly assaults with firearms (885)**.
- An EU study estimates **75% of all firearms-related homicides are gang-related**; therefore committed with **illegally-held firearms (664)**.
- A **maximum** of 221 homicides could have been committed with **legally-held firearms (221)**.
- These numbers have been used for the following graph.



The number of homicides committed with legally-held firearms is still lower than 221 as a number of non-gang-related homicides are also committed with illegally-held firearms. Without official data of all Member States this number can only be estimated between 3% (Germany) and 36% (Finland). For all MS a share of 7 to 17% seems appropriate. Newspapers often mention the status of misused firearms in homicides, primarily if they were legally-held. Those news are however far less common than homicides where the legal status is not mentioned.

Annually 50 to 150 homicides had been committed with legally-held firearms

- Most of these homicides occur during domestic / relationship disputes, where the victim is predetermined and the means is secondary.
- Most of these homicides were committed with shotguns of category D, with hunting rifles of category C or with short handguns of category B. There is no evidence that semi-automatic rifles have been misused in non-gang-related homicides.
- Only in extremely rare cases has an authorised gun owner run amok and misused his semi-automatic rifle for mass murder.

3c: Prevent Mass Murder

Since 2001 (box cutters in planes) and Nice (truck) everybody knows that banning means will not prevent mass murder. **Mass murderers use explosives, firearms, poison, fire in small rooms (plane, cinema, train) and vehicles for their attacks.**

Access to weapons is only one of many components, but it is not the trigger. The high preference of firearms has nothing to do with their lethality. Mass murders with fire and explosives would be much more "effective" in terms of the number of victims. The use of firearms allows a pre-planned staging, including the selection of victims, and guarantees high media presence.

40% of mass shootings took place within ten days after extensive media coverage of another shooting (copycat phenomenon). The perpetrators want to be heroes, they want to become famous (iconisation). Mass / social media are also used for leaking material produced by offenders. A small portion of offenders use traditional media for publication self-produced videos, a larger amount have been known for their online participation in fan-based forums or deadly warnings posted on their social media profiles.

If society and media immediately reported leaks to authorities and if mass media presented mass killers in a less "celebrity"-like fashion, some offenders may not put their plans into practice.

Massacres in the past were committed with supposedly much "less dangerous firearms" – for example school shootings in Finland in 2007 and 2008 (.22 rimfire pistols with 10-rounds magazine) and Cumbria shootings in UK 2010 (break-action double-barrel shotgun with external hammers, bolt-action .22 rimfire rifle).

Banning semi-automatic rifles will not prevent massacres.

John Lott researches on mass shootings for more than a decade. He wrote in October 2015: ¹³

Since at least 1950, all but two public mass shootings in America have taken place where general citizens are banned from carrying guns. In Europe, there have been no exceptions. **Every mass public shooting** — and there have been plenty of mass shooting in Europe — **has occurred in a gun-free zone.** In addition, they have had three of the six worst school shootings, and Europe experienced by far the worst mass public shooting perpetrated by a single individual (Norway in 2011).

The mass murderer in Norway have had enough self-made explosives to bomb the whole island. He preferred his firearm. During 90 minutes even a single-shot rifle would have been enough.

Czech President Zeman followed this information and **Israel's experience.** ¹⁴

Czech President Milos Zeman wants to **make it easier for citizens to obtain guns in order to protect themselves** from terrorists. Zeman further urged people who already own guns **to start carrying them outside their homes.**

¹³ <http://www.nationalreview.com/article/425802/look-facts-gun-free-zones-john-lott>

3d: Prevent Gun Crime

All studies and statistics show that legally-held firearms are almost never used for "ordinary" gun crimes like robbery, burglary, kidnapping, car napping or rape.

Prof. Gary Kleck reviewed 41 English-language studies that tested **the hypothesis that higher gun prevalence levels cause higher crime rates**, especially higher homicide rates.¹⁵

Unfortunately, research on the effect of gun levels on homicide and other crime rates has generally been of poor quality, and prior reviews of the evidence have failed to systematically sort out the methodologically better studies from the less sound ones. To summarize, the only prior research that supports the hypothesis that higher gun ownership rates cause higher crime rates is research that makes at least one, and usually all of, the three fundamental methodological errors identified here. Conversely, research that avoids or minimizes these flaws consistently finds no support for the hypothesis. Technically weak research mostly supports the hypothesis, while strong research does not.

It must be tentatively concluded that higher gun ownership rates do not cause higher crime rates, including homicide rates.

Why does gun prevalence not have a significant positive effect on homicide?

The most likely explanation is that

- a) **most guns are possessed by non-criminals whose only involvement in crime is as victims, and**
- b) **defensive gun use by crime victims is both common and effective in preventing the offender from injuring the victim.**

These violence reducing-effects of guns in the hands of victims may roughly cancel out the violence-increasing effects of guns in the hands of offenders, resulting in a near-zero net effect on homicide rates (Kovandzic et al., 2012, 2013).

One may assume that findings in the US cannot be adopted for the European Union.

But the published EU study (EFFECT-PROJECT) came to the same conclusions.

In a combined country and individual-level analyses these results remained, and in addition it was observed that the **high availability of firearms was associated with lower levels of victimization by contact crime in general, suggesting a potential deterrent effect of availability.**

¹⁴ <http://dailycaller.com/2016/08/01/czech-president-wants-to-give-citizens-more-guns-in-response-to-terror-threat/>

¹⁵ The Impact of Gun Ownership Rates on Crime Rates: [Journal of Criminal Justice, Volume 43, Issue 1, January–February 2015, Pages 40–48](#)

The Commission spent € 600.000 for a 12-month-research on gun crime. The final report of the EFFECT-PROJECT has been published in May 2016. ¹⁶

Individual contact crimes involving firearms are a relatively rare occurrence across European countries, with robbery being more likely to involve firearms than cases of interpersonal violence. Firearms are considered by police forces to be simply an accessory to crime, and as such their focus is more on the basic crime itself. The impact of firearm crime is unknown, due to insufficient quality data (Chapter 2)

There is more evidence that firearms owners are likely to be victims of, rather than perpetrators of, violence. This may be due to the fact that those at risk may be more likely to hold a firearm (such as security officers or policemen). **Additionally, a potential deterrent effect was also found, since higher levels of firearm ownership in a country were associated with lower levels of victimization by contact crime in general** (Chapter 3)

The current (2008) European Firearms Directive was considered by respondents to be relevant to most security risks, but deficiencies were perceived to exist on the issues of **conversion of alarm firearms, de- and re-activation of firearms, and firearm markings. 3D printing and the use of the internet** for firearms trade were considered as emerging threats (Chapter 3)

Legislative controls on legitimate acquisition of firearms was the most often adopted legislative response to gun crime, but there is little evidence to support any beneficial effect except a reduction in homicide by firearm, not total homicide rates. **Many stakeholders expressed doubts that firearms legislation may impact gun crime** (Chapter 3)

This study came to the similar conclusion as the last ones: **Loopholes in legislation and missing investigative work and collaboration to combat illicit trafficking of firearms.**

Three clear issues were identified as **loopholes in legislation** within the EU context: the lack of harmonized deactivation standards and acquisition of deactivated components, the lack of harmonized definition of 'readily convertible', and the lack of definition of 'antique' weapons. (3.6.)

Many interviewees stated that after a firearm related crime had occurred, if the perpetrator was apprehended and the firearm was recovered, often no further investigative work was completed to identify how the perpetrator was able to source the weapon.

Another finding of this study was a disparity of prioritisation of policing and combating gun crime within and across EU countries. A lack of ongoing maintenance of resources allocated to tackling gun crime was criticised by many interviewees in this study. (4.7.)

¹⁶

<http://www.coventry.ac.uk/Global/08%20New%20Research%20Section/FINAL%20EFFECT%20PROJECT%20REPORT.pdf>

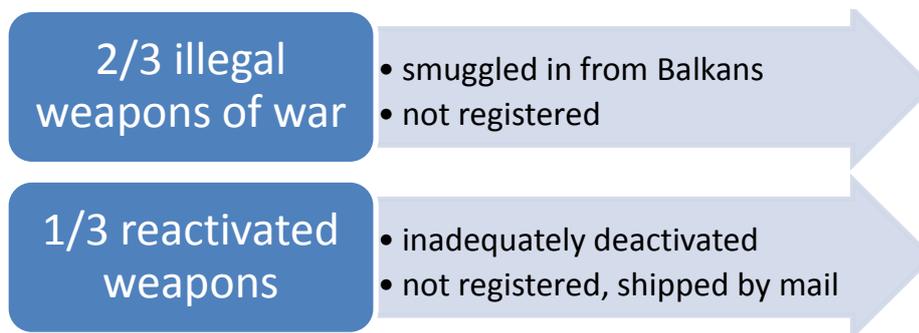
Sources of black market



In our report "Gun Ownership in Europe" we showed in chapter "2.2.3.3. Former legal stolen guns" with two Swedish studies and official data by the German government that most of the reported firearms and parts are not stolen, but inventory losses of the firearms registries.¹⁷

SOCTA and the interviews with policemen in the various studies support this opinion.

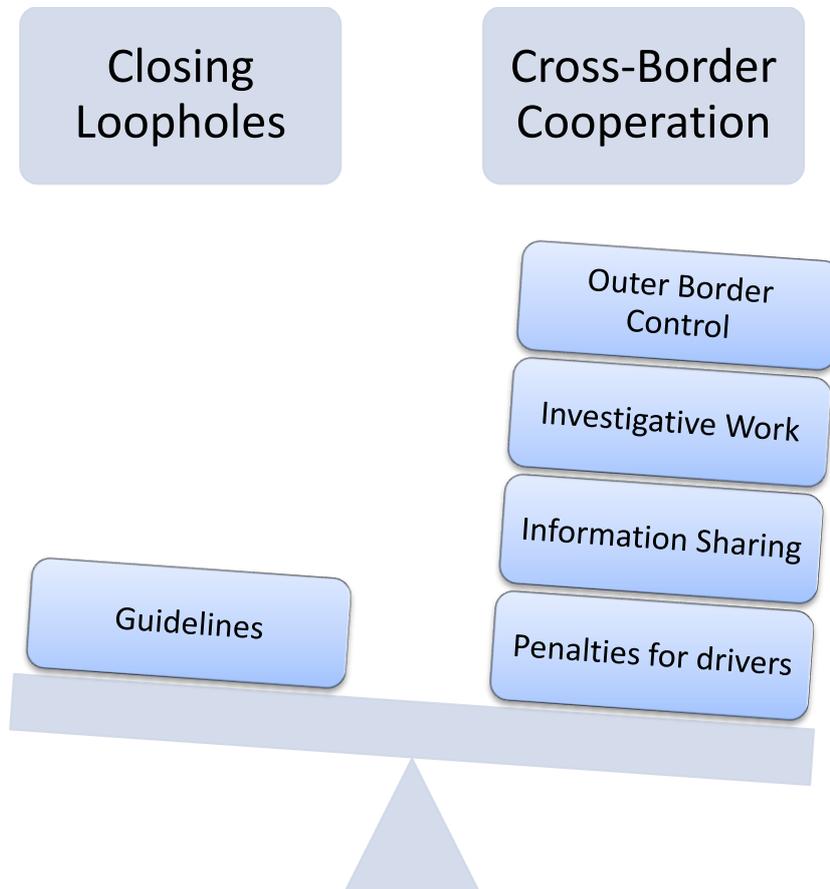
A group of journalists researched where the firearms, misused by terrorists, came from.¹⁸



¹⁷ [Gun Ownership in Europe](#)

¹⁸ <http://www.theblacksea.eu/index.php?idT=88&idC=88&idRec=1231&recType=story>

Tools for combating illicit trafficking



Loopholes	Cross Border Cooperation
lack of harmonised deactivation standards	financial support for outer border control
lack of harmonised 'essential components'	missing resources for investigative work
lack of harmonised definition of 'readily convertible'	missing data bases for drivers and convictions
lack of definition of 'antique' weapons	missing penalties for illicit trafficking

Loopholes

In the first Firearms Directive of 1991 EU worded rules for deactivated and converted firearms:¹⁹

III. For the purposes of this Annex objects which correspond to the definition of a 'firearm' shall not be included in that definition if they:

- a) have been **rendered permanently unfit** for use by the application of technical procedures which **are guaranteed by an official body** or recognized by such a body;
- b) are **designed** for alarm, signalling, life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only;
- c) are regarded as antique weapons or reproductions of such where these have not been included in the previous categories and are subject to national laws.

During the next 17 years it became clear that some Member States had difficulties with implementing national technical procedures, especially the ones without official bodies like proof houses. Therefore European Parliament demanded common guidelines when it amended the Directive in 2008:²⁰

On the issue of deactivation, Annex I, part III, obliges the Member States to 'make arrangements for the deactivation measures [...] to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable.'

It further states that '[t]he Commission shall [...] issue common guidelines on deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable.'



¹⁹ <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31991L0477&from=EN>

²⁰ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0051>

In July 2014 Commission published its "*Impact Assessment on a possible initiative related to improving rules on deactivation, destruction and marking procedures of firearms in the EU, as well as on alarm weapons and replicas*".²¹

Commission needed another 16 months for the guideline. In the end no technical experts or stakeholders were involved in the process anymore, only politicians.

This guideline came into force in all Member States in April 2016. Since then most legally-held deactivated firearms cannot be sold or moved across borders anymore and end up in the wrong hands:

*A First World War re-enactment society has fallen foul of new anti-terror laws after they were banned from taking antique rifles to France for the 100th anniversary of the Battle of the Somme.*²²

Vicky Ford, Rapporteur for the Firearms Directive, demands amendments be made at once.²³

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.

EU-EFFECT study listed loopholes in chapter 3

Deactivation standards

Acquisition of component parts

Definition of 'convertible'

Antiques weapons

No-one is working on technical guidelines for the other loopholes.

²¹ http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/general/docs/dg_home_ia_firearms_deactivation_final_en.pdf

²² <https://www.thesun.co.uk/news/1366633/ww1-re-enactment-society-barred-from-taking-antique-rifles-to-somme-march-in-france-because-of-anti-terror-laws/>

²³ <https://www.theparliamentmagazine.eu/articles/opinion/firearms-directive-commission-proposals-very-poorly-drafted>

Cross Border Cooperation

EC DG Home published in July 2014 a study with 204 pages on combating illicit trafficking of firearms.²⁴

The findings of this study:

1. **Most, if not all, of the 10.000 firearms-related death will occur as a result of the possession of illicit weapons.** (page 30)
2. **Most illicit firearms originate from cross-border trafficking, often from outside the EU.** (page 8)
3. **Most suppliers are Organised Crime Groups (OCGs)** (page 22)
4. **More firearms-related homicides in gangs (75%) than by ordinary people in general population** (page 37)
5. **The licit European arms sector employs a large number of people and it generates significant revenue for MS** (page 50)
6. The effect of any proposals for new measures to combat illicit firearm trafficking must take **into account any wider effects on the EU's licit firearms sector** to prevent unintended damage to a very important sector the EU's economy (page 50)

The study recommends for the licit groups:

- a pan-European register of firearms dealers
- a pan-European register of licence holders
- harmonisation of firearms marking and deactivation
- Background checks of any new licenced dealers against the proposed EU-wide database of convictions

The study recommends for the illicit groups:

- Creation of criminal offence: illicit intra-EU firearms transfers without valid authorisation
- Creation of criminal offence: illicit intra-EU transfers of unmarked/improperly marked firearms
- Creation of criminal offence: illicit firearms manufacturing

The study examines policy effects on three groups:

1. **End user:** criminal or terrorist individuals and groups that procure firearms illegally to use in the pursuit of their goals.
2. **Traffickers** and other intermediaries: involved in the actual trafficking of firearms either for financial profit or other reasons.
3. **Suppliers:** individuals and organisations that provide a source of illicit firearms (either intentionally or unintentionally) who are again likely to be motivated by financial considerations.

The criminalisation of traffickers and suppliers, as well as illicit manufacturers, is likely to reduce the flow of firearms.

²⁴ [Commented Summary](#) of the " [Study to Support an Impact Assessment on Options for Combating Illicit Firearms Trafficking in the European Union](#)" from July 2014

Question 4: What are the various options to achieve the objectives?

EC DG Home published in July 2014 a study with 204 pages on **combating illicit trafficking of firearms**.²⁵

Option 1 - Status Quo and Baseline Scenario

continuation of the current situation with no new EU intervention.

The status quo scenario does not mean that nothing will change in terms of actions to combat illicit firearms trafficking because some initiatives are currently underway.

1. **Existing international conventions** (the UN firearms protocol and Draft Arms Trade Treaty (ATT)) are being implemented by all EU28 Member States. Even without EU action, a minimum level of harmonisation already exists with the illicit manufacturing of and trafficking in firearms being criminalised in line with the Protocol's requirements and definitions.
2. **Some legislative developments at the national level could proceed anyway in the absence of an EU initiative in this area.**
3. **Existing tools for police and judicial cooperation** will almost certainly evolve and improve. Cross-border efforts to tackle illicit firearms trafficking rely on strong joint operational collaboration at the police/judicial and customs levels, and over time this cooperation has improved as officials get used to working together more closely.

This option was favoured only by 5% of the participants who replied to the EU survey.

Option 2(a) Non-Legislative Action

Promotion of closer collaboration between Member States rather than introducing new EU-level initiatives. This option would include non-statutory intervention, either as a first step or supporting action for implementing EU legislation in the future.

- Improvement of the **exchange of information** on illicit firearms trafficking;
- Facilitation of **special investigative techniques and the capacity building** needed for more effective action to combat cross-border aspects of the problem;
- **Strengthening of the regulatory framework for legal firearms** to reduce the transfer of weapons onto the illicit market;
- Other measures - **improved monitoring and data collection tools**, strengthening the role of the EU agencies.

The focus would lie on measures to improve enforcement of existing legal frameworks, to strengthen police and judicial cooperation, and to improve monitoring systems.

This option has been favoured by most participants who replied to the EU survey (65%).

²⁵ [Commented Summary](#) of the " [Study to Support an Impact Assessment on Options for Combating Illicit Firearms Trafficking in the European Union](#)" from July 2014

Option 2(b) - Minimum legislative intervention at the EU level

A minimum level of legislative intervention at EU level that would aim to strengthen cross-border cooperation between law enforcement agencies.

- **Improvement of the availability of information on illicit firearms trafficking.** Therefore, information-sharing needs to be enhanced both on the Europol (IXP) and national levels.
- **EU-level databases** (covering legal and illegal possession of firearms, firearms dealers, etc)
- Minimum harmonisation among Member States of the legal basis for special **investigative techniques used by law enforcement** authorities in inquiries relating to firearms trafficking.
- **Strengthening the roles of EU agencies** (notably Europol and Eurojust).

This option was favoured only by 3% of the participants who replied to the EU survey.

Option 3 - Comprehensive legislative solution at the EU level

EU action to introduce legally-binding common minimum standards across Member States with regard the definition of criminal offences and their sanctions related to illicit arms trafficking and linked offences.

Option 3 want to adapt the UNODDC Model Law as binding legislative

- Offence of illicit intra-EU firearms transfers without proper authorisation
- Offence of illicit intra-EU transfers of unmarked/improperly marked firearms
- Offence of illicit firearms manufacturing
-

EFFECT PROJECT also described this situation in chapter 2:

The focus of legislation across EU MS reflects the original 1991 EU Firearms Directive and the subsequent 2005 United Nations Firearms Protocol (UNFP), and 2008 revised EU Directive.

These tools themselves do not define the illegal *use* of firearms, nor do they define ‘gun enabled crime’ *per se* but instead focus on defining the mechanisms of controlling the legal acquisition and possession of firearms.

The issue of determining appropriate penalties for contravening the conditions specified by the Directorate was devolved down to each country’s judiciary, with the result that each country could determine appropriate penalties in line with their individual legal frameworks.

The UN Protocol however required that countries develop criminal offences specific to the illicit trafficking of firearms, their manufacture and the falsifying or removing of marks on firearms. The extent to which firearms are identified within other crime types is, however, a matter of considerable variation across MS with no legal requirement for MS to record such crimes.

In Chapter 4 the study researched in experience with policing gun crime:

[A]lthough legislation has a role to play in combating gun crime, the accurate implementation of legislation by police was viewed as fundamental to its success. In three countries (SE, UK, BE) participants highlighted that in addition to increasing firearms controls, sentences for those caught in possession of an illegal weapon had been increased, there is limited evidence for the deterrent effect of increasing harsh punishment for offences.

The Halliday review of sentencing in the UK (Halliday, French, & Goodwin, 2001) concluded that it was the perceived likelihood of **being detected and punished which offered the greatest deterrent effect, over and above the duration of sentences.**

This option was favoured by 20% of the participants who replied to the EU survey.

Option 4 : Proposal by Commission

When Commission published its proposal in November 2015 with bans for all firearms which look like weapons of war it claimed that this ban would prevent terroristic attacks with firearms.

Both Committees of the European Parliament see this differently:²⁶

Furthermore the rapporteur would strongly like to emphasize that this Directive, although the aim is better security for the citizens, **is not addressing illegal arms and with them related organized crime and terrorist activity**, which are only two types of gun related problems. It's more about preventing legal firearms from ending up on the black market, preventing shooting rampages, suicides, homicides and accidents with firearms. (LIBE)

(2b) The fact that terrorism and serious crimes are not effectively stopped by creating unnecessary obstacles for law-abiding hunters and marksmen must be taken into consideration.

(3) **Certain issues** arising from Directive 91/477/EEC need to be further improved in a proportionate way, **to tackle firearms trafficking for criminal or terrorist purposes** and to promote a harmonised application of the applicable rules by the Member States, so as to ensure the proper functioning of the internal market and a high level of security throughout the Union. (IMCO)

Not only the proposed ban, but also the stricter rules for legal access of firearms met resistance by Parliament, as well by Council.

²⁶ <https://polcms.secure.europarl.europa.eu/cmsdata/upload/2318d0ad-9df5-4cff-85bb-0fa1c98d83b4/RR%20firearms.pdf>

Option 5 : Compromise by Trilogue

This compromise is in working progress, nobody knows the outcome at this moment.

Vicky Ford, rapporteur for the Firearms Directive gave an overview in July 2016 about the different opinions of Commission, Council and Parliament.²⁷

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 firearm 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 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.

²⁷ <https://www.theparliamentmagazine.eu/articles/opinion/firearms-directive-commission-proposals-very-poorly-drafted>

EU-EFFECT study wrote in chapter 3

Firearms legislation can't impact gun crime

- [T]he current firearms legislation is **missing its target due to the focus on legal ownership and acquisition**, whereas gun crimes are illegal by definition and therefore not addressed directly by firearms legislation.

Where impacts were being identified, these often related to individuals who were not criminals, but legal firearms owners who may have used their firearm in an impulsive act of violence.

Firearms control pushes people to illegal weapons

- [A] potential, unwanted, side-effect of **tighter control** regarding the legal acquisition and ownership of firearms is that **previously law-abiding owners might seek illegal weapons**.
- [B]y making particular types of firearms scarce, the demand for said firearms would increase, and the market would change in order to meet this increased demand, potentially through **the increased importation of more lethal weapons**.

Criminals will always find a way

- [R]egardless of the quality of any act of legislation, and the changes that might be made, criminal individuals and groups are always one step ahead and will always find a way to circumvent existing laws.

It does not matter what the trilogue's compromise handles in detail (bans and exemptions, shifting of categories or stricter rules for access or movement):

This compromise will not address the black market, but only affect the licit one.

Option 6 : Closing Loopholes and most favoured Option 2(a)

Preventing access for ordinary criminal end users

Ordinary criminals are not able to get legal access to firearms of category A to D. They have also no access to the sources of organised crime groups. Therefore they reactivate firearms out of the scope of the directive (loopholes).

New harmonised technical guidelines - without amending the Firearms Directive - could close or at least minimise the four loopholes: deactivation standards, definition of 'essential components', 'readily convertible' and of 'antique' weapons.

By closing loopholes the second most important source for illicit trafficking becomes smaller.

Preventing mass murders and terrorism

Some terrorists without criminal history may try to get legal access by pretending to be hunters or marksmen. This happened 2003 in Germany and 2011 in the Netherlands and Norway. No extensive database, no mandatory medical or psychological checks, no other most stringent regulation, can prevent these very rare mass killings from happening. If mass murderers cannot get legal access to firearms, they will use explosives, trucks or any other available means.

Most mass murderers leaked records of their violent thoughts in some way prior to their crime, many mass murderers received medical treatment. An open minded society which does not ignore such leaks to the public but also does not condemn every person which is temporarily a significantly higher risk than usual could prevent some of these attacks.

Family and friends might not report suspicious behaviour to authorities due to the heavy impact for the legal gun owner. Authorities cannot withdraw licences for a short period only. They can only do this permanently or not at all. A permanent withdrawal, however, violates many individual rights. Therefore it will meet heavy resistance from the affected owner and leads to long-time law-suits.

We need non - discriminatory rules for short-term withdrawals of firearms licences.

Preventing access for Organised Crime Groups

Organised Crime Groups use the same smuggling routes for firearms as for trafficking of drugs and humans. They "import" weapons of war for their own interests and on demand by terrorists.

Financial support for outer border controls, investigative work, information-sharing and harmonized minimum penalties for illicit trafficking would tackle the drivers of the black market.

By tackling the drivers, the most important source for illicit trafficking becomes smaller.

Preventing legal access for citizens that may pose a security risk

An EU-wide database of convictions, which includes a blacklist of illicit distributors, would help authorities to minimise the legal access to firearms for citizens that may pose a security risk. Due to different levels in national laws for reliability a database of convictions is far less discriminatory than a database of withdrawn licences.

EU-wide database of convictions would help authorities in reliability / background checks.

Question 5: What are the impacts of the different policy options and who will be affected?

*When quantitative analysis is not possible or proportionate, impacts should be assessed qualitatively. Also the qualitative analysis should be rigorous and thorough, **focussing on the practical implications for affected parties.***

*Impacts should be assessed **from the point of view of society as a whole although distributional effects and cumulative burdens on individual parties should also be proportionately assessed and considered.** Whenever impacts are aggregated, one should make sure to avoid any double-counting (for instance, businesses transferring increased compliance costs onto consumer prices, public authorities imposing fees to cover for the costs of enforcing a regulation). (EU Guidelines)*

Unfortunately the EU study to combat illicit trafficking of firearms²⁸ did not view the distributional effects and burdens of individual parties (licit firearms sectors and drivers) for all three options. Tables with grey background are copied from the EU study, tables with white background are estimates by us - the licit sector. Costs for authorities are - against the study - negative marked.

Option 1

Missing impact of Option 1 for drivers

Drivers	Impact
Illicit end users	+1
Illicit traffickers and other intermediaries	+1
Illicit suppliers	+1

Missing financial impact of Option 1

Financial, economic and social impacts	Impact
Costs to public authorities	-1
Economic impacts on EU's licit firearms sector	-3
Social impact on law abiding owner of firearms	-2

Even without an EU-wide agreement, national authorities will continue to tackle illicit arms trafficking with or without collaboration of other MS as they did in the past. The heightened threat of terrorism has already led to more financial support for investigative work.

Due to intensive media coverage the licit firearms sector is already suffering a negative impact. Logistics companies banned movement of licit goods (postal services, cargo companies, airlines). Payment processing providers of end-users, as well as some banking institutions banned transaction in connection to buying firearms. At the moment the financial burden is higher for industry and distributors than for end-users. In the near future these costs may be shifted onto law-abiding end users.

Option 1 has a low positive impact on illicit trafficking, but a negative impact for the licit market.

²⁸ [Commented Summary](#) of the " [Study to Support an Impact Assessment on Options for Combating Illicit Firearms Trafficking in the European Union](#)" from July 2014

Option 2

Likely impacts of Policy Option 2 on Problem Drivers (Table 4.2)

Drivers	Impact
[Illicit] End users	+4
Traffickers and other intermediaries	+5
[Illicit] Suppliers	+3

Likely financial, economic and social impacts of Policy Option 2 (Table 4.3)

Financial, economic and social impacts	Impact
Financial costs for MS where actions needed for other Member States	+2
Economic impacts	+3
Social/societal impacts	+2

Different financial impact of Option 2

Financial, economic and social impacts	Impact
Costs to public authorities	-2
Economic impacts on EU's licit firearms sector	0
Social impact on law abiding owner of firearms	0

Option 2 suggests a pan-European register of firearms dealers, a pan-European register of licence holders, harmonisation of firearms marking and deactivation and background checks for any new dealers against the proposed EU-wide database of convictions, as well as more information sharing and international collaboration and joint investigative work. Costs for all authorities would increase.

Tackling the illicit drivers with intense media coverage could move the focus away from the impression that the licit sector is a source for the black market. Information sharing through an EU-wide database of convictions may lower the burden for the licit sector. The same applies if statistics on gun crimes would differentiate between the legal status of a misused firearm.

Harmonised technical guidelines for licit firearms will both increase and decrease costs for the licit market. Increasing costs incurred due to following the guidelines, decreasing costs regarding cross-border movements.

Option 2 has a high positive impact on illicit trafficking and 0 net effect for the licit market.

Option 3

Missing impact of Option 3 for drivers

Drivers	Impact
Illicit end users	+5
Illicit traffickers and other intermediaries	+5
Illicit suppliers	+3

Likely financial, economic and social impacts of Option 3 (Table 4.12)

Financial, economic and social impacts	Impact
Costs to public authorities (law enforcement and the judiciary), and the potential to reduce indirect costs by reducing the supply of illicit firearms by combating firearms trafficking more effectively.	+2
Impacts on general population: for example, reduction of the number of direct victims of violent crimes committed using illicitly trafficked firearms, as well as indirect victims, such as business owners and ordinary citizens feeling unsafe.	+3

Different financial impact of Option 3

Financial, economic and social impacts	Impact
Costs to public authorities	-2
Economic impacts on EU's licit firearms sector	0
Social impact on law abiding owner of firearms	0

Option 3 proposes implementation of an EU-wide "Model Law" with definitions of criminal offences and corresponding sanctions related to illicit arms trafficking and linked offences. This may have a greater deterrent effect for end-users than option 2.

Regarding the findings of EU EFFECT study being detected and punished offered the greatest deterrent effect, over and above the duration of sentences. Higher costs for authorities by implementing this law may have reduced impact on illicit trafficking.

Option 3 has a high positive impact on illicit trafficking and 0 net effect for the licit market.

Option 4

Missing impact of Option 4 for drivers

Drivers	Impact
Illicit end users	-5
Illicit traffickers and other intermediaries	-3
Illicit suppliers	-3

Missing financial impact of Option 4

Financial, economic and social impacts	Impact
Costs to public authorities	-5
Economic impacts on EU's licit firearms sector	-5
Social impact on law abiding owner of firearms	-5

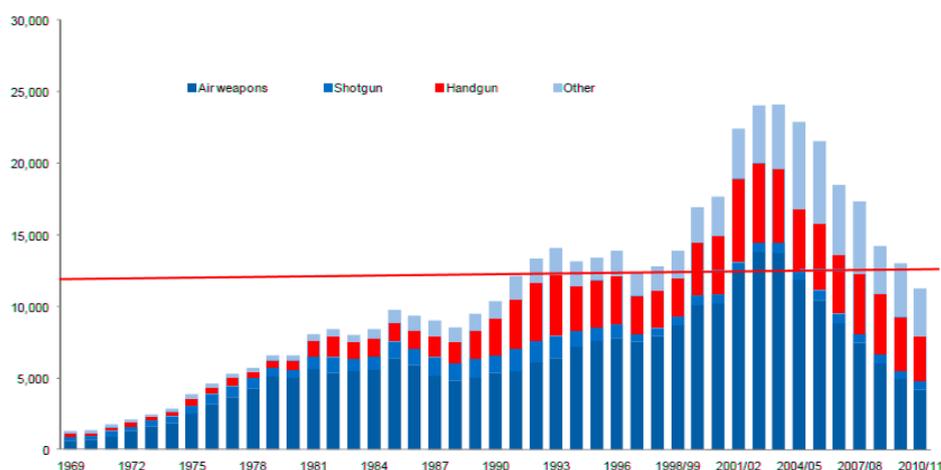
Banning several hundred million firearms out of scope of the directive (replicas, imitation guns, deactivated firearms) as well as legally-held rifles would criminalise and expropriate more than 100 million citizens. Deactivating firearms held by museums and collectors in accordance with drastic requirements would damage countless historical artefacts. Confiscations and raids by authorities to enforce this law with regard to all previously legal, but now suddenly illicit, end users would greatly increase authorities' costs. Resources needed in the fight against organised crime would be diverted in order to prosecute law-abiding citizens.

If implemented, these measures would:

1. Actually undermine national security by creating a vacuum within the armed forces of MS that rely on active reserve forces;
2. Endanger law-abiding citizens by banning firearms, blank firing guns and live-saving firearms kept for self-defence and protection;
3. Eradicate a number of sport shooting disciplines and other legal pastimes;
4. Destroy the livelihood of hundreds of thousands of people who earn an honest living in the legal arms trade;
5. Damage and/or destroy countless important historic artefacts held by collectors and museums;
6. Destroy the beneficial activity of serious collectors who conserve historic arms;
7. Take bureaucracy to a level that would choke trade and place costly burdens on governments;
8. Create a huge financial burden on national budgets and punish taxpayers who have to pay for the wanton destruction of their own property;
9. Divert badly-needed resources for the fight against organised crime towards pointless and unwarranted punitive action against potential victims of crime and terrorism;

After the ban on handguns in the UK in 1997, which cost in excess of 150m Euro (97m £), gun crime and firearms-related deaths doubled over the following years, while steadily decreasing in every other MS.

Chart 2: Type of firearm used in recorded offences, 1969 to 2010/11, England & Wales



Option 4 has a negative impact on illicit trafficking, an extremely high negative impact on the licit market and extremely high costs for authorities.

Option 5

Missing impact of Option 5 for drivers

Drivers	Impact
Illicit end users	-2
Illicit traffickers and other intermediaries	0
Illicit suppliers	2

Missing financial impact of Option 5

Financial, economic and social impacts	Impact
Costs to public authorities	-3
Economic impacts on EU's licit firearms sector	-3
Social impact on law abiding owner of firearms	-4

A compromise of Council, Parliament and Commission will lead to more control, burdens and costs for buying and keeping of firearms; ban some types of currently legal firearms and components; place heavy burdens on distributors and manufacturers and produce excess work for authorities.

Limiting legal access lowers the ability of citizens to deter crime and might potentially push legal owners toward illegal weapons. Closing loopholes will have a positive impact on suppliers, but negative impact on traffickers and end-users, as criminals will always find a way. Closing loopholes without improving investigative work and border controls shifts the black market from reactivated firearms to smuggling of more lethal weapons.

Read more:

- [FIREARMS UNITED'S Answer to IMCO's Draft](#)
- [FIREARMS UNITED's Answer to High Capacity Magazines and Folding Stocks](#)
- [FIREARMS UNITED's Reasons for Rejecting Proposal](#)
- [FIREARMS UNITED's Answer to the European Commission](#)
- [EU, we have a problem – but you hit the wrong targets!](#)
available in seven languages

Option 5 has a low positive impact on suppliers, a low negative impact on illicit end-users and a high negative impact for the licit market.

Option 6

Likely impacts of Option 2 on Problem Drivers (Table 4.2)

Drivers	Impact
[Illicit] End users	+4
Traffickers and other intermediaries	+5
[Illicit] Suppliers	+3

Missing financial impact of Option 6

Financial, economic and social impacts	Impact
Costs to public authorities	-3
Economic impacts on EU's licit firearms sector	+3
Social impact on law abiding owner of firearms	+3

Option 6 combines option 2 with technical guidelines for closing the loopholes.

New harmonised technical guidelines - without amending the Firearms Directive - could close or at least minimise the four loopholes at reduced cost to authorities.

Financial support for outer border controls, investigative work, information sharing and harmonised minimum penalties for illicit trafficking would tackle the drivers of the black market.

Rejecting the outcome of the trilogue (option 5) does not mean that the control for legal access won't improve. The EU-wide database of convictions, including a blacklist of illicit dealers, would minimise the risk, that violent and/or criminal individuals gain legal access to firearms.

Option 6 has a high positive impact on illicit trafficking, as well as for the licit market with adequate costs for authorities.

Question 6: How do the options compare?

Based on the assessment of the various impacts and their distribution across affected stakeholders, the IA should compare the different options with regard to their effectiveness, efficiency and coherence, as well as their compliance with the proportionality principle.

At the end of this process, the IA should present the relevant information for policy-makers to make a choice and, where appropriate, suggest a preferred option.

Impact of Options on:	Options					
	1	2	3	4	5	6
Illicit end users	+1	+4	+5	-5	-2	+4
Illicit traffickers and other intermediaries	+1	+5	+5	-3	0	+5
Illicit suppliers	+1	+3	+3	-3	2	+3
Impact on illicit groups	+3	+12	+13	-11	0	+12
Financial, economic and social impacts						
Costs to public authorities	-1	-2	-2	-5	-3	-3
Economic impacts on EU's licit firearms sector	-3	0	0	-5	-3	+3
Social impact on law abiding owner of firearms	-2	0	0	-5	-4	+3
Impact on licit groups	-6	-2	-2	-15	-10	+3
Total	-3	10	11	-26	-10	15

- **Options 1** is the baseline scenario (doing nothing) **with impact assessment**.
- **Option 2 + 3** have been made with participation of 10 law enforcement agencies, 41 Entities covered by the Firearms Protocol and 2 academics/experts and **with impact assessment**.
- **Option 4** (Commission's Proposal) has been made without consultation of stakeholders, without impact assessment and is already **rejected by the amendments of the European Parliament**.
- **Option 5 will be a compromise of trilogue without impact assessment**
- **Option 6** has been developed by FIREARMS UNITED, a pan-European grassroots movement consisting of business owners, private citizens and other stakeholders in the licit firearms sector, and actually takes into account **all four EU studies and impact assessments regarding firearms and gun crime** and follows their recommendations.

Doing nothing (Option 1) would have a better positive impact on illicit trafficking than accepting the outcome of the trilogue (Option 5). But it would also have a negative impact on the licit sector.

Rejecting Option 5 would do away with the general, unwarranted, condemnation of law-abiding firearms owners. None of the studies gave any evidence that owners of already registered firearms of category A through D pose a significant security risk to society, nor to their families and friends.

Rejecting option 5 would increase confidence in the EU to make rational, proportional and subsidiary decisions.

Rejecting option 5 would eliminate at least one potential reason for leaving the Schengen area or another member state's exit of EU.

Question 7: How would actual impacts be monitored and evaluated?

Given financial constraints by solely relying on donations for funding and due to lack of time FIREARMS UNITED is not able to monitor and evaluate Option 4 or 5. But we found that Commission's Proposal²⁹ **misinterpreted the evaluation of the Firearms Directive and its recommendations.**³⁰

Due to the urgency of the proposal in the light of recent events, it is submitted without an impact assessment. **The proposal can however rely on a REFIT evaluation of the Firearms Directive.** This **evaluation has shown remaining shortcomings in areas such as the convertibility** of blank firing weapons, marking requirements, deactivation, definitions, **internet-selling arrangements**, as well as data collection and exchange systems. Additional requirements have been identified in the light of the experience of recent events.

Priorities	Recommendation	Commission	keywords
1. Enhance transparency and accessibility of national rules implementing the Directive	Non legislative	--	Facilitates for licit market, information costs, burdens
2. Examine interoperability between the information systems created at national level	Non legislative	--	lack of information
3. Define an agreed approach to the classification of hunting and sporting firearms and clarify the rules of the EFP	Non legislative	--	Facilitates for firearms owners
4. Conduct in-depth analysis on key issues	Non legislative	Proposal	Reliability of owners; broker; convertibility of semi-automatic rifles
5. Define common criteria on convertibility of alarm weapons	Legislative	Work in progress	since July 2014
6. Harmonise rules on marking	Legislative	Work in progress	since July 2014
7. Harmonise standards and rules on deactivation	Legislative	Legislative since Nov. 2015	Without stakeholders, needs amendment
8. Strengthen the knowledge on new technologies	Non legislative	Proposal	Databases, online sales, 3D printing
9. Strengthen data collection	Non legislative	??	Economy value of licit market, gun crime

The Commission has not been working on the top 3 priorities since December 2014.

Two recommendations for in-depth analysis (4. and 8.) – without any scientific or statistical evidence in either field – ended up in the legislative act of the proposal. (To this day there is absolutely no evidence of security risks posed by legal firearms ownership, authorised online sales or conversion of legal firearms into prohibited full-automatic firearms.)

Out of three recommendations for legislative acts only one has been implemented. Its poor wording, caused by lack of collaboration with industry and experts in the matter, needs amending at once. We cannot see any progress with regard to the other priorities since July 2014.

²⁹ <http://ec.europa.eu/DocsRoom/documents/13965/attachments/1/translations/en/renditions/native>

³⁰ <http://bookshop.europa.eu/en/evaluation-of-the-firearms-directive-pbNB0114006/>