

# Report:

# Firearms in Europe

History of EC's Action Plan on Firearms

22.11.2015  
Firearms United  
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# 1. Introduction

European Commission wrote on 18th of November 2015:<sup>1</sup>

*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.*

But this proposal with stricter control on strict rules and with restricting live-saving weapons, blank firing guns and banning deactivated and semi-automatic rifles, which look like military ones **has no support**

- by DG Home's own **expert group** on firearms (chapter 5.2.)
- by **Ministries of Interior and Justice** (chapter 5.1.)
- by **Ministries of Defense**<sup>2</sup>
- by the **public opinion**<sup>3</sup> (chapter 5.3)
- by law-abiding **gun owners**, manufacturers and trade (chapter 7)

We assume that Fabio Marini, the Coordinator of the Anti-Firearms Trafficking Task Force, got very frustrated with the democratic process of the last three years and his own expert group. Nobody wanted to sign his plans, everybody wanted only new harmonized rules for deactivated firearms.

But there were rumors since the 20th of October, 3 weeks before the bloody attack in Paris, that the EC also wants to ban internet sales and semi-automatic rifles. The gun rights advocates made inquiries in Brussels. Fabio Marini denied these rumors. "There were no plans for it, only for deactivated firearms", he said. And then he presented the new proposal with drastic bans and drastic restrictions which are a threat to national and individual security.<sup>4</sup>

***These now announced measures were waiting since 2013 for an opportunity to catch the moment of pain and fear of public opinion to impose them.***

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This report will show you how a few people - we only know the actors Malmström and Marini, but there may be more - misuse democracy to implement their dream into law with lies, manipulation and ignorance. These few people were never been interested in reducing crime. They only want to drive their own political anti-gun agenda against law abiding gun owners ignoring all transparency and democratic means.

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<sup>1</sup> [Press Release EC IP-15-6110](#), 18.11.2015 and on [Facebook](#)

<sup>2</sup> [Finland files reservations about EU semi-automatic firearm ban](#), 21.11.2015

<sup>3</sup> Petition: [EU : You cannot stop terrorism by restricting legal gun ownership.](#)

<sup>4</sup> [AFTER THE ATTACKS IN FRANCE EC WANTS RESTRICTIONS ON LICIT ACCESS TO WEAPONS](#), 14. 11.2015

## 2. European Legislation for Firearms

The best summary of European legislation for firearms can be found on a webpage of the USA Government:

At the European Union level, acquisition and possession of weapons and related matters are regulated by two Directives: (1) Directive 91/477/EEC (1991) and (2) Directive 2008/51/EC (2008). These Directives are designed to ensure control of the acquisition and possession of weapons, facilitate the flow of firearms in a single market, and transpose into EU law the United Nations Protocol Against the Illicit Manufacturing and Trafficking of Firearms. **Both Directives contain minimum requirements;** EU Members are free to impose more stringent rules pertaining to firearms and many have done so.

Under Directive **91/477/EEC** firearms are classified into four categories based on their level of dangerousness:

- A. prohibited,
- B. subject to authorization,
- C. subject to declaration, and
- D. those that are not subject to requirements.

In general, acquisition and possession of firearms is subject to a license and other qualifications that must be met by individuals, such as

- having a “good cause,”
- being at least eighteen years of age, and
- not being a danger to themselves or to society.

Directive **2008/51/EC** requires EU Members to ensure that

- any firearm or part thereof is marked and
- registered prior to entering the market.

In addition, it requires EU Members, by December 2014, to establish a register of firearms, to which only designated authorities will have access. Dealers are also required to maintain a register of firearms.

The EU has also taken action at the external borders by adopting a Regulation in **2012 to impose controls on export authorizations for firearms**. By doing so, the EU transposed into internal law article 10 of the UN Protocol. The Regulation prohibits the export of a firearm to anyone in a third country who is less than eighteen years old.

Summary by Library of Congress (USA)<sup>5</sup>

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<sup>5</sup> USA gov.: [Firearms-Control Legislation and Policy: European Union](#)

### 3. Programme of Action

Unfortunately this governmental page uses later on the same biased data, which the European Commission spread since 2012. This information comes from Cecilia Malmström, the former EC Commissioner who works/worked together with the "*Preparatory Committee for the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*"<sup>6</sup>

In 2006 this committee said:<sup>7</sup>

Preparatory Committee	Facts
60% of small arms and light weapons (SALW) is in hands of civilians.	98-99% of civilian firearms (Category B,C and D) are sold and exported with authorisation, and are rarely used for crimes; but only 70% of weapons of war are exported with authorisation and belong often to criminal governments.
200.000 people die in peaceful situations by use of firearms	In Europe only 1000 homicides are committed with firearms. 70 to 95% of the misused firearms are illegal.
Firearms are used in more than 40% of homicides	In Europe only 10%. Only 0,5-3% with legal firearms, mostly misused in partner conflicts where murderer and victim are fixed, the tool is unimportant
Firearms are used in more than 6% of suicides	There is no correlation between gun ownership and suicide at all.
One of the sources of the illegal market are the legal owners.	Ministries of Interior and Justice said in 2012 that crime is committed mostly with firearms which are generally already forbidden.
Civilian possession of small arms represents a serious challenge	Civilian possession of firearms deters crimes more often than they are misused for crime. <sup>8</sup>

It demands : The property, possession and carrying of weapons should be authorized through the expedition of licenses that should consider the following criteria:

Proposals by Preparation Committee	European Directive <sup>9,10</sup>
Minimal age	being at least eighteen years of age since 1991
Criminal record or any history of interfamilial violence	not being a danger to themselves or to society since 1991
Prove of a legitimate reason to acquire a weapon	having a "good cause since 1991 for Cat. B, since 2008 for C and D, too
Knowledge of laws related to arms	Standard in all national laws, even before 1991
Prove the training in the use of the weapon in a safe way	Standard in all national laws, even before 1991
Prove that the weapon can be stored in a safe place	Standard in all national laws, even before 1991

<sup>6</sup> [Conference - "Fight against illicit trafficking in firearms. Where do we stand" / Brussels 2012](#)

<sup>7</sup> [UN A/CONF.192/2006/PC/CRP.7](#), New York, 9-20 January 2006

<sup>8</sup> [Prof. Gary Mauser: Hubris in the North](#), Canada 2007

<sup>9</sup> [Council Directive 91/477/EEC of 18 June 1991](#) on Control of the Acquisition and Possession of Weapons.

<sup>10</sup> [Directive 2008/51/EC](#) of the European Parliament and of the Council of 21 May 2008

Additional demands by the Committee<sup>11</sup>

Preparation Committee	European Directives
Limit the sale of ammunitions to those who posses a valid license	Standard in most national laws
- in a reasonable number of them.	Why?
Licenses should have an expiration date.	Gun owners lose their license if they have been convicted of crimes. Expiration dates only increase bureaucracy.
Automatic and semiautomatic assault rifles, machine guns and light weapons in general should be prohibited	All but semiautomatic rifles are prohibited since 1991 in general.
Trustworthy records that contain information about the license of the salesman, the buyer, the type of weapon and the type of ammunition (brand, caliber and serial number),	Registers for ammunition increase only bureaucracy. Therefore they have been repelled in Germany 2003. Registers for firearms have been implemented since 2008 in EU for all categories.
Have amnesties to promote the hand out of legal weapons and the ones that are not being used in exchange of money or food	This may be interesting in countries after war, not in democracies which exists for decades and have nearly no firearms related crimes like the member states of the EU.
In order to prevent their resale or diversion to the illicit market, weapons collected through these initiatives should be destroyed as soon as possible	
States should cooperate in the exchange of information for national legislation and harmonization.	Harmonization and information are the demands also by the users.
Involve international organizations and civil society in assisting States for the effective implementation of these principles.	As long as EC only talks to NGOs which does not present gun owners this will lead to biased and undemocratic plans.

<sup>11</sup> [UN A/CONF.192/2006/PC/CRP.7](#), New York, 9-20 January 2006

## 4. Towards an Action Plan on Firearms

Cecilia Malmström was EC Commissioner of DG Home until 2014. She worked on her "Action Plan on Firearms" together with Fabio Marini, the Coordinator of the Anti-Firearms Trafficking Task Force.

Fabio Marini<sup>12</sup> was in April 2013 the speaker and chairman of the ERA-Seminar "*The Fight against Illicit Trafficking in Firearms and the Securing of Explosives*"<sup>13</sup> Attendants were Ministry officials, representatives from the industry and law enforcement officers. Fortunately also Yves Gollety, President of the European association for gun trades (A.E.C.A.C), got the chance to speak.<sup>14</sup>

Fabio Marini	Yves Gollety
Firearms are 'weapons of mass destruction'. Firearms are used in more than 245,000 murders worldwide (excluding war-torn countries) every year.	Following numerous regulations and reforms since 1995 in Europe and France , the market has greatly strengthened and professionalised, and is much more controlled . These standards have completely eradicated swindlers in our profession
More than 5000 murders were committed with firearms (around 20% of all murders) in 2012	Firearms were used in 200 homicides in 2012. Kalashnikov-weapons were used in in 50 reckonings between criminals.
Legally owned weapons in the EU continue to feed the illegal market.	In the tragic events of Toulouse the attacker used three types of un- registered COLT 1911 pistols, an UZI submachine gun and a STEN , both automatic weapons which are already prohibited for civilians since 1993.
3910 firearms were seized in 2011 in France alone, 40 % more than the year before	Reality is more complex: in the years 2004-2008 4,400 to 4,000 weapons were seized. The share of Kalashnikovs on all of these seizures remains low. Many war weapons seized in France are weapons from the last two world wars.
Legally bought spare parts in the internet can convert lawful air guns into more dangerous weapons	???
Legally bought spare parts in the internet can re-activate neutralized weapons	AK -type weapons seizures were 164 in 2011 against 90 in 2010 and 67 in 2009. It is extremely difficult to trace the exact source of this type of weapon from mainly in the Balkans.

<sup>12</sup> [Fabio Marini's speech at ERA-Seminar](#), April 2013

<sup>13</sup> [The Fight against Illicit Trafficking in Firearms and the Securing of Explosives](#), April 2013

<sup>14</sup> [Yves Gollety's speech at ERA Seminar](#), April 2013

Yves Gollety gave also the following information:

In the absence of significant and organized flow, the administration has decided to dissolve the central office of arms trafficking to incorporate in a central office gathering all traffic (weapons, drugs, stolen cars, art ...). We can quote Christian Lothion, Central Director of the PJ in 2009, who explained:

*"We are seeing the emergence of weapons of increasing sophistication, but the situation is not dramatic in terms of traffic." According to him, if there could be a supply of weapons of war following the conflict in the former Yugoslavia in the late 1990s, the source has dried up.*

The Ministry of the Interior whose services was recalled in May 2012, said that

*"despite the intense media coverage of certain case, particularly around the use of " Kalashnikov ", this weapon is difficult to acquire, uncommon and mainly used by members of organized crime."*

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The traffic at the borders of Europe need strengthened border controls with sensitive countries.

*In conclusion we estimate that there are as many links between the legal market and the illicit trafficking of weapons as between pharmacy and drug trafficking.*

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There was another meeting in 2013 about smuggling.

Klaus RÖSLER, Director of Operations Division, Frontex<sup>15</sup> said the same as Yves Gollety. Nobody highlighted firearms as a big problem, but tobacco products, drugs, petrol products, vehicles, fraud documents and illegal migration. The majority of the detected incidents happened at EU external border with Ukraine (73%) followed by border with Russia (17%).

To increase the efficiency of the fight against smuggling, customs administration needs:

- -to increase the number of equipment, regularly update the equipment and IT;
- -to enhance customs cooperation with EU Member States and third countries;
- -to increase the number and capacity of staff, to train and motivate the staff, to
- increase resistance to corruption;
- -to ensure sufficient funding for the increasing administration costs.

*Firearms were not even mentioned in this seminar about smuggling.*

*If firearms would be high priority, somebody else than Malmström and Marini would refer to. But nobody does!*

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<sup>15</sup> [Speech by FRONTEX Director Klaus Rösler](#), ERA-Seminar, April 2013



## 5. Pretended Democracy by DG Home

Marini announced at the ERA-Seminar 2013 two "democratic looking" tools:

1. Creating of an expert group on firearms trafficking, composed of law enforcement, firearms producers, NGOs and other stakeholders.  
He forgot to say, that no representatives of firearms owners were invited as experts.
2. Inventing of a public online consultation. Both hoped to get results which would support their aim: banning firearms. Expert of Marini's speech:

*We are very keen to capture the views of a wider range of stakeholders - including victims organisations and NGOs – and to provide an alternative perspective to that given to the ENTR questionnaire 2012 where respondents were mainly from the users, retailers and manufacturers of firearms.*

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Marini referred to this report from July 2012: *Possible advantages and disadvantages of reducing the classification to two categories of firearms (prohibited or authorised)*<sup>16</sup>

### 5.1. EU Firearms Report - July 2012

*[T]he Commission has adopted an approach that involves the services in the Member States that are competent for firearms (**mainly Ministries of the Interior and of Justice**, depending on the Member State), to whom a questionnaire was sent in November 2011, and the **main groups of users of civilian firearms** – in particular manufacturers, retailers, hunters, hobby marksmen and collectors – who have been asked on several occasions for their opinion.*

This means that the Ministries have had a huge impact and only the associations had been asked, not the users - but their associations.

*A broad range of questions was put to the authorities of the Member States, covering the following aspects:*

- a) economic importance of the firearms manufacturing and retail sector*
- b) number of registered hunters and hobby marksmen*
- c) number of European firearms pass holders*
- d) information on trends in crimes and offences over recent years***
- e) any problems in the tracing of firearms***
- f) systematic requirement of a licence to purchase a firearm*
- g) validity of a licence for one or more firearms*
- h) implicit authorisation via another authorisation or licence*
- i) possible existence of a simple declaration system*
- j) interest in further mandatory restrictions on the categories in European law***
- k) possible impact of those further restrictions on the economic sectors concerned***
- l) possible improvements to be envisaged*

It was also made very clear that the questionnaire referred only to weapons covered by the Directive, i.e. hunting and sporting weapons, and not military weapons.

<sup>16</sup> [REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL](#), July 2012

### 5.1.1. Answers by Ministries

4.1. The answer to the question of whether recent years have seen a **significant increase in crimes involving hunting or sporting firearms is mostly negative**. Some Member States, such as Greece, Poland, Sweden and Portugal, have experienced a **slight or insignificant rise**.

4.2. Most Member States, such as Austria, Hungary, Bulgaria, the United Kingdom, Finland and Spain, consider the trend to be one of **stability**. Other Member States, like Belgium and Ireland, have even seen a **decrease in this type of crime**

4.3. These aspects can also be seen in the trends **for crimes involving firearms** that are connected, for example, with the availability of weapons – **mainly military weapons** – at the conclusion of armed conflict. However, this type of weapon does not fall within the scope of the Directive, which classifies them **as prohibited** (Category A of Annex 1), by contrast with weapons that can be acquired for use in a leisure or sport activity.

4.4. The weapons authorised by the Directive present **much fewer tracing difficulties**, as attested by the answers to the questionnaire, which are mostly reassuring, at least with regard to legal movement within the EU; indeed, most **Member States consider that there are relatively few problems, at least at national level, in tracing firearms for civilian use**.

7.5. However, **a significant number of Member States consider the current situation to be, for the most part, satisfactory and/or do not propose any particular measures**. Some, such as Italy, think that any change considered should take into account the principle of proportionality and whether there is a real need for an initiative at EU level.

7.6. Overall, the Member States' comments **mainly relate to the issues of the traceability and deactivation of firearms**. These are two areas where the Commission plans to intervene, whether by issuing common guidelines on deactivation standards and techniques or by ensuring that Member States fulfil their obligation of keeping a computerised data-filing system, **two tasks that were prescribed in Directive 2008/51/EC itself**.

### 5.1.2. Answers by the NGOs

Hunters and marksmen appear to be satisfied. Collectors want the same European firearms pass like hunters and marksmen. Manufacturers of civilian firearms would be interested in simplification of measures of transport.

8.5. Both manufacturers and retailers advocate **simplification in the definitions used for the essential parts of firearms**. These definitions do not fully coincide from one legislation to another, and greater precision would improve the flow and security of commercial transactions.

### 5.1.3. Summary

Ministers see stable, decrease or slight increase in crime with firearms. Most crimes are committed with military firearms which are already prohibited. Most member states have no problems with the tracing of legal firearms. They want more information shared internationally.

Users want simplification and asked for harmonisation for deactivated guns and essential parts.

*All agree there is no need to open the directive as most of what they wish for is already mentioned in the 2008 directive and needs only clarification,*

## 5.2. Creating an expert group EFE

Marini announced the creating of an expert group on firearms trafficking **composed of law enforcement officials, firearms producers, NGOs and other stakeholders.**

In April 2013 the EU Commission DG Home decided to set up a group of experts on measures against the illicit trafficking in firearms to safeguard the EU's internal security.<sup>17</sup>

*The members of the expert group shall be:*

*Member States' law enforcement authorities (up to nine members);*

***Experts from universities, research institutes and non-governmental organisations (up to three members);***

*Associations of European producers of firearms (up to two members);*

*The European Police Office (one member)*

*The group shall monitor the evolution of policy on the fight against the illicit trafficking in firearms and identify difficulties which have emerged at national or crossborder level in relation to the implementation of the EU legislation and relevant provisions of international conventions from the perspective of competent law enforcement authorities.*

The **names of members shall be published** in the Register of Commission Expert Groups and Other Similar Entities ('the Register').

*The activities of the group shall be without prejudice to those of the Contact Group of national experts on firearms already established by the Directive 91/477/EEC as amended by the Directive 2008/51/EC which has sole competence to discuss the issues covered by these Directives relating to legal trade in civil firearms.*

*This looks initially transparent and democratic until you go into the details.*<sup>18</sup>

<sup>17</sup> [Commission Decision of 11. April 2013, C\(2013\) 1993 final](#)

<sup>18</sup> [Commission DG Home Expert Group E02931](#)

### 5.2.1. Other Expert Groups<sup>19</sup>

There are only three expert groups regarding firearms which are not lead by DG Home, one does not meet since 2013, the other one is for pyrotechnic and the last for transport and mobility within the EU.

Gornitzka, Åse and Sverdrup researched EU expert groups in 2008:<sup>20</sup>

*"Our argument is that the expert groups play an increasingly important role in the EU. We can observe a proliferation of this mode of governance across sectors. We find that the use of expert groups has developed into a routine practice of the European Commission in order for it to connect to its environment and bring together various state and societal actors. Moreover, a great proportion of the expert groups have become permanent and lasting properties of the governance system.*

*However, our data also show that the expert groups are remarkably unevenly distributed along different policy domains and areas. Our analysis shows that there were 1,237 expert groups organised by the European Commission in January 2007.*

*First, the expert groups operate primarily in the EU public policy domains. There are hardly any expert groups in the field of internal administrative services, and there are few expert groups engaged with the general services.*

*Secondly, the distribution of expert groups is biased and unevenly distributed across the different DGs. More than 75 per cent of all the expert groups in the Commission are related to ten DGs.*

*It should also be noted that a large share of Commission expert groups do not include interest group participation (Gornitzka and Sverdrup 2007. **We found policy areas that have relatively few internal resources and that make use of few external resources, including DG Justice and Home Affairs, DG Development and DG Fish and Maritime.***

*We also see some convergence in consultative system(s) in the various DGs, as all the DGs, with the exception of two, have increased the number of expert groups they organise.*

*In issue areas related to internal administration, general services, and external relations, there are few – if any – expert groups. We also find that external pressures in terms of the number of interest groups are significantly correlated with the Commission's DG propensity to establish expert groups.*

*(Excerpt of the study, highlights added)*

**DG Home belongs to the Commissions who hardly have expert groups and it does not include interest group participation. These NGOs are not experts for DG Home:**

- **FACE** (represents 7 million hunters) in Brussels
- **WFSA** (represents gun owners, dealers and manufacturers) in Brussels
- **A.E.C.A.C** (represents gun dealers) in Brussels
- **FESAC** (represents collectors) in Amsterdam

<sup>19</sup> [All Expert Groups related to firearms \(seven\)](#)

<sup>20</sup> [Gornitzka, Åse and Sverdrup, Ulf\(2008\) 'Who consults? The configuration of expert groups in the European union'](#), West European Politics, 31: 4, 725 — 750

### 5.2.2 Members of EFE - expert group

- a) Nine anonymous members of anonymous law enforcement authorities from Czech Republic, Denmark, Estonia, Germany, Lithuania, Netherlands, Poland, Sweden and United Kingdom<sup>21</sup>
- b) Ernesto Savona, University professor, Director Transcrime Institute Università Cattolica Sacro Cuore Milano;
- c) Sarah Parker, researcher in Small Arms Survey Research Institute
- d) Saferworld, NGO
- e) Mauro Silvis, European Association Civilian Firearms Manufacturers
- f) Thierry Jacobs, represents firearms manufacturers FN Herstal
- g) Europol, EU agency

**Sarah Parker and Saferworld<sup>22</sup> are known as gun control activists- both coming from UK.**

Saferworld's priority is to eradicate guns in Third World countries and get more control by the ATT.

Small Arms Survey mission's topic: *The proliferation of small arms and light weapons represents a grave threat to human security.*<sup>23</sup> You would expect that her researcher would see the EU Directives as sufficient. But Mrs. Parker does not like to differ between war weapons and legal ones and works for UK gun law in the whole EU:

*Conventional arms is a broad category, ranging from military systems like tanks, aircraft, and missiles to civilian firearms. Leaving out civilian arms would create a big loophole, experts say. "You have a very big problem making a firm distinction between military and civilian in a legal context" because different states define and regulate arms differently, Parker says. For example, in the United Kingdom, only military personnel are allowed to have handguns, while in the United States an individual may even own a semiautomatic rifle.*<sup>24</sup>

Ernesto Savona researches illicit firearms sales and works together with Small Arms Survey. He believes that illicit trafficking has a value of 10 to 20% of the licit market and sees policemen and manufacturers as top sources.<sup>25</sup>

Law enforcement in UK, Denmark, Germany and Netherlands are known to prefer more gun control than permissive rules. Manufacturers depend on authorities for export permits and also the government as buyer.

**But even this biased expert group came 2014 in their second meeting to the following conclusion:**

*There was no need to strengthen the framework for legally held firearms because there is no real evidence that this is the source of illicitly-trafficked weapons that fall into the hands of criminals.*

<sup>21</sup> [EU: EFE expert group](#)

<sup>22</sup> [Saferworld - Homepage](#)

<sup>23</sup> [Small Arms Survey: Mission - Homepage](#)

<sup>24</sup> [US News : NRA Takes Aim at Weapons Treaty, July 2012](#)

<sup>25</sup> [Savona, What are the demensions of armed violence and insecurity in Europe?, Juli 2011](#)

### 5.2.3. Activity Reports' Contents

At least there are 2 of 3 meetings have a short activity report. The one of April 2015 is missing for more than six months.

#### First Meeting 2013

Doubts were expressed about the **accuracy and usefulness of the statistics on illicit firearms**. For example, it was pointed out that estimates (from [www.gunpolicy.org](http://www.gunpolicy.org)) of the number of firearms holders does not correlate with the number of known hunters in each Member State (in Denmark for instance there are over 200,000 registered hunters and shooters while the number of licenced firearms holders is 21,000 according to [gunpolicy.org](http://gunpolicy.org)).

[I]t was deemed important to consider notably seizure data and statistics on the **number of criminal offences committed with a legally and illicitly held firearm**.

Care when interpreting data is also of essence as illicitly held firearms (e.g. family heritage) does not mean illicit use for criminal activity.

In terms of the EU Member States' legal frameworks, an important issue is how the definitions of and various aspects of 2008 Directive **have been transposed in national legislation** [and] to the ways in which trafficking offences are prosecuted.

In any case it was a common consensus that decisions should be based in real figures not in other kind of threat perceptions.

#### Second Meeting 2014

Jack Malan (CSES) provided some research. This confirms that Europe faces a serious illicit firearms trafficking ('IFT') problem. The main sources of illicit weapons are the reactivation of neutralised weapons, burglaries and thefts (e.g. of legal firearms), legal firearms sold in the illegal market, firearms retired from service by the army or police, and the conversion of gas pistols.

Claudia Gallo (EY) presented an overview of the latest version of the '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 on alarm weapons and replicas'.

With regard to security, it was explained that this is endangered by the threats for European citizens posed by the conversion of alarm and signal weapons, the risks associated with the use of replicas, the cases of reactivation, and the emerging threats due to the internet sales and the 3D printed firearms.

*It was also argued that there was no need to strengthen the framework for legally held firearms because there is no real evidence that this is the source of illicitly-trafficked weapons that fall into the hands of criminals.*

The EU manufacturer associations noted that the compliance with existing standards against illicit firearms should be addressed through joint actions on border control and information exchange.

*The Commission made the point that much could be achieved by improved guidelines (e.g. with regard to deactivation) rather than having to amend the Directive.*

### 5.3. Public Online Consultation 2013

Malmström and Marini were "very keen to capture the views of a wider range of stakeholders - including victims organisations and NGOs – and to provide an alternative perspective to that given to the ENTR questionnaire 2012 where respondents were mainly from the users, retailers and manufacturers of firearms."

When they started the consultation they wrote an introduction which was totally biased.

1. The whole question implies that the Task Force on Firearms of the EU Directorate-General for Home Affairs is seeking support to the additional requirements of the preparatory committees of the UN Small Arms Conference, including the limits and serial numbers for buying ammunition.

This assumption is supported by the fact that this survey,

- already had more than 6000 participants, before we even got notice, whilst other previously carried out EU surveys only had 0-800 attendants;
  - has omitted to link to facts, records and reports with different opinions, whilst other EU surveys do that;
  - was published in 22 languages, whilst other EU surveys usually are only in English or at its bests in four languages;
2. The Commissioner of the EC is Cecilia Malmström, who has already profiled with demands for more surveillance and internet censorship.<sup>26</sup> Her commitment to firearms can be followed well according to her press releases:
    - Combating trafficking in firearms<sup>27</sup>: Commission proposes ratification of the UN Protocol as well as further measures
    - Questions and Answers: the UN Firearms Protocol and the EU<sup>28</sup>

The introduction highlights the problems with "**heavy firearms**". But the whole question refers to "**light weapons**" (eg MANPADS) and "**small arms**" (including civilian firearms). In criminal or terrorist circles of EU no "heavy arms" or "light weapons" have ever been used, but often within organized crime groups, some prohibited full automatically small arms have been used.

<sup>26</sup> [Cecilia Malmström](#) in wikipedia

<sup>27</sup> [Combating trafficking in firearms](#), Press Release EU DG Home, March 2013

<sup>28</sup> [Questions and Answers: the UN Firearms Protocol and the EU](#), Press Release EU DG Home, March 2013

### 5.3.1 Glossary

**Heavy weapons** are large but transportable armament and are **prohibited for civilians**

- cannons: artillery gun that is usually on wheels and has more than 10cm of diameter
- movable artillery (other than antiaircraft) used by armies in the field (especially for direct support of front-line troops)
- tanks
- war ships, war aircraft

**Light weapons** are firearms which cannot be handled by a single person but by a group and some war weapons. They are **prohibited for civilians** in the EU.

- man-portable and vehicle-mounted antipersonnel,
- antitank and antiaircraft rockets,
- missiles,
- grenade launchers,
- rocket launchers,
- landmines,
- antiaircraft guns,
- mortars,
- hand grenades
- rocket-propelled grenades

**Small arms** are hand-held small caliber firearms

- handguns, rifles and shotguns
- single loaded, repeating or semi-automatic (allowed in categories B, C, D)
- and full automatic weapons (in general prohibited in category A for civilians)

### 5.3.2. Questions

Whilst the introduction refers to war weapons - which are prohibited for civilians - the questions referred to non full automatic firearms which are permitted for civilians. The poll has been deleted, but fortunately we have the archived news of A4S:<sup>29</sup>

*The European Council states:*

*The European Commission wishes to consult citizens and stakeholders about action needed at EU level to reduce the threat of firearms to people living in the EU. Responses to this questionnaire will inform a communication which the Commission is preparing for adoption later this year, as well as possible future legislative and other initiatives.*

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<sup>29</sup> [European Commission's gun poll: a call to action!](#) A4s News, April 2013



*Intentions would seem positive until the next line arrives:*

*Firearms are a common factor in serious crime, terrorism and illicit markets. Guns and similar weapons are usually produced legally, but can remain effective for decades and may be used for criminal ends with horrific consequences, as has been seen most recently in the attacks in Toulouse, Utøya and Liège. Meanwhile trade in firearms can generate profits which are diverted to organised crime and which undermine the rule of law. These weapons may be illegally acquired from stockpiles in former conflict zones such as the Western Balkans, **or may have been converted from deactivated weapons or parts made available for sale over the internet.***

*The poll introduction continues by literally enshrining as greatly positive, things these very same international laws and regulations that proved useless in preventing the illegal arms trade and their abuse by criminal and terrorists, and that are instead making the lives of legitimate gun owners harder day by day:*

*Many Member States have ratified the UN Firearms Protocol, which prohibits the illegal manufacturing of firearms and the transfer of firearms between states without the knowledge and consent of all states in involved. Building on the Protocol, the EU has adopted strong rules controlling the export and import of firearms, enabling them to be more easily traced. **Since 2010, the EU has sought to implement an action plan tackling illegal trade in 'heavy' firearms.** However beyond commercial rules, within the EU, there is no common approach to facilitating police cooperation in this area, nor are there common definitions of criminal offences and sanctions.*

*The questionnaire contains twenty-five questions organised in five sections: introductory questions; the role of the EU in combating criminal trade in and use of firearms; legal production, possession and sale of firearms; storage, deactivation and destruction; working with external countries, police cooperation, statistics and reporting.*

***Questions are slickily posed, and are mostly tricky and insincere in nature in our eyes.<sup>30</sup>***

### 5.3.3. Results

We - the users - were informed about the public consultation and the consultation got lots of attendants.

85 673 participants at all, including

- 3464 organizations and
- 274 public institutions

Our answers, even the ones of the organisations and public institutions did not get approval of Malmström and Marini. Therefore they spent even more taxpayer's money on a telephone survey called Eurobarometer in summer 2013. When this survey showed the results they had needed, they published in October their "Action Plan on Guns".

<sup>30</sup> [Questions in German and how to interpret them with facts](#). Triebel, 2013

In the very first press release the approved results of the "Eurobarometer" with 25.000 participants were highlighted and published on at least 70 illustrated pages and 22 pages for the summary.<sup>31</sup>

Of the participants of the Eurobarometer 90% do not have firearms and have never had any. These people have no experience of the existing national legislation or the EU Directives.

***But then with even these inexperienced citizens on matters of firearms legislation, only 53% supported stricter regulation.***

*A majority of respondents (53%) think that stricter regulation of who is allowed to own, buy or sell firearms in their country is the most effective way to reduce the level of firearms-related crime. However, four out of ten respondents (39%) think that this would be best achieved in some other way.*

The public consultation with more than 80.000 participants was summarized in an hidden attachment of 4 pages. Two weeks later, when no media was interested anymore they presented 15 pages. It took more than two years (maybe the new Commissioner) that the DG Home website presented an official link to this report.

**You will not find the summary of this report anywhere else than on this very short PDF:**<sup>32</sup>

*The vast majority of responses (95.6%) were from individual citizens, with 4% were from private organisations and 0.3 % from members of public authorities.*

*Concerning substance, a total of 22 questions were asked on four main issues: (a) Role of the EU, (b) Legal production, possession and sale, (c) Storage, deactivation and destruction, (d) Working with third countries, police cooperation, statistics and reporting. At the end of each set of questions, respondents were able to make comments in a free text box. Most of these comments concerned the roles of the EU (20 963) and legislation (17 028). The section on storage and deactivation prompted 11 131 comments and relations with third countries and police cooperation 10 051.*

***Overall, respondents were opposed to the suggestion of further action on EU level in this area.***

*For instance, 92% of respondent opposed extending the list of prohibited firearms, as defined in Annex I Part II of Directive 91/477/EEC. Some responses were overall more mixed: on the question of how frequently each Member State should report on its progress in tackling firearms trafficking, 50% responded "never", 29% "regularly" and 17% "occasionally"; on the question of developing police training for tackling firearms trafficking, 44 supported such a development either "to a large extent" or "to some extent", while 54% opposed it.*

**When Cecilia Malmström presented her Action Plan, she "forgot" to mention the overall opposition of the gun owners and interpreted the very small majority of 53% as a huge interest:**<sup>33</sup>

*In summer 2013 a [public consultation](#) generated huge interest and many ideas for improving the EU's firearms control framework. In the light of this, the Commission has proposed a four priority actions to reducing the risk to the public of firearms over the coming years:*

<sup>31</sup> [Eurobarometer 2013](#), DG Home

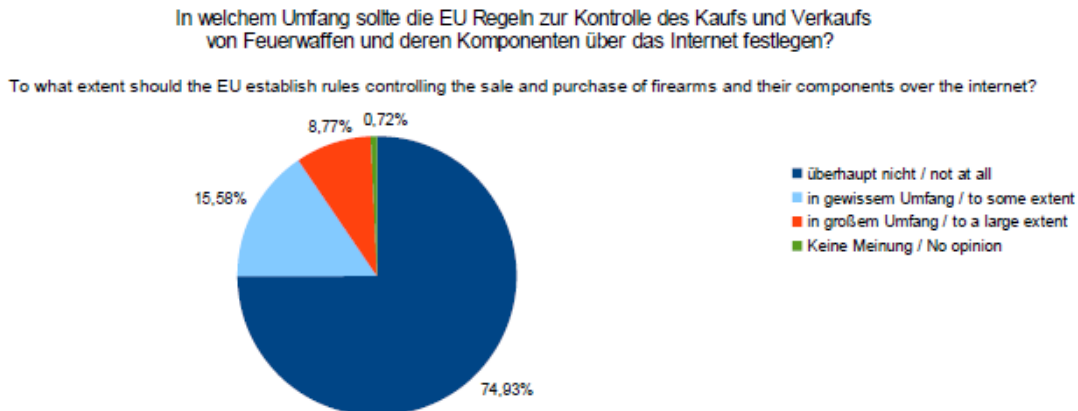
<sup>32</sup> [Report on European Commission public consultation on EU firearms policy](#), DG Home Oct 2013

<sup>33</sup> [DG Home](#) - Homepage

We read lots of reports on public consultation. None was as biased as this one. Here are some examples:

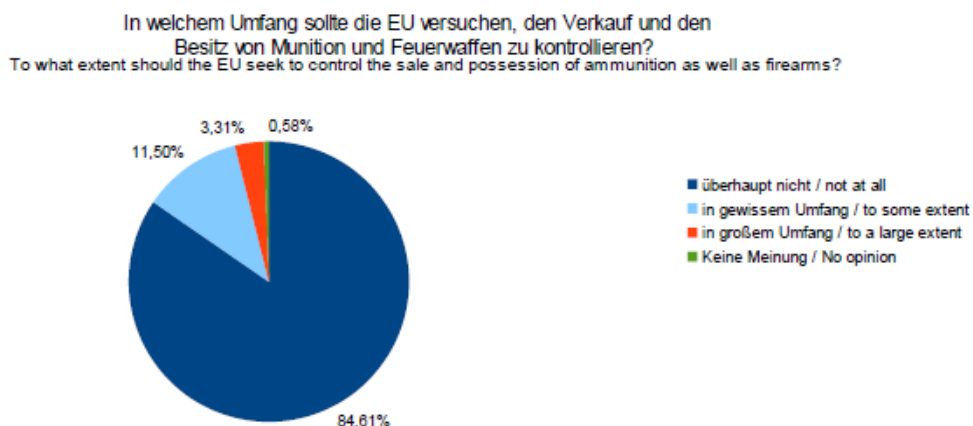
*A Belgian public authority, Belgian and Italian organizations as well as French, British and German citizens expressed strong criticisms against the sale over the Internet of both firearms and ammunition.*

Not a single word about the result that almost 3/4 of the participants, that means 64 194 participants, reject a restriction:



*Concerning ammunition, a member of the Spanish Civil Guard called for further restrictions on the purchase of ammunition, and several British citizens criticised varying controls under national law on the purchase of rifle bullets as opposed to shotgun cartridges.*

One member of the police demanded restrictions and several Britons were outraged over unequal ratios. Not a single word that 78 457 participants reject additional regulations.



We could list more examples, because I had all answers of the survey published in bilingual graphic, which you can see in this PDF: Results of EU-Poll.<sup>34</sup>


<sup>34</sup> [Results of EU public consultation 2013](#)

## 6. Manipulation and Outright Lies by Fabio Marini

Marini read the report 2012, so he knows that Ministries were questioned. It is an outright lie if he tells attendants that only users would have answered the report.

When firearms seizures in France in 2011 were fewer than in 2004 to 2008, it is a manipulation, when he only highlights that they were 40% higher than in 2010. Every criminologist knows that the police is not every year successful in finding a smuggler. It seems that 2009 and 2010 were years with less success and 2011 was a normal year.

When Marini adds 4000 suicides to the 1000 homicides in the year 2011 or 2012 and says 5000 people were murdered, then this is an outright lie.

When he is caught lying and changes his phrase to "over [10.000 in the EU alone](#)  over the last decade, in addition to over 4.000 suicides by firearm each year" and links to the wrong number of the UN report instead to Eurostats, he manipulates readers and listeners.

When Marini talks about 240.000 murdered people in the world with firearms and he forgets to mention, that the hot spots of firearms-related murders lie in countries like Venezuela and Jamaica with total gun bans or in cities like Chicago and New York with stricter rules than in the EU, he manipulates the audience.

When Marini works with Keith Krause of the Small Arms Survey he should know Krause's statement on the Global Violence Reduction Conference 2014.<sup>35</sup>

### **Another goal: POLICIES AGAINST TRIGGERS FOR VIOLENCE**

Policies against triggers for violence, which include policies to control access to alcohol, firearms and drugs, can be first cost-effective contributions towards effective national violence prevention plans.

**Keith Krause** (Graduate Institute of Geneva) discussed the evidence on gun policies. He said that gun-related deaths account for around 46% of violent deaths worldwide and are an important area for policy making. Krause suggested that the **disposition to use firearms for criminal acts is not related to the possession of firearms per se but rather the membership in broader criminal networks**, particularly in the case of gangs and organised crime. He also emphasised that guns do not generate more violence. Rather, they increase the severity of the consequences: **"The prevalence of gun ownership has little or no effect on the overall volume of violent crime – more guns, same amount of violence.** The lethality of violence depends on the mix of weapons [rather than the prevalence of gun ownership] – more guns, more murders", he concluded. Firearm-related deaths should therefore be tackled with policies that disrupt criminal networks.

He may have even read the whole report and seen there are violence hot spots:

*Manuel Eisner (University of Cambridge) showed that almost half of all 450,000 homicides committed annually occurred in 20 countries that account for 10% of the world population. Susanne Karstedt (University of Leeds) used her "Violent Cities" dataset to demonstrate that a large proportion of the 20 most violent countries remained in this group for decades. Her data also indicated that violence is*

<sup>35</sup> [Findings from the Global Violence Reduction Conference 2014](#), University of Cambridge (UK)

*highly concentrated within states and that on average only 15% of the state territory is affected by extreme violence. Daniel Ortega (CAF Development Bank of Latin America) presented the example of the municipality of Sucre in Venezuela where 80% of annual homicides happen in 6% of street segments. Similarly, Robert Muggah (Igarapé Institute) reported that 99% of violence in the USA is concentrated in 5% of street addresses.*

For the EU these hot spots would be Vilnius, Tallinn, Luxembourg, Brussels, Prague, Amsterdam and Bratislava, cities with a murder rate greater than 3 per 100.000 citizens and different gun laws.

We also know that **consumption of alcohol or drugs is strongly associated with violence**. That is the reason why addicts don't get licenses for legal firearms. But these addicts committed - besides the criminals - the most murders.

*If Marini were interested in reducing violent crime and not interested in banning and restricting the access to firearms he would know this report.*

## 7. EC Misuses Fear and Terror for Action Plan

On November 18 the European Commission announced a draft of measures to further restrict the rights of legitimate gun users in Europe. Now they want to appear justified because of the terrible terrorist attacks in Paris last 13th.

All members of FIREARMS UNITED have strong opposition to this plan promoted by the European Commission. The EC proposes actions such as a ban on semiautomatic rifles with military look, deactivated guns and prohibitions for weapons collectors, just to name a few. In practice this ban impacts many firearms used by hunters, marksmen and collectors of heritage. It is also a hard blow to the European firearms industry, which will undoubtedly effect the closure of many businesses and related businesses.

*These now announced measures were waiting a long time for an opportunity to catch the moment of pain and fear of public opinion to impose them.*

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This body of the European Union uses such dark maneuvers since 2013 when it tried to manipulate different surveys by methodically lacking scientific background or by influencing the public opinion with biased questions. EC also served in the past reports which contained numerous errors in the data or directly false data. The European Commission tries to pose for the public eye solutions which won't solve the problem but disguise its inability to act rational and effective.

*These series of proposals for legal weapons have nothing to do with the tragic events in France.*

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The attacks were committed with illegal weapons. Criminals have not licensed arms, are not marksmen, are not hunters, they are not gun collectors. Terrorists do not buy their weapons in gunshops. The proposed measures will in no way affect how criminals get their supply of weapons on the black market. Markets which are well known by EUROPOL, but were not well prosecuted because of lack in money.