



Evaluation of the Firearms Directive

Annexes

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Annex 1. Desk research

The desk research relied on existing documents, at international, EU and national level. Documents used as the main source of information can be classified into four categories:

- The **legal framework at EU level** and on-going policy developments;
- Other **relevant information on the application** of the Directive in MS, based on possible infringement procedures launched by the EU;
- **National legislation** implementing the Firearms Directive, related legal acts and other relevant policy or research documents at national level;
- **Data sources on trends in criminal offences, illicit trafficking and illicit use of firearms**, elaborated by EU institutions and recognized supranational research organisations;
- **Statistics**, relevant studies and other information (e.g. Amadeus, Eurostat) **related to the market of firearms**, the main firms operating in the EU, trends in production and trade, etc.

We provide below a list of secondary sources (see par. 1.2) and legislative documents (see par. 1.1) used for the study.

The evaluation took also into account a range of **actions the European Commission** is taking to manage and reduce the risks posed by civilian firearms, including, among others:

- The strategy "Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking", launched in October 2013 and aimed at addressing vulnerabilities and safeguarding the lawful market.¹
- The work on the common deactivation guidelines (expected to be approved in the next months), and the investigation of the feasibility of an EU marking standard for all weapons.
- The actions taken in line with international developments, starting from the ratification of the Firearms Protocol by the EU² which is expected to contribute to improved controls on the transfer of firearms, by setting high common international standards on imports, exports and transfers and on manufacturing and marking.
- The recently adopted (3 June 2013) Arms Trade Treaty³ which represents the highest possible common international standard for regulating or improving the regulation of international trade in conventional arms. The treaty will enter into force once ratified by 50 States. The Commission proposed a Council decision authorising EU MS to sign the Treaty in May 2013. In March 2014 this Decision was

¹ COM (2013) 716 final. Link: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-firearms/docs/1_en_act_part1_v12.pdf

² In March 2013, the Commission proposed that the Council decides to approve the UNFP's conclusion on behalf of the Community (COM(2013) 154 final, Proposal for a Council decision on the conclusion, on behalf of the EU, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime). The protocol has been ratified by the Commission in March 2014. Link: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0154:FIN:EN:PDF>

³ <http://www.un.org/disarmament/ATT/>.

adopted. EU MS are now free to deposit their ratification instruments in New York.⁴

- The two impact assessments launched by DG HOME on *i*) deactivation, marking of firearms, replicas and alarm weapons⁵ and *ii*) criminal sanctions.⁶
- The strategies designed by the EU, aimed at guiding its external action to control the firearms trade, including the strategy to combat the illicit accumulation and trafficking of Small Arms Light Weapons (SALW) adopted in 2005. The purpose of the SALW strategy is to contribute to an integrated, coherent and visible EU action against the accumulation and spread of such arms and weapons.⁷

Finally, the evaluation of firearms legislation is included in the Commission's Regulatory Fitness and Performance Programme (REFIT) to assess the potential for simplification and reduction of regulatory costs and burdens.⁸

Data availability

With respect to the **market**, we used official statistical data when available and we completed/enriched them with primary data collected through stakeholders' consultation.

Eurostat Structural Business Survey Data (SBS) were used and allowed for a first analysis of turnover, investment and employment figures for the overall firearms and ammunitions sector (NACE 25.40 - Manufacture of weapons and ammunitions) including both arms for civilian and military use.⁹ SBS data were then integrated with information sourced from the Amadeus database produced by Bureau Van Dijk and concerning the share of employment for each category of firm.

In addition to these sources, we used the Eurostat Prodcom database for data on the production of civilian firearms and ammunitions in the EU28. Data on firearms production used in this study include short guns (such as revolvers and pistols)¹⁰, long guns (such as shotguns, rifles, carbines and muzzle-loaders, including punt-guns, combination shotgun-rifles, sporting guns made to resemble walking sticks)¹¹ and ammunition (such as cartridges and other ammunition and projectiles and parts thereof, including shot and cartridge wads).¹²

⁴ COM (2013) 482, authorising Member States to ratify, in the interest of the EU, the Arms Trade Treaty. Link: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0482:FIN:EN:PDF>

⁵ 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, EY and Sipri, June 2014.

⁶ Study to Support an Impact Assessment on Options for Combatting Illicit Firearms Trafficking in the EU, CSES, under approval of the DG HOME, May 2014.

⁷ Council of the European Union, reference doc. 5319/06. Link: <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%205319%202006%20INIT>

⁸ COM(2013) 685 final. Link: http://ec.europa.eu/finland/pdf/20131002-refit_en.pdf

⁹ Even though the focus of the current report is on civilian firearms and ammunitions, SBS is the only source providing some insight on the number of SMEs active in the sector as well as reliable statistics on other business indicators

¹⁰ NACE Rev.2 Prodcom Code 25401230. The code excludes military firearms.

¹¹ NACE Rev.2 Prodcom Code 25401250. The code excludes military firearms.

¹² NACE Rev.2 Prodcom Code 25401300. The code excludes military firearms.

For the aggregated EU28 time series, we faced continuity problems due to the varying number of MS during the time period covered by the study.¹³

The Prodcom database reports aggregated data at EU27 and EU28 level, and national figures for a limited number of MS (Italy, Germany, Portugal, Finland, Spain, France and the United Kingdom). To have a breakdown for the 28 MS we used data on the volume of production of firearms sourced from the World Forum on Shooting Activities (WFSA), which provides volumes of production for both short and long firearms for civilian use for all EU MS. The data are a snapshot for 2012; trends at individual country level can be observed only in some sporadic cases where Prodcom displays them.

The Eurostat International Trade database was used for trade flows. Data are available for import and export of civilian firearms and ammunitions towards/from the majority of MS (data are completely missing only for Bulgaria and Romania). These data allow to distinguish between intra- and extra-EU28 trade flows and to conduct comparisons with some important third countries. Eurostat data on trade were integrated with data sourced from the UN Comtrade database. Based on data on trade flows, we conducted a competitiveness analysis based on the index of Revealed Comparative Advantage (RCA).¹⁴

In order to offset the data gap at national level, we contacted the national associations of firearms producers and made use of data collected through interviews during the field research. Information from different sources allowed us to implement cross checks of comparability to quality assure the data.

As for **security**, a relevant information gap was related to the absence of disaggregated data on the types/categories of firearms circulating in the EU, and/or illegally used and trafficked. Even when available, aggregate data on long-barrelled weapons (i.e. shotguns, hunting rifles and other types) or on handguns (i.e. sporting pistols and other types) include in the same category and mix together very different types of firearms. As a consequence, the detailed analysis of issues related to the criminal use and illicit trafficking was limited.

Finally, gaps were recorded with reference to data on criminal offences and activities involving civilian firearms. Although some information could be collected through international sources, such as the Small Arms Survey, or the publications of the UNODC Offices, comparable and detailed data on trends in criminal offences at EU level were hardly retrievable. As emerged from the impact assessment studies related to marking, deactivation, destruction as well as alarm weapons and replicas, data on the use of replicas, alarm weapons and deactivated firearms in criminal activities are also limited.

1.1 National legislations regulating acquisition, possession and transfer of civilian firearms

Austria

Bundesgesetzblatt für die Republik Österreich - Jahrgang 1977, Ausgegeben am 23. Dezember 1977 – 187. Stück

¹³ It is not possible to reconstruct backward aggregated time series for the EU27 due to the recurrent missing data for individual MS.

¹⁴ Balassa, B., (1965), 'Trade Liberalisation and 'Revealed Comparative Advantage', Manchester School of Economic and Social Studies (1965), Vol. 33, pp. 99–123.

Bundesgesetzblatt für die Republik Österreich – Jahrgang 2012, Ausgegeben am 25. Juli 2012 – 63. Bundesgesetzblatt für die Republik Österreich

Bundesgesetzblatt für die Republik Österreich – Jahrgang 2012, Ausgegeben am 28. Dezember 2012 – 115. Bundesgesetz, mit dem das Waffengesetz 1996 geändert wird

Bundesgesetzblatt für die Republik Österreich – Jahrgang 2013, Ausgegeben am 31. Juli 2013 – 161

Gesamte Rechtsvorschrift für Außenwirtschaftsgesetz 2011, Fassung vom 31.07.2014

Gesamte Rechtsvorschrift für Deaktivierungsverordnung, Fassung vom 31.07.2014

Gesamte Rechtsvorschrift für Gewerbeordnung 1994, Fassung vom 31.07.2014

Gesamte Rechtsvorschrift für Kriegsmaterial-Deaktivierungsverordnung, Fassung vom 31.07.2014

Gesamte Rechtsvorschrift für Waffengesetz 1996, Fassung vom 31.07.2014

UN Programme of Action on small arms and light weapons – National Report – Austria (2014)

Belgium

Loi réglant des activités économiques et individuelles avec des armes. (aussi appelée "Loi sur les armes") - 8 Juin 2006

UN Programme of Action on Small Arms and Light Weapons – National Report – Belgium (2011)

Bulgaria

Law for Control over the Explosives, Firearms and Munitions – *Prom. SG. 133/11 Nov 1998, amend. SG. 85/17 Oct 2000, amend. SG. 99/22 Oct 2002, amend. SG. 71/12 Aug 2003, suppl. SG. 102/20 Dec 2005, amend. SG. 105/29 Dec 2005, amend. SG. 17/24 Feb 2006, amend. SG. 30/11 Apr 2006, amend. SG. 38/9 May 2006, amend. SG. 11/2 Feb 2007*

Regulation for the implementation of the Law for the Control over the Explosives, Firearms and Munitions – *Prom. SG. 78/3 Sep 1999, amend. SG. 58/29 Jun 2001, amend. SG. 1/4 Jan 2002, amend. SG. 115/10 Dec 2002, amend. SG. 24/14 Mar 2003, amend. SG. 111/22 Dec. 2003, amend. SG. 12/13 Feb 2004, amend. SG. 15/15 Feb. 2005*

UN Programme of Action on small arms and light weapons – National Report – Bulgaria (2014)

Croatia

Weapons Act - Zakon o Oružju. NN 63/07

Weapons Law – 1992

UN Programme of Action on small arms and light weapons – National Report – Croatia (2014)

Czech Republic

Firearms Act as amended by the act No. 170/2013 Coll.

ACT 156/2000. The control of firearms, ammunition and pyrotechnics and treatment of certain pyrotechnic articles – May 18, 2000

Assessment of Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its aspects – The Czech Republic's National Report

Zákon o Střelných Zbraních a Střelivu 119/2002 Sb – Available in English at <https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CCEQFjAA&url=http%3A%2F%2Fwww.mvcr.cz%2Fmven%2Ffile%2Fzakon-o-strelnych-zbranich-a-strelivu-en-pdf.aspx&ei=JmVOVLDSAoeNywO9yoBo&usq=AFQjCNGBeNmO--UzcRJrVM7r5Vih-hk4dA&bvm=bv.77880786,d.bGQ>

UN Programme of Action on small arms and light weapons – National Report – Czech Republic (2014)

Cyprus

Firearms registry – Cyprus Criminal Investigation Office – Available at <http://www.police.gov.cy/police/police.nsf/All/448E70D5CFF45330C22578A900271B18?OpenDocument>

Law that provides for the acquisition, possession, transfer and import of firearms and other weapons and for related matters – No.3850, 30.4.2004 – Gazette Schedule (I), L.113(1)/2004

Manufacture, Import, Repairing and Selling Firearms and Non-Firearms – Available at <http://www.businessincyprus.gov.cy/mcit/psc/psc.nsf/All/0a8b0ad0329a53a2c225786c00228c15?OpenDocument>

UN Programme of Action on small arms and light weapons – National Report – Cyprus (2014)

Denmark

Bekendtgørelse af lov om våben og eksplosivstoffer - LBK nr 1005 af 22/10/2012 Gældende

UN Programme of Action on Small Arms and Light Weapons – National Report – Denmark (2012)

Estonia

Weapons Act - (RT¹ I 2001, 65, 377)

UN Programme of Action on Small Arms and Light Weapons – National Report – Denmark (2012)

Finland

Ampuma-aselaki –Sisäasiainministeriö, Voimaantulo: 01.03.1998

Arms and Ammunition – The Firearms (Amendment) Act 1988 (Amendment) Regulations 2011 – 2011 No. 2175

Firearms Act (1/1998; amendments up to 804/2003 included)

France

Loi n° 2012-304 du 6 mars 2012 relative à l'établissement d'un contrôle des armes moderne, simplifié et préventif

Décret no 2013-700 du 30 juillet 2013 portant application de la loi n o 2012-304 du 6 mars 2012 relative à l'établissement d'un contrôle des armes moderne, simplifié et préventif

Germany

General Ordinance on the Weapons Act (AWaffV) – General Ordinance on the Weapons Act of 27 October 2003 (Federal Law Gazette I, p. 2123), amended by Article 2 (63) of the Act of 22 December 2011 (Federal Law Gazette I, p. 3044)

War Weapons Control Act (Kriegswaffenkontrollgesetz, KrWaffKontrG) - As last amended by Article 3 of the law of 11 October 2002, Federal Law Gazette I, p. 3970

Weapons Act (WaffG) of 11 October 2002 (Federal Law Gazette I, p. 3970, 4592; 2003 I p. 1957), most recently amended by Article 2 of the Act of 4 March 2013 (Federal Law Gazette I, p. 362)

Greece

State Security Division law 2168/93 – Ρύθμιση θεμάτων που αφορούν όπλα. πυρομαχικά, εκρηκτικές ύλες, εκρηκτικούς

μηχανισμούς και άλλες διατάξεις.

UN Programme of Action on Small Arms and Light Weapons – National Report – Greece (2008)

Hungary

A lőfegyverekről és lőszerekről – 2004. évi XXIV. Törvény

UN Programme of Action on Small Arms and Light Weapons – National Report – Hungary (2014)

Ireland

Firearms Act (17/1925) – Revised: Updated to 31 October 2012

Statutory Instrument No. 362 of 1993 – European communities (acquisition and possession of weapons and ammunition) Regulations, 1993

Statutory Instrument No. 493 of 2010 – European communities (acquisition and possession of weapons and ammunition) (amendment) Regulations, 2010

UN Programme of Action on Small Arms and Light Weapons – National Report – Ireland (2012)

Italy

Decreto Legislativo n. 527 del 30 Dicembre 1992 – Attuazione della direttiva 91/477/CEE relativa al controllo dell'acquisizione e della detenzione di armi

Decreto Legislativo n. 204 del 26 Ottobre 2010 – Attuazione della direttiva 2008/51/CE, che modifica la direttiva 91/477/CEE relativa al controllo dell'acquisizione e della detenzione di armi

Decreto Legislativo n. 121 del 29 settembre 2013 – Disposizioni integrative e correttive del decreto legislativo 26 ottobre 2010, n. 204, concernente l'attuazione della direttiva 2008/51/CE, che modifica la direttiva 91/477/CEE relativa al controllo dell'acquisizione e della detenzione di armi. (13G00165)

Legge n. 110 del 18 Aprile 1975 – Norme integrative della disciplina vigente per il controllo delle armi, delle munizioni e degli esplosivi

Legge n. 135 del 7 Agosto 2012

Latvia

Cabinet Regulation No. 928 – 6 December 2011 – Regulations Regarding the Commercial Handling of Weapons, Ammunition and Special Means and Procedures for the Marking of Weapons and Ammunition

Cabinet Regulation No. 939 – Adopted 6 December 2011 – Regulations Regarding the Procedures for the Issuance of a Special Authorisation (Licence) for the Commercial Handling of Weapons, Ammunition and Special Means and the Procedures for Payment and Amount of the State Fee

Cabinet Regulation No. 1001 – Adopted 27 December 2011 – Regulations Regarding the Acquisition, Registration, Recording, Possession, Transportation, Conveyance, Carrying, Sale of Weapons and Ammunition and Possession of Collections of Weapons

Law on the Circulation of Goods of Strategic Significance

Law on the Handling of Weapons and Special Means – 2011

Lithuania

Law on the control of arms and ammunitions (official translation) – 15.01.2002 No. IX-705

Law on the Weaponry Fund of the Republic of Lithuania – 11.07.1996 No. I-1485 (As last amended on 14 January 2010 – No XI-644)

Luxembourg

Recueil de Legislation A – N. 254, 15 décembre 2011 - Loi modifiée du 15 mars 1983 sur les armes et munitions

Malta

Arms Act – CAP. 480 – 15.08.2006 – *ACT XIV of 2005, as amended by Legal Notice 427 of 2007; Act VII of 2010; and Legal Notices 426 of 2012 and 76 of 2013*

Subsidiary Legislation 480.01 – Firearms and ammunition (movement in member states and other matters) Regulations – *LEGAL NOTICE 56 of 2004, as amended by Legal Notices 366 and 463 of 2010*

Subsidiary Legislation 480.02 – Arms Licensing Regulation – *LEGAL NOTICE 177 of 2006, as amended by Legal Notices 197 of 2011 and 75 of 2013*

Netherlands

Wet wapens en munitie – Weapons and Ammunition Act of July 5, 1997

UN Programme of Action on small arms and light weapons – National Report – Netherlands (2010)

Poland

Ustawa z dnia 21 maja 1999 r. – o broni i amunicji. [Dz. U. Nr 53, poz. 549]

Ustawa z dnia 22 czerwca 2001 r. – o wykonywaniu działalności gospodarczej w zakresie wytwarzania i obrotu materiałami wybuchowymi, bronią, amunicją oraz wyrobami i technologią o przeznaczeniu wojskowym lub policyjnym

UN Programme of Action on small arms and light weapons – National Report – Netherlands (2014)

Portugal

Lei n.º 5/2006, de 23 de Fevereiro – Regime Jurídico das Armas e Munições (updated 6th versión - Lei n.º 50/2013, de 24/07)

UN Programme of Action on small arms and light weapons – National Report – Portugal (2014)

Romania

Hotarare nr. 130 din 24 februarie 2005 – pentru aprobarea Normelor metodologice de aplicare a Legii nr. 295/2004 privind regimul armelor si al munitiilor

Legea 295/2004 regimul armelor și munițiilor

UN Programme of Action on small arms and light weapons – National Report – Romania (2014)

Slovakia

Amendment to the Act on Firearms – Act 128/2011 Coll.

Guidelines for Weapons, Ammunition and Security Material Exhibitors to NATO EOD Demonstrations and Trials, 2010

Report of the Slovak Republic on the implementation of the UN Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons – May 2005

Zákon z 23. apríla 2003 – o strelných zbraniach a strelive a o zmene a doplnení niektorých zákonov

UN Programme of Action on small arms and light weapons – National Report – Slovakia (2012)

Slovenia

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UN Programme of Action on small arms and light weapons – National Report – Slovenia (2012)

Spain

Boletín Oficial del Estado – N. 15 18.01.2011 – Orden INT/3532/2010, de 30 de diciembre, por la que se modifica la Orden de 20 de mayo de 1993, por la que se aprueba el modelo de Tarjeta Europea de Armas de Fuego y el de declaración de transferencias de armas de fuego por armeros autorizados

Boletín Oficial del Estado – N. 163 09.07.2011 – Real Decreto 976/2011, de 8 de julio, por el que se modifica el Reglamento de Armas, aprobado por el Real Decreto 137/1993, de 29 de enero

Real Decreto 137/1993 de 29 de enero por el que se aprueba el Reglamento de Armas

Sweden

Vapenlag – SFS 67/1996

Vapenförordning – SFS 70/1996

UN Programme of Action on small arms and light weapons – National Report – Sweden (2014)

United Kingdom

Arms and Ammunition - The Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations 2011 – 2011 No. 1754

Violent Crime Reduction Act 2006

Firearms Act 1968

Firearms (Amendment) Act 1988

Firearms (Amendment) Act 1997

Firearms Control – Government response to the third report from the Home Affairs Committee Session 2010-11 HC 447

Guide on Firearms Licencing Law – 2014

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ANPAM – Associazione Nazionale Produttori Armi e Munizioni Sportive e Civili. "La produzione di armi e munizioni per uso civile, sportivo e venatorio in Italia – Scheda dei dati finali". Rome, 29 November 2011.

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Eurostat Labour Force Survey (NACE Rev.2).

Eurostat Prodcom Database (NACE Rev.2).

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UN COMTRADE database.

World Forum on Shooting Activities Research Office "Estimates for 2012 of the World Production of Civilian firearms (in units)", ANPAM.

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Convention for the reciprocal recognition of proof marks on small arms (with regulations and annexes). Signed in Brussels on 1 July 1969.

COMDOC, Press Release: Fight Against Arms Trafficking: Where Do We Stand. Home Affairs, Brussels, 2012.

Commission Recommendation of 25 February 1993 on the European firearms pass. (93/216/EEC).

Commission Recommendation of 12 January 1996 supplementing recommendation 93/216/EEC on the European firearms pass. (96/129/EC).

Council Common Position 2003/468/CFSP. Control of Arms Brokering, Official Journal of the European Union, pp. 79-80. Brussels, 2003.

Council of the European Union, Decision 5319/06. EU Strategy to Combat Illicit Accumulation and Trafficking of SLAW and Their Ammunition. Brussels, 2006.

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European Commission. Possible advantages and disadvantages of reducing the classification to two categories of firearms (prohibited or authorised) with a view to improving the functioning of the internal market for the products in question through simplification. Brussels, EC, 2012. COM(2012) 415 final.

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European Commission. Proposal for a council decision on EU protocol against the Illicit Manufacturing of and Trafficking in Firearms. Brussels, EC, 2013. COM(2013) 154 final.

European Commission. Second Report of the EU Internal Security Strategy. Brussels, EC, 2013. COM(2013) 179 final.

European Commission. Firearms and the Internal Security of the EU, Protecting Citizens and Disrupting Illegal Trafficking. Brussels, EC, 2013. COM(2013) 716 final.

European Parliament and Council Directive 2008/51/EC. Control of the Acquisition and Possession of Weapons, Official Journal of the European Union, pp. 5-11. Brussels, 2008.

Regulation No 258/2012 of the European Parliament and of the Council. Implementing article 10 of the UN protocol against illicit manufacturing of and trafficking of firearms, parts components, ammunition, supplementing the UN Convention against Transnational Organised Crime, and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition, Official Journal of the European Union, pp. 1-15, 2012.

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http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-firearms/index_en.htm

EC website, Home Affairs, What we do. http://ec.europa.eu/dgs/home-affairs/what-we-do/index_en.htm

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External Relations, European Council: Code of Conduct On Arms Export, Criteria.

Home Affairs, DG Home. 2013: Report on EC public consultation on EU firearms policy.

Justice and Home Affairs, Council of the European Union, 2013: Conclusions on setting the EU's priorities for the fight against serious and organised crime between 2014 and 2017.

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Représentation Permanente de la France auprès de l'Union Européenne. "Note des Autorités françaises sur les problèmes juridiques liés aux définitions et approximations contenues dans la Directive Européenne 91/477/CE" – 18 June 2014.

Second Chamber of the States-General. Explanatory memorandum - Amendments to the Weapons and Ammunition Act in connection with the implementation of Directive 2008/51/EC of the European Parliament and of the Council of the European Union of 21 May 2008 amending Council Directive 91/477/EEC Council on control of the acquisition and possession of weapons (OJEU L179).

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"Moving Targets", Small Arms Survey 2012, Annexes 8.2 and 8.3, pp. 2, 11, 20-21, EN.

"Moving Targets", Small Arms Survey 2012, Chapter 2, 7, 8 and 9, EN.

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Annex 2. Stakeholders involved in the study

2.1 List of stakeholders who answered the survey¹⁵

Category of Stakeholders	Member State	Organisation
MS Authority	Austria	Ministry of Interior
MS Authority	Belgium	Ministry of Justice
MS Authority	Bulgaria	National Agency for Security in cooperation with the Ministry of Interior
MS Authority	Cyprus	Cyprus Police
MS Authority	Czech Republic	Ministry of Interior
MS Authority	Estonia	Ministry of Interior
MS Authority	Finland	Ministry of Interior
MS Authority	Finland	National Police Board
MS Authority	France	Ministry of Interior (2 replies)
MS Authority	Germany	Ministry of Interior
MS Authority	Hungary	National Police Headquarters
MS Authority	Ireland	An Garda Síochána
MS Authority	Ireland	Department of Justice and Equality
MS Authority	Italy	Ministry of Interior (2 replies)
MS Authority	Latvia	State police of the Republic of Latvia
MS Authority	Lithuania	Ministry of Interior (2 replies)
MS Authority	Luxemburg	Police Grand-Ducale
MS Authority	Malta	Police Weapons Office
MS Authority	Netherlands	National Police
MS Authority	Poland	Ministry of Interior
MS Authority	Poland	General Headquarters of Police
MS Authority	Portugal	Public Security Police
MS Authority	Portugal	Polícia Judiciária

¹⁵ The list includes all Institutions involved. Please consider that in some cases more than one representative has been involved to represent the same Institution. As for MS Authorities, Denmark, Croatia and Greece did not reply to the survey. As for industry representatives, stakeholders from 9 MS (AT, BG, CY, CZ, DK, LT, PL, RO, SI) did not reply to the survey out of the 21 MS originally targeted. As regards representatives of users, stakeholders from 12 MS (CY, DK, EE, ES, LT, LU, NL, PL, PT, RO, SI, SK) did not reply, out of the 23 MS originally targeted.

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Category of Stakeholders	Member State	Organisation
MS Authority	Romania	General Inspectorate of Romanian Police
MS Authority	Slovakia	Ministry of Economy
MS Authority	Slovakia	Ministry of Interior
MS Authority	Slovenia	Ministry of Interior
MS Authority	Spain	Guardia Civil
MS Authority	Sweden	Ministry of Justice
MS Authority	United Kingdom	National Ballistics Intelligence Service (NABIS)
MS Authority	United Kingdom	Home Office
Industry	Belgium	Union des Fabricants et Artisans en Equipements de Chasse et de Tir Sportif (UFA)
Industry	Belgium	Fabrique Nationale Of Herstal / Browning International S.A.
Industry	Finland	SAKO Finland
Industry	France	Chambre Syndicale Nationale des Armuriers
Industry	France	Chambre Syndicale Nationale des Fabricants et Distributeurs d'Armes, Munitions, Equipements et Accessoires pour la Chasse et le Tir Sportif (SNAFAM)
Industry	Germany	Verband Deutscher Büchsenmacher und Waffenfachhändler e.V. (VDB) ¹⁶
Industry	Germany	Verband der Hersteller von Jagd-, Sportwaffen und Munition ¹⁷ (JSM)
Industry	Greece	confidential
Industry	International	European Institute of Hunting and Sporting Arms (IEACS)
Industry	International	Association of the European Sport Ammunition Manufacturers (AFEMS)
Industry	International	Association Européenne de Commerce d'Armes Civiles (A.E.C.A.C.)
Industry	Ireland	confidential
Industry	Italy	Fabbrica d'Armi Pietro Beretta SPA
Industry	Italy	confidential
Industry	Italy	Associazione Nazionale Produttori Armi e Munizioni Sportive e Civili (ANPAM)
Industry	Luxemburg	Association Luxembourgeoise des Armuriers et Négociants d'Armes
Industry	Netherlands	NVW - Nederlandse Vereniging voor de Wapenhandel ¹⁸

¹⁶ Association of German gunsmiths and arms dealers.

¹⁷ Association of manufacturers of hunting and sport weapons and ammunitions.

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Category of Stakeholders	Member State	Organisation
Industry	Spain	ARDESA
Industry	Spain	Asociación Empresarial para la Caza y Tiro (ASECATI)
Industry	Spain	Maxam Outdoors
Industry	Spain	Gamo Outdoor
Industry	Spain	confidential
Industry	Sweden	Sako/ Spofa Jakt/ Sveriges Vapenhandlareforening ¹⁹
Industry	United Kingdom	Gun Trade Association Ltd (GTA)
Representative of users	Austria	Austrian Central Hunting Federation
Representative of users	Bulgaria	Union of Hunters and Anglers of Bulgaria (UHAB)
Representative of users	Finland	Finnish Hunters' Association
Representative of users	France	French Shooting Federation (Fédération Française de Tir)
Representative of users	France	French National Hunters' Federation
Representative of users	Germany	Deutsche Jagdschutz-Verband e.V. ²⁰ - DJV
Representative of users	Greece	confidential
Representative of users	International	International Shooting Sport Federation (ISSF)
Representative of users	International	European Federation of Associations for Hunting and Conservation (FACE)
Representative of users	International	Foundation for European Societies of Arms Collectors (FESAC)
Representative of users	Italy	confidential
Representative of users	Malta	Federation for Hunting & Conservation Malta
Representative of users	Sweden	confidential ²¹
Representative of users	United Kingdom	British Association for Shooting and Conservation (BASC)
Representative of users	United Kingdom	British Shooting Sports Council (BSSC)
Expert	Belgium	Flemish Peace Research Institute

¹⁸ Dutch Association of Weapon Dealers.

¹⁹ Swedish Gun Dealers Association.

²⁰ National German Hunters' Association.

²¹ A Swedish association for collectors of weapons and accessories.

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Category of Stakeholders	Member State	Organisation
Expert	EU	Research Centre on Transnational Crime – Transcrime
Expert	International	EU Gun Club (EuroGun) ASBL
Expert	International	Commission Internationale Permanente pour l'Epreuve des Armes à Feu Portatives (CIP)
Expert	International	Small Arms Survey

2.2 List of stakeholders interviewed²²

Category of Stakeholders	Member State	Organisation
MS Authority	Cyprus	Ministry of Interior (<i>2 representatives</i>)
MS Authority	Denmark	Ministry of Justice
MS Authority	Estonia	Ministry of Interior
MS Authority	Finland	Ministry of Interior
MS Authority	Finland	National Police Board (<i>2 representatives</i>)
MS Authority	Ireland	An Garda Síochána
MS Authority	Italy	Ministry of Interior
MS Authority	Latvia	State Police
MS Authority	Lithuania	Ministry of Interior
MS Authority	Lithuania	Ministry of Interior
MS Authority	Luxemburg	Police Grand-Ducale
MS Authority	Netherlands	National Criminal Intelligence Service
MS Authority	Portugal	Public Security Police
MS Authority	Romania	General Inspectorate of Romanian Police
MS Authority	Slovenia	Ministry of Interior
MS Authority	Spain	Guardia Civil (<i>2 representatives</i>)
MS Authority	Sweden	Ministry of Justice
MS Authority	Sweden	National Police Board

²² The list includes all Institutions involved. Please consider that in some cases more than one representative was involved to represent the same Institution. As for MS Authorities, 8 MS (AT, BG, CZ, EL, HR, HU, MT, SK) were not interviewed, including the case studies. As for industry representatives, stakeholders from 2 MS (CZ, LU) were not interviewed, out of the 12 MS targeted, including the case studies. With regard to the representatives of users, stakeholders from 4 MS (BG, DK, NL, SE) were not interviewed, out of the 12 MS originally targeted.

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Category of Stakeholders	Member State	Organisation
MS Authority	United Kingdom	Border Force
MS Authority	United Kingdom	National Ballistics Intelligence Service (NABIS)
Industry	Finland	confidential
Industry	Finland	Sako Finland/ Finnish Arms Trade Association (FATA)
Industry	Greece	confidential
Industry	International	Association Européenne de Commerce d'Armes Civiles (A.E.C.A.C.)
Industry	International	European Institute of Hunting and Sporting Arms (IEACS)
Industry	Ireland	-
Industry	Italy	Associazione Nazionale Produttori Armi e Munizioni Sportive e Civili (ANPAM)
Industry	Italy	confidential
Industry	Italy	Fabbrica d'Armi Pietro Beretta SPA
Industry	Italy	Consorzio Armaioli Italiani (CONARMI)
Industry	Netherlands	NVW - Nederlandse Vereniging voor de Wapenhandel
Industry	Spain	ARDESA
Industry	Spain	confidential
Industry	Spain	Asociación Empresarial para la Caza y Tiro (ASECATI)
Industry	Spain	Dikar
Representative of users	Finland	Finnish Hunters' Association
Representative of users	Greece	Hellenic Hunters' Confederation
Representative of users	International	European Federation of Associations for Hunting and Conservation (FACE)
Representative of users	International	Firearms United
Representative of users	International	Foundation for European Societies Of Arms Collectors (FESAC)
Representative of users	International	International Shooting Sport Federation (ISSF)
Representative of users	International	World Forum on Shooting Activities (WFSA)
Representative of users	Spain	Asociación Nacional del Arma (ANARMA)
Representative of users	United Kingdom	British Shooting Sports Council (BSSC)
Expert	International	confidential
Expert	International	EU Gun Club (EuroGun) ASBL
Expert	International	Research Centre on Transnational Crime – Transcrime

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Category of Stakeholders	Member State	Organisation
Expert	International	Saferworld
Expert	International	Small Arms Survey (<i>2 representatives</i>)
Expert	Belgium	Flemish Peace Institute
Expert	Sweden	Stockholm School of Economics – Institute for Economic and Business History Research

2.3 List of stakeholders engaged for the case studies²³

Member State	Category of Stakeholders	
Belgium	MS Authority	Federal Judicial Police
Belgium	MS Authority	Ministry of Justice
Belgium	Industry	Union des Fabricants et Artisans en Equipement de Chasse et de Tir Sportif - Belgique (UFA)/ Fabrique Nationale Of Herstal/ Browning International S.A.
Belgium	Proof House	Commission Internationale Permanente pour l'Epreuve des Armes à Feu Portatives (CIP) and Banc d'Epreuve de Liège
Belgium	Industry	Union Armes (Dealers)
Belgium	Representative of users	Défense Active des Amateurs d'Armes
France	MS Authority	Ministry of Interior (<i>3 representatives</i>)
France	Industry	Chambre Syndicale Nationale des Armuriers
France	Representative of users	French National Hunters' Federation
France	Representative of users	French Shooting Federation (Fédération Française de Tir)
Germany	MS Authority	Ministry of Interior (<i>2 representatives</i>)
Germany	MS Authority	Federal Criminal Police Office
Germany	Industry	Verband der Hersteller von Jagd-, Sportwaffen und Munition (JSM)
Germany / International	Industry	Association of European Manufacturers of Sporting Firearms (ESFAM)
Germany	Industry	H. Krieghoff GmbH
German	Industry	Verband Deutscher Büchsenmacher und Waffenfachhändler e.V. (VDB)
Germany	Representative of users	confidential (<i>2 representatives</i>)
Germany	Representative of users	National German Hunters' Association (Deutsche Jagdschutz-Verband e.V. - DJV)

²³ The list includes all Institutions involved. Please consider that in some cases more than one representative was involved to represent the same Institution.

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Germany	Representative of users	Bund Deutscher Sportschützen ²⁴ 1975 e.V
Poland	MS Authority	Ministry of Interior (<i>2 representatives</i>)
Poland	MS Authority	Border Guard (<i>2 representatives</i>)
Poland	Industry	confidential
Poland	Representative of users	confidential
Poland	Expert	Warmia and Mazury University

²⁴ Association of German marksmen.

Annex 3. Legal analysis²⁵: national comparative tables²⁶

3.1 Categories of firearms

MS	Forbidden (A)	Authorisation (B)	Declaration (C)	Other (D)
EU	✓	✓	✓	✓
AT	✓	✓	✓	✓
BE	✓	✓	N.A.	✓
BG	✓	✓	N.A.	N.A.
CY	✓	✓ ²⁷	N.A.	N.A.
CZ	✓	✓	✓	✓
DE	✓	✓	N.A.	✓
DK	✓	✓	✓	✓
EE	✓	✓	N.A.	N.A.
EL	✓	✓	N.A.	N.A.
ES	✓	✓	N.A.	N.A.
FI	✓	✓	N.A.	N.A.
FR	✓	✓	✓	✓
HR	✓	✓	N.A.	N.A.
HU	✓	✓	N.A.	N.A.

²⁵ Many national laws were not available in English. Thus when definitions are reported please consider they are unofficial translations of national languages.

²⁶ Sentences in blue report information collected through the survey or interviews.

"N.A." means "not applicable" meaning that the provision is not relevant in the country (e.g.: brokers do not exist).

"No data", indicates a lack of (or the impossibility to find) information in the national MS law.

The sign "✓" indicates equivalence between the requirements of the Directive and the requirements set in national MS law.

²⁷ Civil firearms possession is in general forbidden in Cyprus. Police may for special reasons issue a licence to authorise the possession of weapons.

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MS	Forbidden (A)	Authorisation (B)	Declaration (C)	Other (D)
IE	✓	✓	N.A.	N.A.
IT	✓	✓	✓	N.A.
LT	✓	✓	N.A.	✓
LU	✓	✓	N.A.	N.A.
LV	✓	✓	N.A.	N.A.
MT	✓	✓	✓	N.A.
NL	✓	✓	N.A.	N.A.
PL	✓	✓	N.A.	N.A.
PT	✓	✓	✓	N.A.
RO	✓	✓	✓	✓
SE	✓	✓	N.A.	N.A.
SI	✓	✓	✓	✓
SK	✓	✓	✓	✓
UK	✓	✓	N.A.	N.A.

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3.2 Ownership: Requirements²⁸

MS	Requirements for the ownership/purchase of a firearm			
EU	At least 18 years old	Not likely to be a danger to themselves, public order or public safety (medical, criminal records,...)	Good reason (hunting permit, shooting club,...)	Other
AT	Aged 21 (category B) Aged 18 (for professional/hunting reasons) Aged 16 (category C and D, for hunting/sporting reasons)	Not reliable are those who: - are alcoholic or drug-addicted; - feeble minded or mentally disturbed; - not able to deal with weapons due to a body affliction; - have experienced a conviction/condemnation. <i>Medical checks are not mandatory but could be imposed by the authority</i>	Self-defence (for category B), hunting, sport	N.A.
BE	✓	- no criminal records (<i>background check: prior condemnations, prior sanctions</i>) - medical certificate guaranteeing the ability to use firearms, <i>mental health</i> - exam on knowledge of firearms regulation and technical ability to manipulate firearms	Self-defence, hunting, sport and recreational shooting, collecting, professional need, participation in historic/ cultural/scientific activities and inheritance	Agreement of adult people living under the same roof
BG	✓	- no physical and mental diseases - no drug and alcohol abuse - secure storage	Self-defence, hunting, sport and cultural purposes	N.A.
CY	✓	- no criminal records - medical certificate may be required	Sport-shooting, hunting, training, collection, inheritance	N.A.

²⁸ Sentences in blue report information collected through the survey or interviews.

"N.A." means "not applicable" meaning that the provision is not relevant in the country (e.g.: brokers do not exist within the civilian firearms sector).

"No data", indicates a lack of (or the impossibility to find) information in the national MS law.

The sign "✓" indicates equivalence between the requirements of the Directive and the requirements set in national MS law.

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MS	Requirements for the ownership/purchase of a firearm			
CZ	Aged 21 for defensive carry, collecting and professional purposes Aged 18 for sport and hunting or 21 for defensive carry, collecting and professional purposes Category B exception: aged 15 for sport Category C exception: aged 16 for hunting	<ul style="list-style-type: none"> - no criminal records - medical certificate - technical competence - to pass an exam on the use of weapons 	Category B: Self-defence, collection/museums, hunting, trade or business security guarding, sport, tasks under a special regulations	For hunters: hunting licence (for category C)
DE	✓ Aged 21 for marksmen Under specific derogations, young people may handle weapons or ammunition during training or employment under the supervision of a person authorised to handle weapons and give instructions	<ul style="list-style-type: none"> - no criminal records - no members of banned organisations/associations - no drug or alcohol addiction - under 25 years and applying for the first time: certificate of mental aptitude from a public health officer - secure storage - to pass an exam on the use of weapons 	Self-defence, hunting, sport shooting, collection, inheritance, expert, security firm, business related to weapons	<ul style="list-style-type: none"> - proof of liability insurance (1 million EUR) - having residence in Germany since at least 5 years
DK	✓	<ul style="list-style-type: none"> - secure storage - weapons knowledge 	Hunting, sports and recreational shooting, collecting, business, inheritance	N.A.
EE	Aged 21 Aged 18 for rim fire sporting firearms, pneumatic or gas weapons, crossbows or smoothbore guns	<ul style="list-style-type: none"> - no criminal and administrative records - medical certificate - secure storage - knowledge of first aid to a victim of a shooting injury 	Self-defence, hunting, sport shooting, business, collection	Examination on knowledge of the requirements of firearms legislation
EL	✓	<ul style="list-style-type: none"> - no criminal records - no physical and mental disease - secure storage 	Self-defence, protection of persons, business purposes, shooting, hunting	N.A.
ES	✓ Aged 16 with legal possession of Special Authorisation for the Use of Weapons for underage for hunting and sport shooting Aged 14, same as above, only for firearms of category 3 (type 2 and 3) The underage owner of firearm has to be accompanied by an adult, with licence D, E or F, and written declaration that he will accompany and watch over the underage	<ul style="list-style-type: none"> - medical certificate - no criminal records - to pass an exam on the use of weapons - secure storage 	Self-defence, sport shooting, hunting	N.A.

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MS Requirements for the ownership/purchase of a firearm				
FI	<p>✓</p> <p>Aged 15 with parents' consent for hunting/sporting purposes</p> <p>Aged 20 for the ownership/purchase of a pistol/revolver of .22 calibre</p>	State of health and behaviour suitable for handling firearms	Hunting, target shooting, business, filming, museum/collection, souvenir, signalling, holding and transporting (for persons between 15 and 18 years old)	<p>- for hunting/sport: proof of the hobby</p> <p>- for business: provide an account stating sufficient knowledge of safe handling of firearms</p> <p>- minimum 2 years of proofed hobby activity for the pistols/revolvers of .22 calibre</p>
FR	<p>✓</p> <p>Aged 16 for firearms category C and D with an authorisation of someone exerting the parental authority, aged at least 18 years old and with no interdictions</p>	<ul style="list-style-type: none"> - medical certificate (valid for 1 month) - no criminal records - no drug or alcohol abuse - secure storage 	Shooting, hunting, collectors (museums, local governments and individuals), self-defence, entertainment (cinema), professional reasons, protection of goods and people	Need to provide specific certificates related to the use of firearms
HR	<p>Aged 21 (category B, natural person)</p> <p>Aged 18 (natural person and legal person for category C)</p>	<ul style="list-style-type: none"> - no criminal records - medical certificate - no common and excessive abuse of alcohol, consumption of narcotic drugs or other intoxicating substances, disrupted family or neighbourly relations, aggressive and excessive behaviour and other behavioural disorders, disciplinary infringement of regulations on hunting or sporting shooting or similar - secure storage - to pass an exam on the use of weapons 	<p>Natural person: self-defence, hunting, sport</p> <p>Legal person: hunting, game breeding, sport shooting, management of civilian shooting ranges, private security services, training, scientific research, for films and staging theatre performances, museums and airports for the purpose of killing, shying and dispersing of game and similar</p>	N.A.
HU	<p>✓</p> <p>The specific requirements depend on the purposes of owning a firearm</p>	<ul style="list-style-type: none"> - no criminal records - medical check - secure storage - to pass an exam on using weapon 	Self-defence, hunting, sport	N.A.

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MS	Requirements for the ownership/purchase of a firearm			
IE	<p>✓</p> <p>Aged 14: firearms training certificate only for hunting and sport shooting</p> <p>Aged 16: firearms training certificate accompanied by the written consent of the applicant's parent or guardian</p>	<ul style="list-style-type: none"> - no criminal records - medical certificate - no drug or alcohol addiction - secure storage - proof of competence in the use of firearms 	Not well specified, the law sometimes refers to shooting and hunting	<ul style="list-style-type: none"> - written consensus to any enquiry and medical examination; - name and address of two referees to be contacted to attest applicant's attitude
IT	<p>✓</p> <p>Aged 16 for hunting and sports</p>	<ul style="list-style-type: none"> - no criminal records - medical certificate - to pass an exam on the use of weapons 	Self-defence, hunting, sport shooting	For hunting/sporting: membership in a sport shooting association/club
LT	Aged from 16 to 23, depending on the type of firearm and on the purpose, also within the same category	<ul style="list-style-type: none"> - no criminal records - physical and mental condition (with no alcohol or drug addiction) - secure storage - to pass an exam on the use of weapons 	Self-defence, hunting, sport, professional activities, collecting, training, scientific research and other purposes, if they are in conformity with laws and international agreements/treaties	<ul style="list-style-type: none"> - indication of residence - membership in a sport shooting club or hunting certificate
LU	<p>✓</p> <p>Underage can use firearms for sport shooting only with the authorisation of a parent on age with a permit</p> <p><i>For the first year requesting persons will be limited to calibre .22LR</i></p>	<ul style="list-style-type: none"> - no criminal records - <i>no medical checks</i> <p><i>("The authorisation may be refused when it appears that the applicant, given his behaviour, his mental state and background, represents a danger to self, others, or to the public order and security")</i></p>	Hunting, sporting, personal protection, collection, professional use by approved security guards	<i>Insurance covering the use of firearms</i>
LV	<p>Aged 21</p> <p>Aged 18 for non-firearms weapons (except for hunting, shooting, self-defence: category B, C, D smooth-bore hunting, sport and self-defence firearms, traumatic long firearms, high energy pneumatic weapons and ammunition, category B and C long sports firearms and ammunition, category B short firearms, the calibre length of which does not exceed 5.6 millimetres, and ammunition)</p> <p>Aged 16 for gas cylinders for self-defence</p>	<ul style="list-style-type: none"> - no criminal records - medical certificate - to pass an exam on using weapon - secure storage 	Self-defence, hunting, sport shooting, collection, inheritance/gift	<ul style="list-style-type: none"> - hunting certificate - for rifled barrel hunting firearm: shooting certificate - knowledge of first aid to a victim of a shooting injury

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MS Requirements for the ownership/purchase of a firearm				
MT	✓	<ul style="list-style-type: none"> - no criminal records (with no conviction in the previous 5 years) - medical certificate - no history of mental illness - secure storage - no history of drugs dependence or abuse - to pass an approved firearms safety course 	Self-defence, collection, shooting, hunting, public interest	<ul style="list-style-type: none"> - policy insurance for third party risks - for marksmen: to be registered with a licenced target shooting club
NL	✓ with exception of members of shooting club	<ul style="list-style-type: none"> - medical suitability - secure storage - knowledge/skills in the field of weapons 	Hunting, shooting, dealers/brokers, collection, self-defence (very rare)	N.A.
PL	Aged 21 Aged 18 only with specific authorisation for target shooting or hunting	<ul style="list-style-type: none"> - no criminal records - medical certificate - to pass an exam on the use of weapons - secure storage 	Self-defence, protection of persons and property, hunting, sport, historical reconstruction, collectors, memorial, training	N.A.
PT	✓ Aged 16 for hunting purposes (category D according to Portuguese classification)	<ul style="list-style-type: none"> - medical certificate - full use of all civil rights - training required (depending on category) 	Self-defence, professional reason, hunting, sporting	Need for refresh courses in 5 years (category B), 10 years (category C and D)
RO	✓	<ul style="list-style-type: none"> - no criminal records - medical certificate - to pass an exam on the use of weapons - secure storage 	Purposes vary according to the firearm category. Self-defence, collection, hunting, sport shooting, defence and security, inheritance, recreation, business	<ul style="list-style-type: none"> - for hunters: hunting permit - for marksmen: shooting club membership
SE	Aged 18 years for purposes other than hunting and target shooting 18 years for handguns 20 years for automatic firearms	<ul style="list-style-type: none"> - duty for a doctor to immediately notify the police authorities when s/he determines that a patient is unfit to possess a firearm - secure storage - hunting firing examination 	Hunting, sport shooting, museum, security firm, collection	<ul style="list-style-type: none"> - being an active member of a rifle-club and passing a range testing
SI	✓	<ul style="list-style-type: none"> - medical certificate (valid for 1 year) - secure storage - to pass an exam on the use of weapons 	Self-defence, hunting, sport shooting, inheritance, collector	N.A.

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MS	Requirements for the ownership/purchase of a firearm			
SK	Aged 21 Aged 18 for category D (with hunting permit) Aged 15 for category E	- no criminal records - medical certificate - secure storage - to pass an exam on the use of weapons	Self-defence, professional reasons, special regulation, hunting, sporting, collection	Indication of residence
UK	✓ Aged 17 for shotguns Exceptions are provided for sporting purposes under the supervision of an 18-years old person	- no criminal records - duty for a doctor to disclose information where there is belief that the patient may represent a risk of death or serious harm to himself or others - secure storage	Target/sport shooting, hunting, collection	N.A.

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3.3 Ownership: Validity²⁹

MS	Validity of the authorisation/declaration/permit for the acquisition and possession of a firearm
EU	<i>Validity of the authorisation/declaration/permit for the acquisition and possession of a firearm</i>
AT	Possession and acquisition: unlimited, regular checks are performed to verify that the requirements are still fulfilled
BE	Acquisition: 3 months Possession: unlimited as long as the requirements are met. Controls every 5 years performed by the Governor
BG	Acquisition: 3 months Possession: 5 years
CY	Acquisition: 2 days Possession: valid until the gun is transferred to another person, death of the owner, or when he ceases to satisfy the conditions
CZ	Acquisition and possession: 10 years or shorter if needed (based on medical report)
DE	Acquisition: 1 year Possession: Unlimited Permission to carry: 3 years (renewable twice for a maximum of 3 years at a time)
DK	Acquisition and possession: 5 years For collectors and hunters with long rifled firearms: 10 years
EE	Acquisition: 3 months (renewable for three months) Possession: 5 years
EL	Acquisition: 1 month Possession: 2 years
ES	3 years: self-defence, sport shooting 5 years: category 3 - hunting, and 7, type 2 and 3 2 years for age reasons (e.g. older than 60/70 years)
FI	Acquisition: 6 months Possession: unlimited in general. 5 years for pistols, revolvers and .22 pistols and revolvers when purchased for the first time
FR	Acquisition and possession of category B: 5 years Unlimited: category C and D

²⁹ Sentences in blue report information collected through the survey or interviews.

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MS	Validity of the authorisation/declaration/permit for the acquisition and possession of a firearm
HR	Acquisition: 6 months Weapon Licence: 5 years Possession: 10 years
HU	5 years: self-defence Unlimited for other purposes
IE	Acquisition and possession: 3 years
IT	1 year: self-defence Acquisition and possession for sport shooting and hunting: 6 years Collection: unlimited
LT	Acquisition: 6 months Possession: 5 years for categories B and C (semi-automatic, repeating and single-shot rifles and shotguns, pistols (revolvers), archery weapons the full tension force of which is from 200 N to 1200 N). Permits for some types of weapons (gas/alarms and small power (until 7,5 Joules) pistols revolvers, replicas, pneumatic weapons whose kinetic energy of projectiles exceeds 7.5J) are unlimited.
LU	Acquisition: 3 months Possession: 5 years
LV	Acquisition: 3 months Possession: unlimited in general. Possession or carrying category B (self-defence): 10 years.
MT	Acquisition: 1 year Possession category C: unlimited Possession category B: 1 year
NL	1 year: category III (for hunting and shooting)
PL	Acquisition: 3 months Possession: unlimited unless the owner of firearms ceases to satisfy the conditions
PT	Acquisition: 2 months Possession of category B, C, and some D: 5 years Possession of category D: 6 years 10 years: licence for holding at home
RO	Acquisition: 3 months Possession: 5 years
SE	Acquisition: 6 months Possession: unlimited as a general rule

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MS	Validity of the authorisation/declaration/permit for the acquisition and possession of a firearm
SI	Acquisition: 6 months Transfer permit: 5 years Possession and carrying: 10 years (20 years for hunters and marksmen) Collection: unlimited
SK	Acquisition: 2 months Possession: 10 years (for a foreigner it is valid for the period of the official residence, in any case for 10 years max.)
UK	Acquisition and possession: 5 years

3.4 Dealers³⁰

MS	Requirements and controls for dealers different/additional to those required in the Directive and to those for ownership	Validity of the licence/authorisation	Authority responsible for and frequency of the controls
EU	- Check of the private and professional integrity and of the abilities of the dealer (at least). - Dealers shall be required to maintain a register in which all firearms received or disposed of by them shall be recorded, recording the type, make, model, calibre, serial number, names and addresses of the supplier and purchaser/owner.		
AT	Requirements: ✓ Register: ✓	Unlimited	Police

³⁰ Sentences in blue report information collected through the survey or interviews.

"N.A." means "not applicable" meaning that the provision is not relevant in the country (e.g.: brokers do not exist within the civilian firearms sector).

"No data", indicates a lack of (or the impossibility to find) information in the national MS law.

The sign "✓" indicates equivalence between the requirements of the Directive and the requirements set in national MS law.

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MS	Requirements and controls for dealers different/additional to those required in the Directive and to those for ownership	Validity of the licence/authorisation	Authority responsible for and frequency of the controls
BE	Requirements: <ul style="list-style-type: none"> - professional qualification examination: technical requirements, knowledge of regulation and respect of ethical and professional standards; - justify the origin of financial resources; - be an EU citizen and have fiscal residence in the EU; - fee Register: ✓	Unlimited	Governor At least every 5 years. The Police, Customs, Proof House and Economic Inspectorate control the data in the registers and compare them to the stock, the central firearms database and the commercial records on a yearly basis
BG	Requirements: <ul style="list-style-type: none"> - no criminal records - document issued by the tax administration, certifying that the trade companies, the entrepreneurs, the managers and the members of the managing or supervisory body of the corporate body have not concealed income, profit, property and transactions with it Register: ✓	3 years	Police
CY	Requirements: <ul style="list-style-type: none"> - aged at least 23 - relevant professional qualifications - secure storage - no criminal records - in case a citizen of the Republic has completed his military obligations or has been lawfully exempted, but not for reasons of mental health Register: ✓	5 years	Police
CZ	Requirements: ✓ Register: ✓	Unlimited (with controls every 5 years)	Police
DE	Requirements: Should be resident in Germany or having a commercial establishment in Germany, comply with the requirements of the Crafts Regulation Act governing artisanal activities requiring a licence Register: ✓	Unlimited, but the licence expires if the holder does not begin the activity within 1 year	Local authority Autonomously decides on the frequency of controls
DK	Requirements: ✓	5 years	Police

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MS	Requirements and controls for dealers different/additional to those required in the Directive and to those for ownership	Validity of the licence/authorisation	Authority responsible for and frequency of the controls
EE	Register: ✓ Requirements: <ul style="list-style-type: none"> - Information on the employees - Estonian citizens with active legal capacity who reside permanently in Estonia - Legal persons registered in Estonia whose articles of association or statutes include at least one of the areas of activity related to weapons and ammunition - Not having tax arrears - Records shall be kept in a weapons ledger bound with string and sealed with the seal of the police prefecture Register: ✓ Separate records of the weapons, essential components of firearms, laser sights and ammunition. Records shall be kept in a weapons ledger bound with string and sealed with the seal of the police prefecture	5 years	Police At least twice a year
EL	Requirements: A series of specific documents is requested (including facilities operation licences, solemn declaration that the person concerned stating that neither he nor his first and second degree relatives through blood or marriage do not participate as members of the Board of Directors of target shooting associations, own or operate shooting ranges)	2 years: sale and disposal permit 3 months: export permit renewable by the Ministry of Finance for 6 additional months	Police Every 3 months
ES	Register: ✓ Requirements: ✓	Unlimited	Police Periodic controls with no notification in advance
FI	Register: ✓ Requirements: Secure storage	5 years	Police
FR	Register: ✓ Record must be kept of components and dangerous projectiles Requirements: <ul style="list-style-type: none"> - Certificate of professional qualification - Authorisation to open a shop which is unlimited in duration Register: ✓ For category A and B: records of sold and imported products to be sent twice a year to the Ministry of Defence.	5 years: category A and B 10 years: for category C and D	Prefect/Ministry of Defence Every year

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MS	Requirements and controls for dealers different/additional to those required in the Directive and to those for ownership	Validity of the licence/authorisation	Authority responsible for and frequency of the controls
HR	Requirements: Spatial and technical requirements Register: Yes	5 years	No data
HU	Requirements: ✓ Register: ✓ The registry must be kept for five years	5 years	Police
IE	Requirements: - Aged 21 - Bound by a recognisance to keep the peace or be of good behaviour - Security of the premises, safety and standard of construction Register: ✓	3 years	Police
IT	Requirements: - Secure storage - Technical capacity to make and trade firearms (certification by the public body) Register: ✓ Monthly communication of who sell and buy firearms	3 years: civilian firearms 2 years: category A	Police
LT	Requirements: Recording and reporting information on firearms category B to police only by using official police website. Every six months obligation to submit a report on economic commercial activities. Register: Yes. Journals and other documents concerning arms, their parts and ammunitions for at least 20 years.	Unlimited 6 months: licence to import	Police Dealers and police use a single and common database for providing and receiving information
LU	Requirements: Certification of the necessary training and experience Register: ✓ The number and date of ministerial authorisation shall also be registered.	5 years. If the authorisation holder leaves the company, a provisional authorisation is issued for 6 month (renewable once) to the company to find and hire a new person with a valid authorisation	Police, on specific request by Ministry of Justice. No periodic controls

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MS	Requirements and controls for dealers different/additional to those required in the Directive and to those for ownership	Validity of the licence/authorisation	Authority responsible for and frequency of the controls
LV	Requirements: To inform, within 5 working days, the Information Centre of the Ministry of Interior regarding the acquisition/sale of each firearm Register: ✓ Additional recording on quantity and calibre of cartridges is required, as well as essential components thereof, and mandatory submission of a report regarding all transaction every 3 months	Unlimited	Police
MT	Requirements: <ul style="list-style-type: none"> - interview by the Board (knowledge, training, responsibilities) - secure storage - store no more than 12,000 rounds of ammunition in the premises - install an alarm system with a phone dialler linked to the Police Register: ✓ In addition, it is mandatory to keep record of: <ul style="list-style-type: none"> - the name, surname, identity card number, occupation and place of residence of the person from whom the arms or ammunition were received or to whom they are to be delivered; - the licence number of the person to whom the arm property or ammunition is transferred. 	1 year	Police Periodic inspections
NL	Requirements: <ul style="list-style-type: none"> - No criminal record - Professional and training requirements Register: ✓	5 years	Police Once a year
PL	Requirements: <ul style="list-style-type: none"> - Aged 25 or 21 if gunsmith; - Minimum secondary school and documented professional preparation; - Full legal capacity; - Conditions of place, localization and arsenal for performing the activities; - Vocational training to perform or directing business. Register: ✓	No less than 5 years and no more than 50 years	Ministry of economic affairs and police Once a year
PT	Requirements: <ul style="list-style-type: none"> - Secure storage; - Registered in the national firearms entity. Register: ✓	10 years	Police

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MS	Requirements and controls for dealers different/additional to those required in the Directive and to those for ownership	Validity of the licence/authorisation	Authority responsible for and frequency of the controls
RO	Requirements: ✓ Register: ✓	Unlimited (as long as the requirements are met)	Police Within 30 days for each import/export operation Once a year
SE	Requirements: To know national law and to trade firearms professionally Register: ✓	Unlimited (as long as the requirements are met)	Police At least once a year
SI	Requirements: ✓ Register: ✓ A record of issued sheets and certificates.	5 years	The control inspectorate and Police
SK	Requirements: ✓ Register: ✓	Unlimited (as long as the requirements are met)	Police every 2 years
UK	Requirements: ✓ Register: ✓ Register quantities and descriptions of firearms and ammunition as well as names and addresses of the sellers and dates of transaction.	3 years	Police Once a year

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3.5 Brokers³¹

MS	Requirements for brokers different/additional to those required in the Directive	Definition of broker (if different from the Directive)	Validity of the licence/authorisation	Authority responsible for and frequency of the controls
EU	<i>One or more measures such as: - requiring the registration of brokers operating within their territory; - requiring the licensing or authorisation of the activity of brokering.³²</i>	<i>Any natural or legal person, other than a dealer, whose trade or business consists wholly or partly in the buying, selling or arranging the transfer of weapons</i>		
AT	N.A.	N.A.	N.A.	N.A.
BE	Same as dealers	Anyone who creates, for compensation or not, the conditions for the conclusion of an agreement for the manufacture, repair, modification, supply, acquisition, transfer or other forms of availability of firearms or parts/ammunition thereof, regardless of their origin and destination, and whether they end up in Belgium, or regardless the person who enters into such agreements where transportation is performed by a third party	Same as dealers	Same as dealers
BG	N.A.	N.A.	N.A.	N.A.
CY	N.A.	N.A.	N.A.	N.A.
CZ	N.A.	N.A.	N.A.	N.A.

³¹ Sentences in blue report information collected through the survey or interviews.

"N.A." means "not applicable" meaning that the provision is not relevant in the country (e.g.: brokers do not exist within the civilian firearms sector).

"No data", indicates a lack of (or the impossibility to find) information in the national MS law.

The sign "√" indicates equivalence between the requirements of the Directive and the requirements set in national MS law.

³² According to the Directive these requirements are not mandatory as those for ownership, though strongly recommended.

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MS	Requirements for brokers different/additional to those required in the Directive	Definition of broker (if different from the Directive)	Validity of the licence/authorisation	Authority responsible for and frequency of the controls
DE	Same as dealers	There is not a clear difference among a dealer and a broker. Anyone intending to appoint an agent to run a commercial enterprise dealing in guns shall apply for an Agent's licence (same requirements as dealers).	May have a time limit.	Same as dealers
DK	✓ Registers to be maintained by weapons agents and brokers for at least 10 years	✓	Same as dealers	Same as dealers
EE	N.A.	N.A.	N.A.	N.A.
EL	N.A.	N.A.	N.A.	N.A.
ES	Same as dealers To keep a register with: - source of weapons, the movements and the place of deposit (in the pages of import) - the names and residences of buyers, firearms licence and guidance on their circulation (in the pages of export)	" Corredor ": any natural or legal person, other than a dealer, corsair, agent, salesman, or representative referred to in this Regulation, whose business consists wholly or partly in the buying, selling or arranging in Spanish territory activities related to firearms or assimilated, and their essential parts	Same as dealers	Same as dealers
FI	N.A.	N.A.	N.A.	N.A.
FR	Same as dealers (though brokers trade only categories A and B). To keep a register with names of enterprises or of other participants to commercial operations, content and steps, items purchased and sold.	" Courtier ": any person or company exerting intermediation activity. " Intermediation ": any operation, commercial or for-profit, whose purpose is to either bring closer people wishing buy or sell military equipment, weapons and ammunition or related materials, or to sign a contract on behalf of one of these parties. This intermediation transaction made in favour of any person regardless of his place of establishment takes the form of a brokerage transaction or of a transaction which is the subject of a special warrant or contract.	5 years	Prefect and Ministry of Defence: Categories A and B Twice a year
HR	No data	No data	No data	No data
HU	Same as dealers	No data	Same as dealers	Same as dealers

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MS	Requirements for brokers different/additional to those required in the Directive	Definition of broker (if different from the Directive)	Validity of the licence/authorisation	Authority responsible for and frequency of the controls
IE	✓	Brokering activities are activities of persons and entities: — negotiating or arranging transactions that may involve the transfer of items on the EU Common List of military equipment from a third country to any other third country; or — anyone who buys, sells or arranges the transfer of such items that are in their ownership from a third country to any other third country.	Same as dealers	Same as dealers
IT	✓ No criminal and administrative record.	Intermediario : any physical or legal person, other than the dealer, whose business consists wholly or partly in the buying, selling or transfer of firearms, parts and ammunitions, also without having their physical possession. Couriers are not considered brokers.	3 years	Obligation to send to the Prefect once a year the records of transactions.
LT	✓ Mediators must register themselves at the Police Department under the Ministry of Interior. Only the Weaponry Fund has the right to trade in short firearms in Categories B and C, ammunition designated for short firearms, their parts, arms in Category A, ammunition. They have to report once a year to the Police on the parties of the transactions, their addresses as well as on weapon types and quantities brokered.	Mediators : legal or natural persons who have a certificate issued by a Police department and conclude with clients written contracts for the representation of the interests of a manufacturer, importer, exporter, trader.	Unlimited. 6 months: licence to import	Police. Twice a year (also unexpectedly)
LU	The brokering activity can be performed only together with the dealer activity.	« Courtier d'armes »: any individual or entity that creates intentionally, for compensation or not, the conditions for the import, export, manufacture, assembly of parts in complete firearms, the transformation, acquisition, possession, stockpiling, transportation, transfer, sale and any other form of trade in firearms and ammunition, which is a party to an agreement for one of those operations or which operates on behalf of a party to such an agreement as an agent, broker or any other legal form.	Same as dealers	Same as dealers

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MS	Requirements for brokers different/additional to those required in the Directive	Definition of broker (if different from the Directive)	Validity of the licence/authorisation	Authority responsible for and frequency of the controls
LV	Same as dealers	Broker: a natural person or legal entity, a merchant registered in the Commercial Register or a commercial company or undertaking registered in a foreign country by a citizen or long-term resident of the Republic of Latvia, that performs intermediary transactions with goods of strategic significance.	Unlimited	Police
MT	N.A.	N.A.	N.A.	N.A.
NL	N.A.	N.A.	N.A.	N.A.
PL	Same as dealers	"Trading" should be understood as a commercial activity relating to the matter of explosives, weapons, ammunitions, products and technologies for military or police forces; including mediation involving negotiation, shopping advice, assistance in contracting and organic movement of explosives, weapons, ammunitions performed on Polish territory.	Same as dealers	Same as dealers
PT	N.A.	N.A.	N.A.	N.A.
RO	Same as dealers	Intermediate: any person or entity, other than a dealer, authorised under this law, whose business consists wholly or partly in buying, selling or arranging the transfer of weapons.	Same as dealers	Same as dealers
SE	N.A.	N.A.	N.A.	N.A.
SI	Same as dealers	Same as dealers	Unlimited	Same as dealers
SK	N.A.	N.A.	N.A.	N.A.
UK	N.A.	N.A. ³³	N.A.	N.A.

³³ In the UK there are no civilian firearms brokers, as domestically this work is carried out by registered firearms dealers.

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3.6 Marking and traceability³⁴

MS	Information to be marked additional to the Directive's requirement	Definition of essential component (if different from the Directive)	Essential components to be marked	CIP or non-CIP member	Computerised data-filing system	Information recorded (additional to the one provided in the Directive)
EU	Manufacturer's name, country/place of manufacture, serial number, year of manufacture (if not part of the serial number)	The breach-closing mechanism, the chamber and the barrel	Mark an essential component the destruction of which would render the firearm unusable.	-	by 31 December 2014 for not less than 20 years	Each firearm's type, make, model, calibre, serial number, names and addresses of the supplier and the purchaser/owner
AT	✓ + calibre	No data	- for all weapons except revolvers: barrel and locking mechanism (action body for hinged weapons, bolt for others) and the frame or chamber if there is one; - for revolvers: the barrel, cylinder drum and frame; - for weapons where the chamber is not integral with the barrel bore: the barrel, each chamber and the locking mechanism.	CIP	Yes	- Justification of firearm possession - Personal data regarding the owner - Relevant data regarding the firearms
BE	✓ Firearms transferred from government stocks to	✓	All	CIP	Yes	✓ - National number - Capacity

³⁴ Sentences in blue report information collected through the survey or interviews.

"N.A." means "not applicable" meaning that the provision is not relevant in the country (e.g.: brokers do not exist within the civilian firearms sector).

"No data", indicates a lack of (or the impossibility to find) information in the national MS law.

The sign "✓" indicates equivalence between the requirements of the Directive and the requirements set in national MS law.

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MS	Information to be marked additional to the Directive's requirement	Definition of essential component (if different from the Directive)	Essential components to be marked	CIP or non-CIP member	Computerised data-filing system	Information recorded (additional to the one provided in the Directive)
BG	civilian use shall be marked with: - MPF MT (for arms transferred from the Police Force) - AFM MT (for arms transferred from the Armed Forces of Malta) The year of transfer					- Length
	✓ + weapon type/model + calibre	Barrel, barrel box, closed box, frame and charger	One	Non-CIP	Yes	- data on the issued permits /refusals of issuance; - data included in the permits identifying the natural/legal persons who have obtained them; - descriptions of the firearms and ammunition; - data regarding the EFP - data on the committed administrative offences, the sanctions imposed for them and/or compulsory administrative measures
CY	Only serial number and country of manufacture	✓	No data	Non-CIP	Yes	✓
CZ	✓ + Manufacturer's registered trademark, name and code of the person or entity + Model + Calibre	Barrel, cartridge chamber, frame, revolver cylinder, breech casing or body	At least one; serial numbers must appear on barrel, frame and breech.	CIP	Yes	- Issued firearm permits/licences and their holders; - Registered firearms, essential components, firearms possessed by dealers, exported or transited firearms, ammunition and prohibited accessories, firearm letters of conveyance for permanent export, import or transit of firearms or ammunition; - Documents authorising transport firearms or ammunition; - Lost or stolen firearms, firearms certificates and licences of examining commissioners; - Seized or voluntarily delivered firearms, prohibited accessories of firearms and firearms determined for destruction or deactivation.

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MS	Information to be marked additional to the Directive's requirement	Definition of essential component (if different from the Directive)	Essential components to be marked	CIP or non-CIP member	Computerised data-filing system	Information recorded (additional to the one provided in the Directive)
DE	<p>✓</p> <p>+ Designation of the ammunition, or of the projectiles</p> <p>+ In the case of imported weapons, the country of import and the year</p> <p>+ (alternatively to the manufacturers' or dealers' name/trading name) the trademark</p>	<p>✓</p> <p>In case of guns which use a flammable fluid or gaseous mixture for propulsion: the combustion chamber and the device to produce the mixture.</p> <p>In case of guns with a different propulsion: the propulsion device, insofar as it is fixed to the firearm.</p> <p>In case of short firearms: the grip or other parts of the weapon designed to hold the trigger mechanism; semi-finished essential components of guns and parts/residual parts of barrels and barrel blanks when they can be finished with conventional tools.</p>	<p>At least one of the following:</p> <ul style="list-style-type: none"> - the barrel or gas barrel, - the breech and - the chamber or cartridge holder <p>Serial number on:</p> <ul style="list-style-type: none"> - barrel on long firearms, - butt on assembled short firearms 	CIP	Yes	<p>✓</p> <p>+ firearm category</p>
DK	<p>✓</p> <p>Or other unique marking, easy to use, with a numeric code, to easily identify the manufacturer</p>	Run frame lock, slide, barrel, bolt, firing pin block and silencer	Run frame lock, barrel	Non-CIP	Yes	<ul style="list-style-type: none"> - Sagittarius: information on firearm type, make, model, calibre and serial number or identification number - Police Register: information on any weapon and owner, imported/exported weapons, stolen/lost weapons
EE	<p>✓</p> <p>+ calibre</p> <p>+ type or a generally</p>	<p>✓</p> <p>+ revolver cylinder, and also the blanks thereof if</p>	One	Non-CIP	Yes	<ul style="list-style-type: none"> - Date of import and registration; - Information about destruction, modification, loss

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MS	Information to be marked additional to the Directive's requirement	Definition of essential component (if different from the Directive)	Essential components to be marked	CIP or non-CIP member	Computerised data-filing system	Information recorded (additional to the one provided in the Directive)
	recognisable identification	they can be finished with the aid of commonly used tools				
EL	✓ + manufacturers' brand	Closing mechanism, barrel	One	Non-CIP	Yes	✓
ES	✓ Manufacturers that produce for government agencies and police corps need to put a specific mark	For all firearms: the closing mechanism + in handguns: the frame, the bolt or cylinder and the barrel; + in long firearms, striped or smooth-bore: fire box or drawer, the bolt or the bascule, the barrel	Depending on the type of firearm: - revolvers and pistols: frame and barrel; - long rifled firearms: cartridge compartment/receiver - shotguns: cartridge compartment/receiver or barrel	CIP	Yes	✓
FI	✓ In case of imported firearms: import marking, meaning marking on a noticeable part Finland's country code and the year of import	Gun barrel, cartridge chamber and the bolt and frame	One	CIP	Yes	✓
FR	✓ + calibre and model	Barrel, frame, breech, closing mechanism, cylinder, "conversion", including related power systems	One or more. At least: serial number on the frame and if possible on the barrel	CIP	Yes	✓ Holder details: - Reasons for ownership - Information on the EFP
HR	✓ + calibre + weapon type	✓ + the barrel cap, the casing, the grip with the firing mechanism and the cylinder in a revolver	All	Non-CIP	No data	No data

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MS	Information to be marked additional to the Directive's requirement	Definition of essential component (if different from the Directive)	Essential components to be marked	CIP or non-CIP member	Computerised data-filing system	Information recorded (additional to the one provided in the Directive)
HU	✓ + model	Barrel, bolt, cylinder, receiver containing these items.	All	CIP	Yes	✓ - the firearm category - the producer's name and number - name of the main piece of the firearm - information on dealers - the expiry date of the owner's medical check - the expiry of the gun mechanical proofing
IE	✓ + manufacturer's identification number	✓	One	Non-CIP	Yes	✓
IT	✓ + calibre (at least on the barrel) + mark with a progressive number any detachable or inter-changeable barrel	✓ + frame	One	CIP	Yes	✓ + firearm brand
LT	✓ The imported essential parts of the firearm are marked separately according to the same requirements	Barrel, cylinder, breechblock, breechblock carrier, frame and semi-manufactured products thereof, as well as the adapter inserted into the barrel	All	Non-CIP	Yes	✓ + category + manufacturer
LU	✓ Or a unique marking, easy to use, with a numeric code, to easily identify the manufacturer	✓	One	Non-CIP	Yes	✓ + firearm brand
LV	✓ + calibre shall be indicated on each barrel, if the calibre is different	The barrel, lock, cartridge compartment (cartridge cylinder, mechanism box or frame)	One	Non-CIP	Yes	✓ + Manufacturer + Repair, acquisition, sale, collection, import-export, inheritance, awarding, carrying,

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MS	Information to be marked additional to the Directive's requirement	Definition of essential component (if different from the Directive)	Essential components to be marked	CIP or non-CIP member	Computerised data-filing system	Information recorded (additional to the one provided in the Directive)
	or if they are changeable; On long-barrelled - smooth-bore firearms: the length of the cartridge chamber and the diameter of the barrel channel shall be indicated with an accuracy of 0.1 mm.					possession, alienation and destruction + Batch and number of gas pistols
MT	✓ (no mark on firearms such as airguns and crossbows)	✓ + the frame and the receiver	One	Non-CIP	Yes	✓
NL	✓	Gun: the course, the closet and the carriage. Revolver: the cabinet and the cylinder.	One	Non-CIP	Yes	✓
PL	✓	Frame, barrel, castle, castle chamber and drum cartridge, the receiver	"All firearms and each separate, essential component"	Non-CIP	Yes	✓
PT	✓ + calibre, except for arms manufactured before 1950 (labelled with the name/mark of origin and serial number) - unmarked weapons are marked with a numeric code and puncturing the PSP.	✓ + the bolt or slide box and the rocker. In revolvers: the barrel and chamber.	On long weapons: the barrel and the breech-block On pistols and revolvers: the barrel and the handle	Non-CIP	Yes	✓ +number of barrels, number of shots, total length, barrel length, loading

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MS	Information to be marked additional to the Directive's requirement	Definition of essential component (if different from the Directive)	Essential components to be marked	CIP or non-CIP member	Computerised data-filing system	Information recorded (additional to the one provided in the Directive)
RO	✓	✓	At least one	Non-CIP	Yes	✓ + information about dealers and brokers
SE	✓ + import mark	Breech or drum, barrel or pipe, and frame, box and robe	All	Non-CIP	No (planned)	N.A. ³⁵
SI	✓	Lock, breech-block, the chamber with a pipe and drum chamber	Weapon or a substantial part of it	Non-CIP	No (planned)	At the moment, another national electronic system exists and it keeps records of owners and firearms. Slovenia is also integrating the data on trading in the electronic system.

³⁵ Swedish Firearms Law (1996:67) describes a weapons register which shall enter into force on 1st January 2015 and which will contain information on weapons and owners. However according to our interviewees "it is not possible to state when the computerised data-filing system will be in place. The Swedish Police Service is currently undergoing a major re-organisation and a new national Police Authority will be launched in January 2015" (Representative of Swedish Ministry of Justice).

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MS	Information to be marked additional to the Directive's requirement	Definition of essential component (if different from the Directive)	Essential components to be marked	CIP or non-CIP member	Computerised data-filing system	Information recorded (additional to the one provided in the Directive)
SK	✓ + caliber	Barrel, chamber, the insertion tube cylinder, locking chamber	Barrel and cylinder. In case of a barrel of a different calibre or a cylinder of a different calibre, each barrel or cylinder shall be marked.	CIP	No	SK has a paper-based register which contains information on ³⁶ : <ul style="list-style-type: none"> - registered weapons and owners - issued firearms licences and EFP - exported or transferred weapons - issued firearms cover letter - permits to carry weapons or ammunition - weapons, licences, identity documents accompanying weapons and armaments that have been lost or stolen - seize, collected, returned or forfeited weapons, - destroyed or modified weapons
UK	✓	The term "component part" includes (i) the	Depending on the weapon	CIP	Yes	✓ + Holder details: Date of birth, Place of birth,

³⁶ According to article 64 of the Act 190 of 23rd of April 2003 (190/2003). More detailed information was provided by the representative of the Slovak Ministry of Interior, which stated that the paper-based register contained also information on:

- serial number, type, manufacturer, calibre of weapons;
- date and hour of deposit of weapons in stock;
- date and hour of (temporary) transfer of weapons to other authorised person, holder of a firearm license A or B, with number of the recipient;
- date and hour of weapons recall from the authorised person or other holder of Group A or B firearms license;
- customer data: if a natural person: name, address, business name, place of business, identification number, series and number of firearms license; if a legal person: name, address, identification number, series and number of firearms license; if holder of a gun license: name, place of residence, series and number of arms license;
- customer's firearms license and a police department that issued the firearms license;
- type and number of the delivery receipt to the customer;
- name and signature of the person who carried out the registration

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MS	Information to be marked additional to the Directive's requirement	Definition of essential component (if different from the Directive)	Essential components to be marked	CIP or non-CIP member	Computerised data-filing system	Information recorded (additional to the one provided in the Directive)
		barrel, chamber, cylinder, (ii) frame, body or receiver, (iii) breech, block, bolt or other mechanism for containing the charge at the rear of the chamber (iv) any other part of the firearm upon which the pressure caused by firing the weapon impinges directly				Country of birth, Work address, Telephone numbers - personal and work, Details of name changes by marriage/deed/poll/divorce/adoption/civil partnership, gender, medical history, GP details. Details of any offences, cautions or fixed penalty notices. Gun details: the reason for ownership

3.7 Deactivation³⁷

MS	Definition of deactivated firearm (if different from the one provided in the Directive)	Competent authority responsible to deactivate	Competent authority responsible to verify deactivation	Registration of deactivated firearms
EU	<i>Objects rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way</i>	<i>Deactivation measures shall be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable</i>	<i>Competent authority shall provide for the issuance of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect</i>	-

³⁷ Sentences in blue report information collected through the survey or interviews.

"N.A." means "not applicable" meaning that the provision is not relevant in the country (e.g.: brokers do not exist within the civilian firearms sector).

"No data", indicates a lack of (or the impossibility to find) information in the national MS law.

The sign "√" indicates equivalence between the requirements of the Directive and the requirements set in national MS law.

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MS	Definition of deactivated firearm (if different from the one provided in the Directive)	Competent authority responsible to deactivate	Competent authority responsible to verify deactivation	Registration of deactivated firearms
<i>on the firearm</i>				
AT	Firearms are deactivated when: - all essential components are irreversibly unusable and cannot be removed or replaced or rebuilt in a way that allows reusability of the weapon, and - are marked as deactivated	Authorised dealers	Weapons Authority	No
BE	✓	Public - Proof House	Public - Proof House	No
BG	No data	Commission appointed by an order of the managing body of the corporate body or the entrepreneur - owner of firearm which shall also include representatives of the Ministry of Interior and the Ministry of Culture	Ministry of Interior	No
CY	✓	Police	Police	No data
CZ	Permanently unfit for use, ensuring that all essential parts have been rendered permanently inoperable	Privates with a specific licence	Police	No
DE	✓ When the firearm or its essential components cannot be restored to working order using standard tools: - the chamber is modified permanently so that neither ammunition nor propelling charges can be loaded; - the breech has been rendered permanently inoperable; - the trigger in grips or other essential components of short handguns have been rendered permanently inoperable; - as for the barrel, its modification procedures depend on the type of firearm	No data	The Proof House	No

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MS	Definition of deactivated firearm (if different from the one provided in the Directive)	Competent authority responsible to deactivate	Competent authority responsible to verify deactivation	Registration of deactivated firearms
DK	When the whole rifle with the exception of the stock is sawn lengthwise	Licenced professionals	Ministry of Justice. Which can delegate the Police	No data
EE	Mechanical processing of all of the essential components of the firearm which renders the weapon permanently impossible to be fired	Privates licenced by the police	Public Estonian Forensic Science institute	No
EL	No data	No data	No data	Yes
ES	A firearm no longer able to operate by having its essential parts rendered permanently inoperable or subject to irreversible modifications.	National Proof House, Armaments Services, Centres of the Ministry of Defence or an authorised dealer ³⁸	National Proof House	Yes
FI	✓	Only licenced traders who have obtained a permit for commercial manufacturing or repair and modification of firearms	Police	No
FR	Permanently unfit for firing any ammunition by application of technical processes ensuring that all elements of the firearm were rendered permanently inoperable and impossible to modify.	Proof House of Saint Etienne	Proof House of Saint Etienne	No
HR	Permanently deactivating means deactivating all essential components by their removal, replacement or conversion, so that they can no longer be used. A weapon is permanently unfit for use if its barrel has been permanently closed along the whole of its length or if the cartridge chamber has been permanently closed.	Natural or legal person authorised by the Ministry of Interior	Ministry of Interior	No data
HU	Irreversibly turned incapable of firing ammunition or bullets.	No data	Civilian Hand Firearm and Ammunition Testing Ltd. (public institution).	No
IE	✓ A deactivated firearm is considered a firearm in Irish law, needing a case-by-case inspection and authorisation by the local Superintendent of the Irish police	No data	Police, who may request certification from a recognised Proof House	No data
IT	Deactivated firearms and their essential components shall be rendered unusable in a permanent and irreversible way	Both public and dealers	Public. Banco nazionale di prova	Yes

³⁸ With the prior approval of the Guardia Civil or, where appropriate, of the Personnel of the National Police Division or of the appropriate Military Intervention Division.

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MS	Definition of deactivated firearm (if different from the one provided in the Directive)	Competent authority responsible to deactivate	Competent authority responsible to verify deactivation	Registration of deactivated firearms
LT	Completely unsuitable for use means modified or affected in such a way that all its major parts are irreversibly damaged or broken and it is impossible to restore, repair or change them so that it would again become suitable for proper use. Arms, ammunitions, their parts must be destroyed in such a way which would not pose a threat to human health and the environment. ³⁹	Private companies licenced by the Weaponry Fund	Weaponry fund (governmental)	No
LU	No data	No data	None - Ministry of Justice may ask to check the relevant unit of the police	Yes
LV	All the essential components of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way.	Private with specific licence	Police	No
MT	A firearm which has been rendered permanently unfit for use and certified. [...] a firearm shall be deemed to be deactivated if it has been rendered permanently unfit for use by the application of technical procedures which are guaranteed by an official body designated by regulations or recognised by such a body in terms of the same regulations.	Police	Commissioner - Police	Yes
NL	A weapon is deactivated when all moving parts are welded inside. The deactivated weapon gets a certificate or declaration.	Dealer	Police	Yes
PL	A firearm is deactivated in an irreversible way when all its relevant parts have been demilitarised in such a way that despite the action of compressed gases resulting from the combustion of propellant it is not able to launch a projectile, a substance or other element from the barrel; [...] and the reactivation of the firearm is not possible without taking	Licensed operator	Police	Yes

³⁹ According to the Order No. 5-V-775 "On the confirmation Procedure on modification and displaying weapons" of the Police Commissioner General, of the 3rd October 2013, firearms, depending on their type, caliber, constructional features, are deactivated by way of the following steps: 1) The essential component of percussion mechanism is removed to prevent the possibility to fire; 2) The possibility to put in a striker is excluded; 3) The front of breech block is milled (cut) by 45 degrees 4) The frame of a weapon is remodeled in the way to eliminate the possibility to put in percussion mechanism or the main parts of it into a weapons frame; 5) The barrel is drilled (depending on barrel length) 3-6 times (diameter of drilled hole shall be not less than half of the size of a weapon caliber, the centre of the hole should be at the end of cartridge, which is inserted into the chamber, case); 6) The chamber is cut not less than the length cartridge; 7) The chambers of revolvers cylinder are converted so as to eliminate the possibility to put in chambers any rounds. Ammunition is made completely unsuitable to the use by the following steps: 1) One side of a cartridge is drilled (cut) (diameter of drilled hole shall be not less than one-third of the diameter of cartridge neck) and the capsule is damaged; 2) The gunpowder is removed; 3) If there was the explosive in a bullet of cartridge, it is removed from the bullet; 4) If the bullet of a cartridge was with a detonator, the explosives are removed from the detonator.

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MS	Definition of deactivated firearm (if different from the one provided in the Directive)	Competent authority responsible to deactivate	Competent authority responsible to verify deactivation	Registration of deactivated firearms
	special steps.			
PT	All essential parts of the firearm have been rendered permanently inoperable, by replacement or modification that could not allow firearm reactivation in any way.	Public Security Police (PSP) or a private technical body	Police	Yes
RO	When all essential components are rendered permanently inoperable and cannot be removed, replaced or modified to be reactivated in any way.	Authorised dealer who can also issue a certificate	Police	Yes
SE	✓ A deactivated firearm is still a firearms which needs a permit	Dealer or repairman licenced by the Police	No data	Yes
SI	✓	Ministry of Interior	Committee appointed by the Ministry of Interior	Yes
SK	A deactivated weapon is any firearm that has been temporarily converted so that it cannot discharge any shot with appropriate ammunition, nor can its mechanisms be moved in a manner that could cause damage. Weapons permanently stored in gun cabinets are deemed deactivated when their bullet chambers, trigger mechanisms or other parts are rendered dysfunctional.	No data	Arms Inspector	No
UK	It has been rendered incapable of discharging any shot, bullet or other missile and has consequently ceased to be a firearm.	Dealer	- The Birmingham Proof House, and the London Proof House - Other person approved by the Secretary of State ⁴⁰	No

⁴⁰ Section 8 of the 1988 Act requires that one of the two Proof Houses (Birmingham or London Proof Houses), or some other person approved by the Secretary of State has marked the firearm and certified in writing (that is, provided a certificate) that it has been de-activated to the approved standard. No other person has been approved for this purpose. With regard to section 38(7) of the Violent Crime Reduction Act 2006, a de-activated firearm is also to be treated as an imitation firearm, and by virtue of section 40 can only be bought by or sold to someone aged 18 or over.

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3.8 European Firearms Pass⁴¹

MS	Documents requested for the issuance	Documents requested for the renewal	Validity	Fee for the issuance	Fee for the renewal	Documents to be provided when entering the country	EU EFP format adopted ?
EU	<i>An 'EFP' shall be issued on request by the authorities of a MS to a person lawfully entering into possession of and using a firearm</i>		<i>Maximum 5 years but may be extended</i>			<i>Obligation to substantiate the reasons for the journey by producing an invitation or other proof.</i>	
AT	- firearms licence - confirmation of the registration of category C and D	Same as for the issuance	5 years. Renewable max once for the same duration	€ 60 approx.	€ 20 approx.	- invitation; - additional docs for hand-guns carried by hunters	Yes
BE	- a copy of the hunting or shooting licence - a copy of the authorisation for the possession of the firearm to be listed on the pass - a copy of arms registration certificate under free trade	None	5 years. Renewable max once for the same period. Exception for some sporting firearms: 10 years	None	None	Substantiate the reason for the journey	Yes
BG	Firearms licence	Firearms Licence	5 years	€ 56.24	€ 56.24	National gun permits and invitation	No data
CY	- registration certificate - firearms licence	Same as for the issuance	5 years. Renewable max once for the same period.	€ 34	€ 34	Transport licence: for Categories A, B and C	Yes

⁴¹ Sentences in blue report information collected through the survey or interviews.

"N.A." means "not applicable" meaning that the provision is not relevant in the country (e.g.: brokers do not exist within the civilian firearms sector).

"No data", indicates a lack of (or the impossibility to find) information in the national MS law.

The sign "√" indicates equivalence between the requirements of the Directive and the requirements set in national MS law.

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MS	Documents requested for the issuance	Documents requested for the renewal	Validity	Fee for the issuance	Fee for the renewal	Documents to be provided when entering the country	EU EFP format adopted ?
			10 years if only category D				
CZ	- Czech residence - firearms licence	Same as for the issuance	5 years. Renewable max once for the same period. 10 years if only category D	€ 25 + € 3.62 for each firearm entered	The same as for the issuance	So as to substantiate the reason for the journey, in particular by producing an invitation.	Yes
DE	- data on the weapons - data on the ammunition - firearms licence	Same as for the issuance	5 years. Renewable max once for the same period. 10 years: if only single-shot long weapons with a smoothbore barrel or with smoothbore barrels	between € 30 and € 60 (differs from one Bundesland to another)	between € 10 and € 20 (differs from one Bundesland to another)	- Official identity card or passport, and the weapon owner's licence for weapons which may only be acquired with a licence, or if a licence to carry the weapon is required, the weapons licence; - Confirmation of the reason for taking the gun; - In some cases: hunting licence	Yes
DK	- hunting/sporting licences - firearms certificate - residence and ID card	No data	5 years. 10 years if only category D	None	None	Visitor permit (€ 68)	No
EE	- Estonian residence - weapon permit or permit to carry weapons	Same as for the issuance	5 years, as the firearms licence is valid.	€ 12.78	None	Invitation or other proof	No data
EL	No data	No data	5 years. 10 years: for single-shot firearms	No data	No data	Demonstrate the purpose of the trip	No data

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MS	Documents requested for the issuance	Documents requested for the renewal	Validity	Fee for the issuance	Fee for the renewal	Documents to be provided when entering the country	EU EFP format adopted ?
			with smooth-bore barrel				
ES	- Spanish residence - firearms licence	Only if ownership conditions continue to be fulfilled	5 years	€ 11.12	€ 11.12	Invitation or other proof of hunting and sport activities in Spain	Yes
FI	- firearms permit	Application	5 years (renewable) and as long as the firearms licence is valid.	€ 58.00	€ 26.00	Written invitation or other reliable account stating that the transfer or import is necessary in order to participate in a shooting competition or hunting event.	Yes
FR	- firearms licence - French domicile	Same as for the issuance	5 years	None	None	- Hunters must prove they are travelling for hunting - Marksmen have to submit a written invitation or proof of enrolment in an official competition, indicating the date and place	No data
HR	- firearms licence - previous authorisation if taking more than 3 pieces	No data	5 years	No data	No data	- Croatian hunting licence - Written invitation by the game warden	Yes
HU	- sporting: technician certification. - hunting: valid hunting ticket and technician certification - registration with hunting/sporting associations	Same as for the issuance	5 years	€ 12.70	€ 12.70	Passport (or ID card), invitation letter to the hunting	Yes

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MS	Documents requested for the issuance	Documents requested for the renewal	Validity	Fee for the issuance	Fee for the renewal	Documents to be provided when entering the country	EU EFP format adopted ?
IE	Firearms licence	Same as for the issuance	5 years or the period of expiry of the licence related to the firearm(s) entered	None	None	Substantiate the reason of the journey	Yes
IT	Firearm(s) licence	Same as for the issuance	5 years and as long as the firearms licence is valid.	€ 17.50	€ 16	Demonstrate the purpose of the journey	Yes
LT	- Lithuanian residence - valid national permit to hold firearms - valid hunter certificate or certificate from sport shooting federation	Same as for the issuance	5 years	€ 14.48	No data	Copy of the invitation or other document certifying the reason of entry	Yes
LU	- Firearms licence - Firearms data	Same as for the issuance	5 years. Renewable max once for the same duration	€ 20	€ 20	Preliminary authorisation of the Ministry of Justice issued by the MS of origin of the hunter/ marksman through a visa (valid for 1 year) which has to be affixed on the EFP.	No data
LV	Reference from sport federation (if marksman)	Same as for the issuance	5 years	€ 62.61	€ 4.27	Demonstrate the purpose of the journey	Yes
MT	Firearms licence	Same as for the issuance	5 years. Renewable max once for the same duration	None	None	Invitation for participation in a target shooting/hunting activity or other proof	No
NL	- firearms licence - hunting licence	None	5 years, renewable	€ 20-25	€ 20-25	No data	Yes

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MS	Documents requested for the issuance	Documents requested for the renewal	Validity	Fee for the issuance	Fee for the renewal	Documents to be provided when entering the country	EU EFP format adopted ?
PL	Firearms licence	No renewal – only a new EFP	5 years. Renewable max once for the same duration	€ 25	€ 25	- Valid passport - Hunting voucher or an invitation to take part in a sport event (confirmed by an appropriate, regional police officer)	Yes
PT	- copy of the firearms licence(s); - copies of booklets of weapons you want to endorse, or document replacing them	Firearms licence	5 years. Renewable max once for the same duration	€ 87.50	€ 87.50	Foreigners need to present a valid hunting permit, Third-party insurance, a Portuguese Non-resident's Hunting Permit and possibly a special large game and/or duck hunting permit.	No data
RO	- firearms licence - for the first issuance: must present a document that certifies the need for the EFP	Same as for the issuance (except for the document that certifies the need)	5 years	None	None	- Invitation to hunting or shooting competition - For transit: need of authorisation of the destination state	Yes
SE	Firearms licence Please, see link: http://polisen.se/Service/Blanketter/Vapen/Vanliga-blanketter/Ansokan-om-skjutvapenpass-EU-med-bilaga/	Same as for the issuance	5 years: rifles 10 years: shotguns	€ 78	€ 78	- Passport - Visitor permit	Yes

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MS	Documents requested for the issuance	Documents requested for the renewal	Validity	Fee for the issuance	Fee for the renewal	Documents to be provided when entering the country	EU EFP format adopted ?
SI	Firearms licence	No data	5 years	€ 7.90	No data	Demonstrate the purpose of the journey (e.g.: invitation for hunting or shooting competition)	No data
SK	Firearm Licence (number and group gun) -	Same as for the issuance	5 years	€ 16.50	€ 3.00	Authenticated written invitation or certified agreement; for categories B and C: need of prior consent of the police dept. or embassy for the transit through the territory of the Republic	Yes
UK	Firearms Certificate	Same as for the issuance	5 years	None	None	The visitor permit (12£)	Yes

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3.9 Penalties

MS	Provisions covered	Types of penalties per provision
EU	<i>MS shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented.</i>	
AT	All	<ul style="list-style-type: none"> - licensing: fine/detention - deactivation: fine/detention - marking: fine/detention - EFP: fine/detention <p>According to Section 10, articles 50, 51, 52 of Waffengesetz 1996 (WaffG): A term of imprisonment up to 2 years is to punish those who intentionally commits one or more of the punishable acts in relation to a larger number of firearms</p> <ol style="list-style-type: none"> 1) Anyone who, albeit negligently, has or carries without authorisation a firearm B category; 2) Anyone who leaves, is not authorised to own, purchase or transfer: prohibited weapons or ammunition; weapons or ammunition although not prohibited under this regulation; war material (except shotgun shells with full-jacketed projectile); firearms of category B, prohibited weapons or war material (except Rifle cartridges with full-jacketed bullet) <p>shall be punished by court of law with imprisonment up to 1 year or a fine up to 360 fine units. If intentionally commits one of these crimes: imprisonment of up to 2 years.</p> <p>In the cases where the event does not conform to the types of criminal acts punishable under the ordinary law, s/he incurs an administrative offense punishable by a fine of up to € 3,600 or imprisonment for up to 6 weeks.</p>
BE	All	<ul style="list-style-type: none"> - licensing: limitation/withdrawal of the licence and/or seizure of weapons - deactivation: limitation/withdrawal of the licence and/or seizure of weapons - marking: limitation/withdrawal of the licence and/or seizure of weapons - EFP: limitation/withdrawal of the licence and/or seizure of weapons <p>In cases of violation judicial prosecution is rarely pursued and cases are typically sorted by paying a fine</p>
BG	All	<ul style="list-style-type: none"> - licensing: fine/detention/withdrawal of the licence - deactivation: fine/detention/withdrawal of the licence - marking: fine/detention/withdrawal of the licence - EFP: No data <p>The firearms shall be confiscated and the permit shall be revoked for a period of 1 to 5 years when it is not used according to its purpose or in a way creating danger for the life and the health of citizens.</p> <p>If used after consumption of alcohol or narcotic substances the firearms shall be confiscated and the permit shall be revoked for a period of 5 to 10 years.</p> <p>Who violates the provisions regarding production, trade, storing and using firearms and munitions shall be fined with 100 to 2,000 leva (around 50.86 to 1,017 EUR) if it is not subject to a more severe punishment, or by a proprietary sanction amounting from 1,000 (around 508 EUR) to 5,000 leva (2,543 EUR).</p> <p>In accordance with art. 233 of the Criminal Code of the Republic of Bulgaria, a person who, without a relevant licence, registration or permit, exports, imports, transfers, transits, acts as intermediary in transactions with weaponry or goods or technologies with dual application, as well as where such activities are carried out in breach of</p>

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	prohibitions, restrictions or sanctions, - imposed by the Security Council of the United Nations Organisation, by the Organisation for Security and Cooperation in Europe or by the European Union, specified in an instrument of the Council of Ministers or stemming from an international agreement to which the Republic of Bulgaria is a party - shall be punished by deprivation of liberty for up to 6 years and by a fine of up to BGN 200,000 (around 101,712 EUR). For particularly serious cases, the punishment shall be deprivation of liberty for 3 to 8 years and a fine of up to BGN 500,000 (254,281.28 EUR).	
CY	All	<ul style="list-style-type: none"> - licensing: detention - deactivation: detention - marking: detention - EFP: detention
	<p>(1) A person who, in person or through an employee or other representative, fails to comply with the provisions of this Law, commits an offence and, provided that no other penalty is provided for by any other provision of this law, shall be liable on conviction to imprisonment for a maximum term of 15 years or to a fine of not more than £25,000 (around EUR 31759) pounds or both and any weapons to which the offence relates shall be seized and confiscated and or destroyed with the consent of this person.</p> <p>(2)(a) A person who was issued a licence under any of the Regulations issued on the basis of this Law and who fails to or omits to comply with any term of the licence issued to him, commits an offence and shall be liable on conviction to imprisonment for a maximum term of 6 months or to a fine of not more than £1,000 (around EUR 1,270) or both and the Court may, in addition, order that he be deprived of the licence for a maximum term of 2 years.</p> <p>(b) A person who contravenes or fails to comply with any of the provisions of the Regulations issued under this Law commits an offence and shall be liable on conviction to imprisonment for a maximum term of 3 months or to a fine of not more than £1,000 (around EUR 1,270) or both.</p>	
CZ	All	<ul style="list-style-type: none"> - licensing: fine/withdrawal of licence - deactivation: fine/withdrawal of licence - marking: fine - EFP: fine
	<p>Title XII, Section 76, 3 of the Act 119 of March 2002: A minor offence may be sanctioned by a fine of up to:</p> <p>a) CZK 50,000 (around EUR 1,805) in the case of a minor offence under paragraph 1 (a), (d) or (h);</p> <p>b) CZK 30,000 (around EUR 1,803) in the case of a minor offence under paragraph 1 (b);</p> <p>c) CZK 20,000 (around EUR 722) in the case of a minor offence under paragraph 1 (f) or (g);</p> <p>d) CZK 15,000 (around EUR 541) in the case of a minor offence under paragraph 1 (c), (e), (i), (j) or paragraph 2.or par. 5</p> <p>Section 76d, 10: An administrative infraction may be sanctioned by a fine of up to</p> <p>a) CZK 1,000,000 (around EUR 36,099) in the case of a minor offence under paragraph 1 (b), (d), (f), (i), (m), (n) or (o), paragraph 2 (a) or (b), paragraph 3 (a), paragraph 7 (a), (b), (c), (f) or (g), paragraphs 8 or 9;</p> <p>b) CZK 500,000 (around EUR 18,049) in the case of a minor offence under paragraph 1 (a), (c), (e), (g), (h), (j), (k), (l) or (p), paragraph 2 (c), paragraph 3 (b), paragraphs 4, 5 or 6, paragraph 7 (d), (e) or (h)</p>	
DE	All	<ul style="list-style-type: none"> - licensing: fine/detention - deactivation: fine/detention - marking: fine/detention - EFP: fine/detention

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DK	<ul style="list-style-type: none"> - Imprisonment of one to 5 years (10 years in particularly serious circumstances - e.g. as member of a gang to commit such offences) - In less serious instances, a prison term of up to 3 years or a fine - In cases of negligence: punishable with a prison term of up to 2 years or a fine - Section 52 - criminal offences - Section 53 - fines 	
	All	<ul style="list-style-type: none"> - licensing: fine/detention - deactivation: fine/detention - marking: fine/detention - EFP: No data
	<p>The import, acquisition, possession, carrying or use firearms, etc. without permission is punishable with a fine, imprisonment for up to 4 months or, under aggravating circumstances, imprisonment for up to 2 years. In the case of an intentional violation with particularly aggravating circumstances, there is the imprisonment from 1 year up to 6 years. In cases when the violation intent is terrorism, the maximum penalty is imprisonment for up to life.</p>	
EE	All	<ul style="list-style-type: none"> - licensing: fine/detention (private owners); fine (dealers/brokers) - deactivation: detention - marking: as for licensing - EFP: No data
	<ul style="list-style-type: none"> - Violation of the requirements for the carrying, storage, conveying, manufacture, conversion, repair, sale, rental or transport of weapons, essential components of firearms or ammunition, or violation of other requirements for the handling of weapons, essential components of firearms or ammunition, or violation of the procedure for keeping records and registration of weapons, essential components of firearms or ammunition: punishable by a fine of up to 300 fine units or by detention. The same act, if committed by a legal person, is punishable by a fine of up to 50,000 kroons (around 3,195 EUR). - Failure to hand over weapons or ammunition to the police authorities within the prescribed term by a person whose acquisition permit or weapons permit has expired, suspended or revoked, or failure to hand over weapons or ammunition to the owner thereof within the prescribed term by a person whose parallel weapons permit has expired, suspended or revoked: punishable by a fine of up to 200 fine units or by detention. The same act, if committed by a legal person is punishable by a fine of up to 30,000 kroons (around 1,917 EUR). - Failure to return an expired, suspended or revoked acquisition permit, weapons permit or parallel weapons permit to the police authorities or to the owner within the prescribed term: punishable by a fine of up to 50 fine units. The same act, if committed by a legal person is punishable by a fine of up to 10,000 kroons (around 639 EUR). - A legal person who fails to submit weapons, essential components of firearms or ammunition for inspection to an official exercising state supervision, prevents inspection of a place of storage or a location of weapons, essential components of firearms or ammunition or of a firing range or a field firing range, refuses to submit documents or information necessary for inspection, presents false information or presents information in a form which does not allow the exercise of supervision shall be punished by a fine of up to 50,000 kroons (around 3,195 EUR). - The carrying of weapons or ammunition while intoxicated or under the influence of narcotic, psychotropic or psychotoxic substances is punishable by a fine of up to 200 fine units or by detention. - The carrying of weapons or ammunition at a public event by a person who does not perform his or her duties of employment or service at the event is punishable by a fine of up to 200 fine units or by detention. 	

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EL	- Violation of the procedure for the issue of weapons permits, parallel weapons permits, permits to carry weapons or weapons collection permits by an official issuing such permits is punishable by a fine of up to 200 fine units.	
	All	<ul style="list-style-type: none"> - licensing: fine/detention - deactivation: fine/detention - marking: fine/detention - EFP: No data
	For smuggling/illegal dealing, those provided by the law 2168/93 ranging from 1 month to 20 years imprisonment, depending on the seriousness of the offence.	
ES	All	<ul style="list-style-type: none"> - licensing: fine/ withdrawal of licence - deactivation: fine/withdrawal of licence/detention - marking: as for licensing - EFP: fine/ withdrawal of licence/detention
	<p><u>In general: fine or withdrawal of firearms or of the licence. In case of missing mark, the Proof House will proceed to firearm destruction. Fine are applied also in case of violations related to the Firearms Pass.</u></p> <ul style="list-style-type: none"> - Possession or specific firearms without authorisation or release of false data to obtain the licence: punished with a fine. - Missing of any mandatory information or declaration: punished with a fine. - Neglect in the mandatory collaboration concerning controls and inspections: punished with a fine and possibly with a suspension up to 6 months (firearms of self-defence). - If they do not constitute an offence, they will be considered serious violations for the risk procured: manufacturing, repair, trade of firearms (long rifles, self-defence firearms, firearms for security) without authorisation: Fine, confiscation of firearms and closure of the plant/factory for up to 1 year. 	
FI	All	<ul style="list-style-type: none"> - licensing: fine/detention/withdrawal of licence - deactivation: withdrawal of licence - marking: withdrawal of licence - EFP: withdrawal of licence
	<ul style="list-style-type: none"> - <u>The licence may be revoked if:</u> (1) the licence holder is guilty of an offence indicating violent behaviour, and all other offences referred to in Chapter 50, sections 1-4 of the Penal Code (39/1889), or of another offence which proves him or her to be unsuitable for transporting, storing or otherwise handling firearms, firearm components, cartridges or specially dangerous projectiles; 2) the licence holder is guilty of a firearms offence, aggravated firearms offence, firearms violation or of another punishable act committed by using a firearm; 3) the licence holder has violated the licence terms or otherwise shown disregard for compliance with the provisions on firearms, firearm components, cartridges or specially dangerous projectiles; or if 4) the licence holder is, due to his or her state of health, or his/her way of life or behaviour endangering his or her own safety or that of others, to be deemed unsuitable for transporting, storing or otherwise handling firearms, firearm components, cartridges or specially dangerous projectiles. - Neglects the duty under section 112a to present a firearm rendered permanently unfit for use or a permanently deactivated firearm component to the police department, shall be sentenced for a firearms offence to a fine or to imprisonment for a maximum of 2 years. - If in the firearms offence, 1) the object of the offence is a specially dangerous firearm or a large number of firearms or firearm components; 2) considerable financial benefit is sought; or 3) the offence is committed with a particularly methodical manner, and if the offence is aggravated when assessed as a whole, the offender shall be sentenced for an aggravated firearms offence to imprisonment for a minimum of 4 months and a maximum of 4 years. 	

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MS	Provisions covered	Types of penalties per provision
	<ul style="list-style-type: none"> - If the firearms offence, with due consideration to the nature or number of the objects of the offence or the other circumstances connected with the offence, is to be deemed petty when assessed as a whole, the offender shall be sentenced for a firearms violation to a fine. - A person who, in violation of this Act, deliberately: 1) neglects the notification duty under section 22(1), section 24(1), section 89 or section 111(1); 2) neglects the duty under section 22(2) or section 59 to notify of changes in storage facilities; 3) neglects to apply for a possession permit within the period laid down in section 52(1); 4) neglects in full or in part the duty of a weapons collector to keep a file under section 59a(1) or section 60(1); (601/2001) 5) neglects the duty under section 52(2), section 90 or section 112 to present or surrender a permit document to the police, the duty under section 74(3) to present or surrender a European firearms pass to the police, or the duty under section 96(1) to surrender a permit, document or certificate of consent to the police; (601/2001) 6) neglects the duty under section 70 to notify the police of the acquisition of a firearm component, or to present a firearm component to the police; 7) neglects his or her supervision duty after allowing someone else to use a firearm under section 88; 8) stores a firearm or firearm component or carries or transports a firearm; 9) neglects the duty under section 108(1)(3) or section 112 to present a firearm rendered permanently unfit for use or a permanently deactivated firearm component to the police; 10) neglects the duty to have a firearm examined under a term included in a private manufacturing permit under section 110(2); or 11) neglects the duty under section 117 to present a licence or permit, European firearms pass, or firearms, firearm components, cartridges or specially dangerous projectiles possessed under a permit document or licences or permits entered in the European firearms pass, shall also be sentenced for a firearms violation. 	
FR	All	<ul style="list-style-type: none"> - licensing: fine/detention/ withdrawal of licence and /or seizure of weapons- deactivation: mostly penal sanctions - marking: fine/detention/ withdrawal of licence and /or seizure of weapons - EFP: fine/detention/ withdrawal of licence and /or seizure of weapons
	Fine, interdiction to own firearms, seizure of firearms, obligation to attend a citizenship lesson	
HR	All	<ul style="list-style-type: none"> - licensing: fine/detention - deactivation: fine/detention - marking: fine/detention - EFP: fine/detention
	Section XVII Of The National Weapon Law	
HU	All	<ul style="list-style-type: none"> - licensing: withdrawal of the licence - deactivation: withdrawal of the licence - marking: withdrawal of the licence - EFP: withdrawal of the licence
	No data	
IE	All	<ul style="list-style-type: none"> - licensing: fine/detention/withdrawal of the licence - deactivation: fine/detention/withdrawal of the licence - marking: fine/detention/withdrawal of the licence - EFP: fine/detention/withdrawal of the licence
	Criminal sanctions are provided for in SI 493 of 2010, for breaches of rules pursuant to the Firearms Directive. No administrative sanctions in relation to rules pursuant to the Firearms Directive.	

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IT	<p>A person who is guilty of an offence under this section (2) is liable—</p> <p>a) in case the firearm is a restricted firearm or the ammunition is restricted ammunition—</p> <p>i. on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, and</p> <p>ii. on conviction on indictment, to a fine not exceeding €20,000 or imprisonment for a term not exceeding 7 years or both,</p> <p>and</p> <p>b) in any other case—</p> <p>i. on summary conviction, to a fine not exceeding €2,500 or imprisonment for a term not exceeding 12 months or both, and</p> <p>ii. on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both.</p> <p>A holder of a firearms training certificate who, without reasonable excuse, does not comply with the conditions subject to which the certificate was granted is guilty of an offence and liable on summary conviction—</p> <p>a) for a first offence, to a fine not exceeding 500 EUR, and</p> <p>b) for any subsequent offence, to a fine not exceeding 1,000 EUR</p>	
	All	<ul style="list-style-type: none"> - licensing: suspension/withdrawal of licence - deactivation: fine/detention - marking: detention - EFP: as for licensing
	<ul style="list-style-type: none"> - It is forbidden to sell or in any other way transfer weapons to individuals who have not obtained a permit to carry firearms or clearance to purchase issued by the superintendent. The clearance cannot be issued to persons under 18 years of age. The offender is punished with imprisonment from 6 months to 2 years and a fine of 4,000 up to 20,000 EUR. The purchaser or transferee of weapons in violation of the provisions of this Article is punished with imprisonment up to 1 year and a fine of 2,000 to 10,000 EUR. - The permit for the purchase of arms, as well as the one that allows for any reason the disposal of a weapon must be disclosed by the person concerned, to cohabiting adults, also other than family members, including the cohabiting partner, specified in the regulations and specified by the person concerned at the time of the application, in accordance with the procedures defined in the regulation (this provision is not yet operational, waiting for an regulation to discipline its implementation). Punishable with administrative sanction from 2,000 up to 10,000 EUR. In addition: withdrawal of the firearm(s) licence/authorisation. - Licence for collection of artistic, rare or antique weapons is permanent. Material changes in the collection or in the place of deposit must be reported to the responsible authority. Punishable with a fine of up to 1 million ITL (around 516 EUR). 	
	LT	<ul style="list-style-type: none"> - licensing: fine - deactivation: fine - marking: fine - EFP: fine
	<p>Relevant provisions of the Penal Code and the Code on Administrative Offences (CAO) sanction the illegal manufacturing, possession, stockpiling and trade of SALW.</p> <ul style="list-style-type: none"> - Article 253: Illegal disposal of firearms, ammunition, explosives or explosive materials. Under this article, production, possession, transportation or trade in firearms, ammunition, explosives or explosive materials without permission incurs arrest or up to 5 years of imprisonment. If the same illegal activities are committed with three or more firearms or big quantities of ammunition or explosives, it incurs from 4 to 8 years of imprisonment. - Article 165 CAO imposes sanctions on breach of regulations on arms trade and ammunition. 	

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MS	Provisions covered	Types of penalties per provision
	<ul style="list-style-type: none"> - Article 176 CAO imposes sanctions on illegal use of firearms. - Article 194 CAO imposes sanctions for carrying of arms and ammunition under influence of alcohol, narcotic or psychotropic substances. - Article 196 CAO imposes sanctions on breach of regulations on storage, keeping, carrying or transport of arms and ammunition. - Under Article 199 of the Penal Code ("Contraband through State border") smuggling of arms is punishable to up to 10 years imprisonment. <p>Administrative sanctions are applied for a broker who violates the rules of arms trade, arms record keeping or order of arms storage or carrying. Fine of up to 600 LTL (approx. 175 EUR) is foreseen (CAO, Articles 165, 196 and 196,1), as well as withdrawal of the broker's registration. Export of strategic goods and technologies without a licence is fined up to 10,000 Lt. (approx. 2,900 EUR) (CAO, Article 189,9). Registration of brokers may be cancelled by the Police Department if broker engages in brokering activities with entities, which have no right to buy, import or export arms or when a territorial police institution submits a justified report that the broker has acted in breach of legal requirements.</p>	
LU	All	<ul style="list-style-type: none"> - licensing: fine/detention/withdrawal of the licence - deactivation: No data - marking: fine/detention/withdrawal of the licence - EFP: withdrawal of the licence
	<p>Violations of the provisions of this Act and the Grand-Ducal regulations adopted shall be punished with imprisonment from 8 days to 6 months and a fine of 251 EUR to 5,000 EUR. Notwithstanding the preceding paragraph, the maximum sentence of imprisonment and fines are set at 5 years and 250,000 EUR for the offenses and attempted offenses in Article 3 - paragraph 6 (marking), and Articles 4 (import, export, ownership, transfer of category A firearms), 7(manufacturing) and 27,1 (brokering activities of firearms category A). Are liable to the penalties provided for in paragraph 2 all who are carrying out or attempting to carry out the illegal manufacture or illegal firearms or ammunition trafficking.</p>	
LV	All	<ul style="list-style-type: none"> - licensing: fine/withdrawal of licence - deactivation: as for licensing - marking: as for licensing - EFP: as for licensing
	<p>Latvian Administrative Violations Code - clause 183. Administrative sanctions for dealers and brokers are fines from 35 up to 1,400 EUR and weapon seizure (or, without weapon confiscation, Latvian Administrative Violations Code - clause 181). Administrative sanctions for infringements of requirements for weapon and ammunition handling by a weapon owner are fines from 35 up to 700 EUR, with weapon confiscation (or, without weapon confiscation and with licence withdrawal, or without withdrawal, for legal persons (owners) from 70 up to 1,400 EUR with weapon confiscation (or, without weapon confiscation and with licence withdrawal, or without withdrawal).</p>	
MT	All	<ul style="list-style-type: none"> - licensing: fine/detention - deactivation: fine/detention - marking: fine/detention - EFP: fine/detention

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	<p>The Court may cancel or suspend a licence and prohibit a person from holding a licence for a maximum period of 5 years where such person is found guilty of:</p> <ul style="list-style-type: none"> - Use of other people's licence: fine (not exceeding 2,329.37) or imprisonment up to 5 years; - Ownership of prohibited firearms (imprisonment from 3 months to 10 years if the conviction is related to the firearm and not the ammunition); - Offence against the act - Licence (imprisonment up to 5 years); - Using licence belonging to others, expired or revoked (fine from (698.81) to (2,329.37), or to imprisonment 3 months-5 years or both); - Carrying arms of a different kind from the licence specification (same as the previous). 	
NL	All	<ul style="list-style-type: none"> - licensing: fine/detention - deactivation: fine/detention - marking: detention - EFP: No data
	<p>Both fine and imprisonment:</p> <ul style="list-style-type: none"> - Dealers licence and record-keeping; - Ownership licence; - Carrying cat I, II, IV, transfer cat III, IV; - Manufacture, exchange, rent, possess, carry cat I; - Safety requirements; - 18 years for cat IV; - Business in weapons without licence; - Possess/transport/transfer/import/export cat II, III without licence. 	
PL	All	<ul style="list-style-type: none"> - licensing: fine/withdrawal of licence/detention - deactivation: as for licensing - marking: as for licensing - EFP: withdrawal of licence
	<p>Article 50: Whoever abandons firearms or ammunition (of which he/she is still the owner) will be punished by restriction of liberty or imprisonment for up to 2 years.</p> <p>Article 51: (1) Anyone who without the required registration has pneumatic weapons or disposes of an unauthorised pneumatic weapons or disabling gas thrower or a tool or machine the use of which may endanger the life or health shall be punished by detention or a fine. (2) The same penalty shall apply to any person who:</p> <ul style="list-style-type: none"> - fails to register weapons or obligation sentences of weapons and ammunition to the deposit; - does not fulfil the obligation to inform the police about the loss of another person or disposal of weapons and ammunitions; - having a firearms licence or possessing a weapon subject to registration, which does not require a permit for the weapon fails to written notice of the competent authority of the Police of any change of residence within 14 days from the date of change of residence; - carries a gun, found in the state after use of alcohol, narcotic or psychotropic substances, or a substitute; - imports or exports abroad weapons and ammunition or carrying weapons and ammunition through Polish territory without the required certificate proper Polish consul or without the consent of the competent authority of the Police, and also fails to written notification of the arrival of arms and ammunition at border crossings; - violates the prohibition of transfer of weapons and ammunition by those involved in transporting and delivery of shipments; - keeps and carries a gun and ammunition in a manner accessible to unauthorized persons; - carries a weapon or ammunition by public transport, not fulfilling the condition of proper security of weapons and ammunition; - carrying weapons and ammunition in the passenger cabin of the aircraft, not being a person authorized to do so pursuant to separate regulations; - carries a gun, in violation of the restriction or exclusion of the possibility of wearing determined by the competent authority of the Police in the permit for the weapon, or 	

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MS	Provisions covered	Types of penalties per provision
PT	<p>carries arms, in violation of the prohibition of wearing introduced by the Minister of Internal Affairs;</p> <ul style="list-style-type: none"> - is used for training or sporting weapons capable of destruction targets at distance beyond the loopholes; - violates the Rules of Procedure of determining the rules of safety on the range. <p>(3) Anyone who is carrying the weapon without the permit to carry or the European firearms pass or other document authorising the possession of weapons is punishable by a fine.</p> <p>(4) In the event of committing offenses referred to in paragraph. 1 and 2, the seizure of weapons and ammunition can be requested even if these items do not constitute property of the perpetrator.</p> <p>(5) The judgment in the matters referred to in paragraphs 1-4, follows the provisions of the proceedings in misdemeanour cases.</p> <ul style="list-style-type: none"> - Administrative sanctions: any legal person carrying out trade without a valid authorisation shall be liable to a penalty of up to 200,000 PLN (around 47,341 EUR) imposed by the trade control authority and by a relevant administrative decision. - Criminal penalty: any person pursuing or committing trade without a relevant authorisation or contrary to conditions set forth in the authorisation, however unintentionally, shall be punished by imprisonment for a term of 1 year to 10 years. - If a person is convicted of the above offences, the court may issue a forfeiture order in respect of items of strategic importance or other items used or designated for use in order to commit an offence, or resulting either directly or indirectly from such offence, including cash and securities, even if these items are not the offender's property. 	
	<p>Law n. 5/2006, dated February 23rd, establishes the conditions for the access and use of fire guns, foreseeing criminal and administrative penalties for the illicit trade of such weapons, focusing on the national territory. Criminal penalties may apply to forgery or misuse of documentation. Unauthorised brokering is a criminal activity. Those found guilty are liable to imprisonment or the payment of fines.</p>	<ul style="list-style-type: none"> - licensing: fine/detention - deactivation: fine/detention - marking: fine/detention - EFP: fine/detention
RO	<p>The followings are considered:</p> <ul style="list-style-type: none"> a) not meeting the conditions stipulated in art. Article 8(2) of participation in the theoretical and practical training for weapons and ammunition by licenced businesses; b) for owners: transfer of lethal weapons without authorisation referred to in Art.17; c) for owners: transport of lethal weapons without fulfilling the requirements of Art. 19; d) failure to ensure secure storage and lethal weapons temporarily introduced in Romania, by the person who made the invitation, as provided in art. 43 para. (1); e) temporarily carrying weapons in Romania under conditions other than those specified in Art. 43 para. (2); f) failure of presenting the weapon to the competent police body by the owner within the period stipulated in Art. 46 para. (1); g) outside Romania alienation of non-lethal weapons by owner, without fulfilling the requirements of Art. 49 para. (1) on obtaining the permanent removal of Romania; h) failure of the legal entity to present or, where appropriate, to inform the competent authorities within the period stipulated in art. 59 para. (1); i) transport of weapons by authorised legal person, in other terms than those provided in art. 61 para. (3); j) failure by authorised legal person who purchased the obligation of presenting non-lethal weapons or, as appropriate, to inform the competent authorities within the 	<ul style="list-style-type: none"> - licensing: fine/withdrawal of licence - deactivation: fine/withdrawal of licence/detention - marking: fine/withdrawal of licence/detention - EFP: No data

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	period stipulated in art. 66 par.(1); k) failure to present to the competent authorities the record book within the deadline stipulated in art. 70 para. (2); l) failure to equip a legal person only those weapons for which s/he has obtained the approval of the competent authorities, in accordance with art. 71 par. (1); m) failure by legal obligations on display rules of organisation and operation of the shooting range on the information that people enter inside the polygon the content of this regulation, as provided in art. 75 par. (2) and (3); n) failure of keeping track of weapons and ammunition used in the shooting range, and the obligation to provide competent control bodies registers, whenever they are requested, as provided in art. 76 par. (1) and (2); o) failure to submit to the obligations of the police identity cards weapons that have alienated outside Romania, stipulated in art. 102.	
SE	All	- licensing: fine/detention - deactivation: as for licensing - marking: fine/detention - EFP: withdrawal of the pass
	A person who intentionally violates the marking provisions shall be subject to a fine or imprisonment not exceeding 1 year. A person who intentionally holds a firearm without being entitled to it, or leaves it, or lends it to someone who is not entitled to possession of the weapon is convicted of weapons offenses to imprisonment not exceeding 1 year.	
SI	All	a fine and/or withdrawal of weapon(s) the range of fines increases step by step if the guilty is: an individual, an entrepreneur or a legal person
	To individuals: - Possessing/carrying firearm without certificate - Non-compliance with conditions of a firearm certificate - Trading/selling arms/ammunitions without licence - Collecting prohibited weapons	To legal persons/entrepreneurs: - Trading/selling arms/ammunitions without licence - Not keeping registers/records, not submitting documents - Collecting prohibited weapons
SK	All	- licensing: fine (private owners); fine/detention (dealers) - deactivation: fine - marking: fine - EFP: fine
	Administrative offences: acquisition and ownership of firearms and transfer of ownership. Other offences: obligations of the holder of a weapon licence: extra care, storage, transport. - Up to 1,659 EUR for infringements of ownership, production and trade - Up to 1,659 EUR - individual - up to 33,193 EUR legal entity for marking - Up to 663 EUR - individuals 33,193 EUR - legal entity for deactivation - Up to 663 EUR - individuals for European Firearms Pass	
UK	All	- licensing: fine/detention/withdrawal of licence - deactivation: as for licensing - marking: as for licensing

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MS	Provisions covered	Types of penalties per provision
		- EFP: withdrawal of licence
		<ul style="list-style-type: none">- Possessing firearm/shotgun without certificate = firearm(s) seizure, fine and/or imprisonment- Non-compliance with conditions of a firearm/shotgun certificate = fine and/or imprisonment + revoking of certificate- Trading, selling, repairing without being registered as a dealer = fine and/or imprisonment + revoking of certificate- Possessing/distributing prohibited weapons = fine and/or imprisonment- Non-compliance by dealer to register transactions = fine and/or imprisonment + revoking of certificate

Annex 4. Case study on GERMANY

KEY FEATURES OF THE GERMAN CASE STUDY	
The civilian firearms' sector	<ul style="list-style-type: none"> Germany is the second firearms-producing EU MS (the first is Italy). According to the Federal Statistical Office, 298,898 civilian firearms were produced in 2012 and 947,841 in 2013.⁴² German production is very export-oriented and its main extra-EU countries of destination are USA and Russia. As for intra-EU exports, the main destinations are France, Italy and Austria. As regards import, Russia and Italy are its most important partners.⁴³ The retail market consists in between 1,200 and 1,500 dealers.⁴⁴
The ownership of civilian firearms	<ul style="list-style-type: none"> Germany is the first EU MS for the number of legal civilian firearms circulating in the country (i.e., 6.6% of German population): there were around 5,3 million⁴⁵ registered firearms and 1,5 million owners (of which 340,000 hunters) in 2013.⁴⁶ Nearly 60.000 EFP holders are registered in 2014.
The transposition of the Firearms Directive and the national legislation	<ul style="list-style-type: none"> A national law regulating firearms is in force since 1938. Additional requirements have been introduced by the national law in relation to specific national security needs, the firearms' ownership, and proof testing of gas (alarm) weapons.
Main issues related to security	<ul style="list-style-type: none"> Decreasing trend of crimes committed with firearms; No major issue in relation to the criminal use of civilian firearms by legal owners; Concerns related to the criminal use of objects having the appearance of a firearm.
Main issues related to the market	Obstacles to the internal market due to differences in implementing rules at national level (e.g., different categorisation of the same firearm across MS, different rules applied to alarm weapons, different requirements for firearms' transfers).
Good Practices	The electronic national register of firearms centrally managed by the Ministry of Interior which in the future will allow tracing the whole story of a firearm (from production to destruction).

4.1 Overview of the legislation

Germany has a comprehensive national legislation on firearms (**The Weapons Act**) since **1938**. The transposition of the Firearms Directive in 1991 and its amendment in 2008 have not posed major problems as **most provisions of the Directive were already included in the national law** and no grey area has been highlighted. Furthermore, the German Weapons Act includes a number of provisions and rules which are not set by the Directive but that have been introduced by the German Government with the aim of ensuring a proper level of security at national level.

⁴² Including: rifles, shotguns, revolvers and pistols. A high share of this number shall be attributed to firearms destined to public officers as some police departments got new weapons in 2013.

⁴³ Eurostat International Trade data.

⁴⁴ Association of manufacturers of hunting and sport weapons and ammunitions.

⁴⁵ Ministry of Interior. Reliable statistical data on the development of legally held firearms in Germany will only be available from the National Firearms Register in the future.

⁴⁶ Central Directorate of Judicial Police.

4.1.1. Directive's implementation at national level with reference to the key provisions

Categories of firearms: Firearms in Germany are classified according to an extensive list of categories as stated in the Weapons Act. This list has been easily reconciled with the categories defined in Annex I of the Firearms Directive⁴⁷ and namely to categories A (forbidden firearms), B (firearms subject to authorisation) and C (firearms subject to declaration). Category D does not include firearms but only other weapons such as compressed air weapons, weapons to fire blanks or warning shots, spring-operated weapon, etc. In Germany no firearm can be bought without an authorisation or a declaration. Local authorities, law enforcement authorities as well as producers and retailers usually rely on the list included in the Weapons Act in their daily activities.

Ownership: Strict rules regulate the acquisition, possession, and trading of firearms. Specific requirements, including medical checks, are to be fulfilled for the ownership and purchase of a firearm.⁴⁸ The number and types of checks performed by the competent authorities to issue a licence are one of the specificities of the German case study. In general the process envisages to acquire a licence, then to acquire the firearm and then to have the firearm registered.⁴⁹ Concerning **gas (alarm) weapons**, no specific licence is needed to purchase or possess them. However, carrying such weapons does require a licence⁵⁰ (the "minor firearms certificate"⁵¹). In Germany **ammunitions** follow the same rules of firearms and a permit is always requested for their purchase.

The validity of the licence for the acquisition of a firearm is one year, while licence for its possession is unlimited. However reliability, personal aptitude and need are re-assessed in periods not exceeding three years.

Dealers and brokers: According to Annex 1, Section 2 no.9 of the Weapons Act, "*any person who buys, offers for sale, takes orders for or looks for, entrusts to others or arranges the acquisition, sale or handing over of guns or ammunition on a commercial or independent basis as part of a business undertaking*" is deemed to be dealing in weapons. All retail actors operating on the internet market are considered dealers according to the national law and need a specific authorisation. In order to perform the activity, dealers must fulfil the general

⁴⁷ During the EY round table in Berlin (on June, 4th) , the Ministry of Interior reported that no major complaints on the categorisation of firearms according to the Directive had been raised by local authorities during the periodic meetings the Federal Government organises with local authorities.

⁴⁸ According to the Weapons Act: "In order to be granted a licence, applicants shall: be at least 18 years of age (Section 2(1)), have the necessary reliability (Section 5) and personal aptitude (Section 6), demonstrate the necessary specialized knowledge (Section 7), demonstrate a need (Section 8), and enclose proof of liability insurance cover of one million euros for personal injury and property damage when applying for a weapons or shooting licence. For medical checks (Section 6): (2) If there is reason to doubt personal aptitude under subsection 1, or if there is reason to doubt documentation supplied by the applicant, the competent authorities shall require the person in question to obtain a certificate of physical or mental aptitude from a public health officer, specialist or psychologist at his or her own expense. (3) Persons under 25 years of age shall submit a certificate of mental aptitude from a public health officer, specialist or psychologist at their own expense on applying for the first time for a licence to acquire and own a gun".

⁴⁹ Weapons Act, Section 10.

⁵⁰ A licence is needed for carrying gas weapons, while the transfer of gas weapons in Germany or to other MS does not require a licence.

⁵¹ "Kleiner Waffenschein".

requirements for obtaining a licence under the Weapons Act and the special requirements of Section 21 of the Weapons Act.⁵²

As regards brokers, there is no definition under the Weapons Act and the term is not commonly used in Germany. Therefore brokers are subject to the same rules of dealers.

Licence validity is unlimited. However, according to the Weapons Act the licence *"shall expire if the licence holder does not begin the activity within a year from the date the licence is issued or has not carried out the activity for a year. These deadlines may be extended on special grounds"*.⁵³ The licence conditions are re-evaluated in periods not exceeding three years.

The local authority in charge of the application of the Weapons Act decides on the frequency of controls of dealers' information registers, and according to Section 17(5) of the General Ordinance to the Weapons Act decides on the frequency of controls. These controls aim at the observation of provisions of weapons and commercial law (e.g.: storage, book keeping).

Marking and traceability: Germany is a member of the C.I.P. and only firearms proofed and marked according to the C.I.P. standards can enter the German market.⁵⁴ According to section 24 par. 1 of the Weapons Act firearms' manufacturers should mark at least one essential component of the weapon with the following information:

- the name, trading name or registered trademark of a weapon manufacturer or a weapon dealer with a commercial establishment within the territory governed by this Act;
- the country of manufacture (national abbreviation under ISO 3166);
- designation of the ammunition, or, if no ammunition is used, the designation of the projectiles;
- in the case of imported weapons, the country of importation (national abbreviation under ISO 3166) and the year they were imported, and
- a serial number.

There are different technologies used by producers/gunsmiths to mark guns and gun components (e.g. lasing, pressing, engraving). All firearms coming from non-C.I.P. members are subject to the proof tests of the National Proof House.

All gas (alarm) weapons produced or imported into the country must be compliant with specific technical standards and must pass the proof test of the PTB.⁵⁵

Regarding traceability, Germany has implemented an **electronic national register of firearms** (NWR, Nationales Waffenregister) on the 1st of January 2013, two years ahead

⁵² Weapons Act, Section 21(3): "A [dealer's] licence shall be refused if: the applicant does not have the necessary reliability (Section 5) or personal aptitude (Section 6); the applicant does not comply with the requirements of the Crafts Regulation Act governing artisanal activities requiring a licence [...]; the applicant does not demonstrate the necessary specialized knowledge [...]; this shall not apply if the applicant does not manage the business or a dependent or independent branch him- or herself. (4) The licence may be refused if the applicant: is not a German national as defined in Article 116 of the Basic Law, or is neither ordinarily resident nor has a commercial establishment in the territory governed by this Act".

⁵³ Weapons Act, Section 21(5).

⁵⁴ According to section 24 par. 1 of the Weapons Act: "Anyone who manufactures or transfers guns on a commercial basis into the territory governed by this Act shall clearly and permanently mark at least one essential component [...]. Essential components of guns requiring a licence shall be marked with a serial number and recorded in weapons registers pursuant to Section 23 when traded individually".

⁵⁵ Physikalisch-Technische Bundesanstalt (PTB): authority responsible to test and proof the anti-convertibility of alarm weapons produced or entering the German territory. One of the fields of work of the PTB is the type testing, which consists in approving new models of alarm weapons and shooting tools according to the German Proof Testing Act before they are extensively produced.

before the entry into force of the Firearms Directive's provision.⁵⁶ The system is centrally managed by the Ministry of Interior, and 550 local authorities responsible for issuing authorisations and licences have access to the system and can feed it with the information they collect on a daily basis. The system records the following characteristics on each firearm: the EU-Category (A/B/C/D), the model code (e.g. long rifle, shotgun, revolver), the sub-categorisation, the manufacturer, the serial number, the calibre. In compliance with the Directive's requirements, the system is also filled with the names and addresses of the supplier and of the person acquiring or possessing the firearm, with information about the permit and about the responsible weapon authority.⁵⁷ Even though there are still some errors in the recorded information due to incomplete data or too general information, the quality is continuously improving. Despite the gathered data, the system does not allow to trace the story of a firearm since its creation (information on the producer) until its deactivation or export to another MS. To this end there is a project (the German Firearms National Registry 2) to extend the database so that it can better support law enforcement authorities to fight illicit trafficking and keep record of all firearms' owners.

At individual level and in compliance with the Directive's article 4(4), anyone who manufactures guns for commercial purposes or anyone who acquires, sells or hands over guns to others on a commercial basis (dealers) shall keep a weapon register recording the type and quantity, origin and the precise position of these guns.

Deactivation: Germany has adopted specific deactivation standards⁵⁸ and the National Proof House is responsible for the implementation of these standards and for the control of their correct application. Deactivated firearms and guns considered as toys under the Weapons Act can be freely bought and no transfer licence is required.

European Firearms Pass: In Germany there are currently 60,000 EFP holders. Local firearm administrations, either police or other authorities at local or county level, are responsible for the issuance and renewal of the EFP. The papers requested for the issuance of the EFP are listed in Section 33 par. 2 of the General Ordinance to the Weapons Act⁵⁹, and include a recent

⁵⁶ Before that date, information about firearms and owners was collected only at federal level and not always through digitalized mechanisms.

⁵⁷ For more information about the NWR, see:
http://www.bva.bund.de/SharedDocs/Downloads/EN/BVA/NWR_Flyer1_english.pdf?__blob=publicationFile&v=4

⁵⁸ According to Annex 1 to the Weapons Act, Section 1, Subsection 1, No. 1.4: "Guns shall be deemed unserviceable if:

1. the chamber is modified permanently so that neither ammunition nor propelling charges can be loaded,
2. the breech has been rendered permanently inoperable,
3. the trigger in grips or other essential components of short handguns have been rendered permanently inoperable,
4. in the case of short firearms, the barrel has
 - a continuous slit at least 4mm wide along the barrel as far as the muzzle
 - at least 3 calibre-size drill holes at 3 cm intervals, or
 - other similar barrel modifications over its entire length, starting at the chamber;
5. in the case of long firearms, the third of the barrel facing the chamber has
 - at least 6 calibre-sized drill holes or
 - other similar barrel modifications and
 - is permanently sealed with a calibre-sized tempered steel pin in front of the chamber facing the muzzle,
6. a gun shall have been rendered permanently unserviceable if it or its essential components cannot be restored to working order using standard tools".

⁵⁹ According to Section 33 par. 2 of the General Ordinance to the Weapons Act: "The applicant is to provide the information pursuant to Section 30 (1), sentence 2, nos. 1 to 3. He is to submit a recent photograph [...]. (3) For the purposes of issuance of the licence pursuant to sentence 1, the applicant is to provide the following information:

photograph, personal details, information on the weapon(s) and on the ammunition(s). Fees for obtaining the EFP differ from one Bundesland (Province) to the other. Approximately, they are estimated by the national German hunters' association to be between 30 to 60 Euros for the first issuance and between 10 to 20 Euros for the renewal. As for the time required for obtaining the EFP, it depends on the work load of the authority in charge, but usually it does not take more than six weeks. The EFP is valid in general for five years, but exceptions are provided for some types of weapons.⁶⁰

Limitations are provided for the maximum number of firearms which can be entered in the German territory by hunters or marksmen albeit equipped with the EFP. According to the Weapons Act Section 32 (3), hunters may take for hunting purposes up to three long firearms of categories C and D (and relative ammunition); marksmen may take for the purpose of recreational shooting up to six guns of categories B, C and D (and relative ammunition); and traditional marksmen may take up to three single-shot or repeating long firearms of categories C and D (and relative ammunition) in order to take part in a traditional shooting event.

Information sharing: At national level, there is an IT system in place for sharing information between law enforcement agencies, especially police forces. At international level (with other EU MS), information is exchanged via the Europol channel or Europol Information System (EIS) as well as via SIS in the Schengen-Area (for stolen firearms). The databases managed by Europol allow a fast exchange of information among law enforcement authorities in cases of criminal offences involving firearms coming from different MS. Furthermore, it is possible to link with the U.S. via ATF's eTrace System.⁶¹

The implementation of the Firearms Directive brought to the creation of a number of networks and improved the overall exchange of information. The **Contact Group on civilian firearms in the internal market** and its related network of national contact points is a good example of cooperation among MS and seems to work well according to the Federal Criminal Police Office (the German contact point). In case specific issues are encountered in the transfer of firearms from one MS to Germany, bilateral contacts are quick and effective and obstacles may be overcome easily. The **European Firearms Expert Group** (EFE⁶²) is considered another

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- Personal details: First name and surname, date and place of birth, place of residence and addresses, number date of issue of passport or identity card and issuing authority;
 - on the weapons: in case of guns, quantity and type of weapons, category in accordance with Enclosure 1, Part 3 to the Weapons Act, company name or registered trademark of the manufacturer, model designation, calibre, production number and, where appropriate, C.I.P. proof markings; in case of other weapons, quantity and type of weapons;
 - on the ammunition: quantity and type of ammunition, category in accordance with Council Directive 93/15/EEC [...], company name or registered trademark of the manufacturer, calibre and, where appropriate C.I.P. ammunition proof markings."

⁶⁰ According to Section 32 (6) of the Weapons Act: "where only single-shot long weapons with a smoothbore barrel or with smoothbore barrels are entered in the pass for hunters or marksmen, the period of validity shall be ten years. The period of validity may be extended by two periods of five years respectively".

⁶¹ "The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is the federal agency that is authorised by Congress to stem firearms-related violent crime and to regulate the firearms industry in America. ATF's National Tracing Center (NTC) assists domestic and international law enforcement agencies by tracing the origin of firearms that have been recovered in criminal investigations. Firearms tracing through eTrace is the systematic internet-based tracking of a recovered firearm from its manufacturer or importer and subsequent introduction into the distribution chain (wholesaler/retailer) to the first retail purchase. [...] European countries currently using eTrace include: Belgium, the Czech Republic, Finland, Germany, Slovakia, Spain and the United Kingdom." For further information see: <https://www.atf.gov/publications/factsheets/factsheet-ettrace.html>

⁶² Established in 2004, composed of firearms experts from each MS, aimed at ensuring, through the joint efforts of all EU MS, a more effective fight against the illegal movement of firearms.

valuable platform for the exchange of information across MS. In addition, German competent authorities are involved in a number of working groups (e.g., legal loopholes, firearms flows).

Penalties: Penalties and fines are disciplined in Sections 51, 52 and 53 of the Weapons Act.

4.1.2. Stakeholders' positioning on the implementation of the Firearms Directive

In general, stakeholders did not face any particular problem in the transposition and implementation of the Directive. They think it is a MS prerogative to enforce it in the best way and to define the most appropriate security measures to face national threats. The introduction of more detailed provisions at EU level would hinder the principle of subsidiarity and would limit too much the responsibilities of different MS in the field of security. The Directive's implementation did not cause any additional administrative burden, given that the national laws in force already established a more stringent regime than the Directive requires.

The current categorisation of firearms is considered simple and satisfactory by representatives of both competent Authorities and producers/users, who do not see any need to reduce the categories to "prohibited" and "under authorisation" firearms. Furthermore, the existence of only two categories of firearms would bring category D firearms to the illegal market as there would be no incentives for category D firearms' owners to register these types of firearms.

As regards the EFP, differences in the implementing rules of the Directive's provisions posed some obstacles to the free movement of hunters and sport shooters, and namely:

- Differences in the **registration of firearms on the EFP**: a firearm which is allowed in one MS may be prohibited elsewhere;
- Differences in **the needed documents for mobile hunters and sport shooters**: some MS ask for additional documents (e.g., national licences) to the EFP in advance.

4.2 Security issues experienced in the last years

Trends in firearms enabled crime: Weapon-enabled crime is not a major problem in Germany and the **legal possession of firearms does not represent a major issue in terms of security**. The number of crimes committed with firearms is low according to the Federal Ministry of Interior (10,093 in 2013), it can be assumed to be approximately 0.2% of all crimes committed and it has been declining for many years. This trend may be partly attributed to the progressive strengthening of the national legislation on firearms. Specifically, in 2003 and 2009, after two cases of school shootings⁶³, rules for weapon owners became stricter (e.g., more stringent rules on storage of firearms, reliability and aptitude of permit holders).

Involved stakeholders reported that legally owned firearms are difficultly diverted into the illicit market which seems to be fed directly by dedicated producers. Indeed, assumptions have been done by the EU association of European Manufacturers of sporting firearms on the existence of producers which channel their whole production to the illegal market.

Some concerns are raised in relation to the **use of objects having the appearance of a firearm**. Indeed, in Germany, alarm weapons (not converted) appear to be used in criminal

⁶³ In 2009 Winnenden, in 2003 Erfurt.

activities where a “lookalike” of a firearm is useful for threatening another person. In 2013 a total of 412 weapons were seized at crime scenes and in 69.6% of cases these were gas/alarm/air propelled guns⁶⁴.

Differences in the regulations applied by MS to alarm weapons seem to have negative impacts in terms of security. A number of cases of **conversion** have been recorded in several MS and some of them (e.g.: the Netherlands and Lithuania) have put a ban on this kind of weapons to guarantee the security of national citizens. German producers have agreed that most of the converted alarm weapons come from Turkey. These weapons seem to be easily convertible into real firearms as they are built with strong materials and according to softer standards than those used in the EU.

Illicit firearms trafficking: No valuable estimates on the illicit firearms trafficking can be done.⁶⁵ Most critical countries are post-conflict areas, North Africa and eastern EU MS. The EU representative of producers reported recent Europol and Interpol investigations where a number of Russian military firearms have been found in Germany as a result of a massive sell after the unification of Germany.

Derogations for hunters/marksmen: Even though the Directive gives softer rules to hunters and shooters, there is no evidence of criminal acts committed with this kind of firearms in Germany. It may happen, but usually criminal offenses are done with illegal weapons.⁶⁶

Future developments: The use of 3D printing techniques to manufacture firearms or firearms’ components is not a major issue at the moment according to involved stakeholders. Firearms produced with these techniques are either not functional, dangerous to the shooter or still too expensive if compared with the price of Kalashnikovs that can be bought on the illegal market (i.e. representatives of German producers made an estimation for the African black markets of \$25 for an AK47). No cases of 3D printed firearms or firearms’ components have been recorded in Germany but there is a common agreement on the need to monitor related future developments.

4.3 The market issues related to civilian firearms

Market Structure: Germany is the second civilian firearms producer in Europe and its market is composed of 8 large manufacturing enterprises⁶⁷, 16 SMEs and 76 micro enterprises.⁶⁸ The production industry is supported by a network of dealers, counting between 1,200 and 1,500 operators. Germany is also very competitive in the sector of civilian firearms, accounting for 20% of European exports.⁶⁹ The German sector of civilian firearms reacted positively to the EU

⁶⁴ Federal Criminal Police Office, Annual Situation Report on Firearms Crime 2013.

⁶⁵ According to a statement by the Head of the Police Trade Union, between 10 and 30 million firearms are illegally possessed in Germany (January 2013).

⁶⁶ Source: German association of manufacturers of civilian firearms and ammunition and an international federation for sport shooting (Round Table, June, 4th Belin).

⁶⁷ According to an association of manufacturers of civilian firearms, the main companies are: Blaser Holding, Merkel Jagd- und Sportwaffen and H. Krieghoff for hunting weapons; Carl Walther, J.G. Anschütz & Co. and Feinwerkbau Westinger & Altenburger for sporting weapons; UMAREX Sportwaffen, Weihrauch & Weihrauch Sport & Co. and German Sport Guns for airguns/alarm weapons/airsoft weapons; RUAG Ammotec, Nammo Schönebeck and Brenneke for ammunitions.

⁶⁸ For both firearms and ammunitions production. Association of manufacturers of civil firearms (Survey).

⁶⁹ Eurostat International Trade Database.

crisis of 2007 and the production remained quite stable over the years with no significant reduction in the number of companies operating in the sector.

4.3.1. Stakeholders' positioning on the impact of the Directive on EU internal market functioning

Producers: No additional burden **on German producers and users** results from the implementation of the Firearms Directive as the Weapons Act already included stringent rules before the entry into force of the Directive. The German framework on firearms regulation brought higher costs for operators in comparison to other MS, but this does not seem to create a major economic disadvantage for German producers/retailers in the internal/international market. As for the obligation of **information sharing** and the **marking** requirements, the relative administrative burdens are considered proportionate.

The main **obstacles to the internal trade** relate to:

- the fact that firearms are classified differently across MS (e.g., alarm weapons that in some MS are considered as firearms and in the majority of EU MS are not);
- varying implementing rules at national level: implementation of the national firearms legislation in Eastern countries has been pointed out as one of the weakest point of the internal market by representatives of producers.⁷⁰ Additional concerns have been raised by producers' representatives in relation to the stringent interpretation of the Directive by Eastern countries when asking for additional documents to German exporters to enter their territories.

Users: Before 1991, **crossing the borders** was difficult for hunters and sporting shooters because of the different regulations within MS. The Directive and the introduction of the EFP simplified their movement and harmonised the requested documents. However, some difficulties in the **free movement of hunters** still persist and have been highlighted by user's representatives. Namely, a few years ago, German hunters moving to France with their hunting rifles were requested to buy a new firearm in France as their rifles were prohibited according to the national legislation. The same happened in Italy where *Parabellum 9mm* commonly used in sport shooting competition is included in category A firearms according to the Italian legislation. In general this obstacle is not perceived as a major issue, given that the **movement** of German hunters and marksmen is very limited and they usually practice within the national borders.

When discussing the firearms market, all German stakeholders agreed on the **need for a more harmonized implementation of the Directive** to equalize competition among MS. The current areas of **differentiation refer to marking and anti-convertibility standards**. As regards marking, some MS (LU, LT, SE) require the marking of firearms imported from other EU MS even though they are already marked (the so-called "double marking"), which creates an obstacle to market access. As for the anti-convertibility standards of alarm weapons, Germany has very strict requirements and all alarm weapons are verified by the PTB before entering the market. Other countries do not have to bear these additional costs, which result in disproportionate competition.

⁷⁰ Romanian national legislation seems not to be clear to German producers who do not feel confident on which types of firearms are legal and which are not.

Evaluation of the Firearms Directive

- Annexes -

The adoption of C.I.P. marking standards by all MS is welcome by German producers as well as the adoption at EU level of anti-convertibility standards similar to those adopted at national level by the PTB.

TOPIC	METRICS
Structure of the civilian firearms market	Number of firms producing civilian firearms and ammunitions in the country per size and their related share on the total number (i.e. Large Enterprises, from 250 employees; SMEs <250 employees; micro-enterprises, <10 employees) <i>Source: Estimates of an association for German manufacturers</i>
	<ul style="list-style-type: none"> • Large enterprises: 8 • SMEs: 16 • Micro enterprises: 76
Related sectors	Total number of persons employed by firms producing civilian firearms and ammunitions <i>Source: Estimates of an association for German manufacturers</i>
	Between 3,000 and 4,000
	<ul style="list-style-type: none"> • Number of dealers and repairers of civilian firearms and in the country <i>Source: Estimates of an association for German manufacturers</i>
Production of civilian firearms and ammunitions	Between 1,200 and 1,500
	<ul style="list-style-type: none"> • Employees/number of persons involved in these activities <i>Source: Estimates of an association for German manufacturers</i>
	Around 6,000
	<ul style="list-style-type: none"> • Volume (i.e. units) of civilian firearms in the country (average volume yearly produced or data referred to the trends over the years) <i>Source: Federal Statistical Office (estimates)</i>
Relevant markets	<ul style="list-style-type: none"> • Around 239,858 units in 2011 • Around 298,898 units in 2012 • Around 947,841 units in 2013⁷¹
	<ul style="list-style-type: none"> • Value (i.e. sales/turnover of the enterprises involved) of civilian firearms in the country (average value yearly produced or data referred to the trends over the years) <i>Source: Federal Statistical Office</i>
	<ul style="list-style-type: none"> • Around € 120,296,000 in 2011 • Around € 122,900,000 in 2012 • Around € 199,815,000 in 2013
Relevant markets	<ul style="list-style-type: none"> • Value⁷² of ammunitions in the country (average value yearly produced or data referred to the trends over the years) <i>Source: Federal Statistical Office (estimates)</i>
	€ 113,055,000 in 2013
	<ul style="list-style-type: none"> • Share of the production of civilian firearms and ammunitions sold to other MS (% on total), and to extra-EU countries (% on total) <i>Source: Eurostat International Database (year 2013)</i>
Relevant markets	<ul style="list-style-type: none"> • Intra EU28 export: 45% of total export • Extra EU28 export: 55% of total export
	<ul style="list-style-type: none"> • Volume and value of export of civilian firearms and ammunitions produced in the country, towards other EU MS (intra-EU trade) and Third countries (extra-EU trade) <i>Source: Eurostat International Database (year 2013)</i>
	<ul style="list-style-type: none"> • Intra EU28: € 96 m • Extra EU28: € 119 m • Intra EU28: 4.7 m kilos • Extra EU28: 3.6 m kilos

4.4 Overall comments and remarks

In Germany the relevance of the Firearms Directive appears to be weakened by a comprehensive national legislation in force well before the entering into force of the Directive

⁷¹ These figures include: rifles, shotguns, revolvers and pistols. Weapons for the police departments are recorded under the category "Revolvers and pistols". The high increase in 2013 can be explained as some police departments got new weapons.

⁷² Data for volume is not available.

and addressing additional national-specific security concerns. No significant reduction in the number of crimes committed with civilian firearms in Germany can be identified after the introduction of the Directive in 1991 and its amendment in 2008 but rather after changes in the national law.

The implementation of the Firearms Directive in Germany is generally satisfactory for all the categories of stakeholders involved in the case study and there is a common agreement on the need to keep the EU framework as it is with some minor improvements regarding:

- The introduction of common deactivation standards;
- The design of common anti-convertibility standards;
- The use of the EFP as the only document needed for travelling within the EU;
- The consistent implementation of the Directive's provisions;
- The creation of an extensive list with all weapons allowed and forbidden in each MS to better enable trade.

The following issues have been pointed out as key areas of future intervention of the EU:

- The adoption of the C.I.P. marking standards by all MS;
- The harmonization of national implementing rules (e.g., documents requested for firearms transfers);
- The improvement of the fight against the illegal market, which is considered as a parallel market with limited links with the legal market.

Annex 5. Case study on FRANCE

KEY FEATURES OF THE FRENCH CASE STUDY	
The civilian firearms' sector	<ul style="list-style-type: none"> French production is small and stable. According to Eurostat, 5,000 long firearms were produced in 2013. France is a net importer. As for EU MS, its main partners are Italy and Belgium, while Turkey and the US are the first sources of import among extra-EU countries. As regards exports, the main destinations of French production are Russia and Germany. French network of dealers and brokers counts between 800 and 2,000⁷³ operators.
The ownership of civilian firearms	<ul style="list-style-type: none"> France is the second EU MS (after Germany) for the number of legal civilian firearms circulating in the country: 3,865,300 registered firearms in 2013⁷⁴. Nonetheless only 5.8% of the French population owns a firearm.⁷⁵ Long historical tradition of hunting with the highest number of registered hunters in EU (i.e., 1,230,000 hunters in 2013⁷⁶). More limited number of registered marksmen: 230,525 in 2013;⁷⁷ Most of hunters and sport shooters do not move across EU MS due to the number of clubs in France. Only 39,378⁷⁸ hunters and marksmen have applied for the EFP in 2012.
The transposition of the Firearms Directive and the national legislation	<ul style="list-style-type: none"> A national law regulating firearms has been in force since 1939. The adoption of the amendment of the Firearms Directive in 2012 started a simplification and rationalisation process on the national regulatory framework; Additional requirements were introduced by the national law in relation to: safety storage of short guns, and marking (CIP proof marks).
Main issues related to security	<ul style="list-style-type: none"> 63% of all firearms seized by the Police in 2011 were civilian firearms; Increase of 92.5% in firearms thefts between 2005 and 2011 (67% of firearms thefts in 2011 involved hunting firearms); Reactivation of deactivated firearms; Converted alarm weapons.
Main issues related to the market	Some obstacles to the free movement of hunters and marksmen persist as a consequence of the different implementation of the EFP at national level.
Good Practices	The digitalisation of controls on pending interdictions for the issuance/renewal of hunting licence or for the acquisition of a new firearm by a hunter.

5.1 Overview of the legislation

Firearms in France are regulated through a national legislation in force since 1939 and modified a number of times according to the historical needs. With the adoption of the 2008 amendment of the Firearms Directive, a significant renovation and simplification of the national regulatory framework for firearms started. The most important step was the adoption of a law in 2012⁷⁹ establishing a modern, simplified and preventive control over weapons. This law is

⁷³ This figure includes gunsmiths (in French "armuriers") estimated between 800 and 1,000. Source: EY Roundtable in Paris.

⁷⁴ Ministry of Interior.

⁷⁵ As a term of comparison, in Finland 29.4% of the population owns a firearm.

⁷⁶ Ministry of Interior.

⁷⁷ Ministry of Interior, AGRIPPA database.

⁷⁸ COM(2012) 415 final.

⁷⁹ LOI n° 2012-304 du 6 mars 2012 relative à l'établissement d'un contrôle des armes moderne, simplifié et préventif.

one of the few national laws unanimously voted by both the right and the left wing: initially approved by the right wing, its implementing regulation was then voted by the left wing.

It regulates all types of weapons, including both civilian and military firearms, and defines all the essential components specifying the regulations to be applied.

Originally the Ministry of Defence had the responsibility of the coordination of the firearms regulation. In 2013, after the entry into force of the new weapons law, a new share of competences entered into force (and is still ongoing). All issues related to the acquisition and ownership of civilian firearms were brought under the responsibility of the Ministry of Interior, while all issues related to military firearms and material remained under the responsibility of the Ministry of Defence. Regarding imports, exports, transits and transfers of firearms the Ministry of Defence together with Customs are responsible for the "Military list", while the Ministry of Interior and the Customs are responsible for all other issues.

5.1.1. Directive's implementation at national level with reference to the key provisions

Categories of firearms: Weapons are classified according to four categories which mirror the ones included in the Firearms Directive Annex I: category A (forbidden weapons and other items), category B (weapons subject to authorisation), category C (weapons subject to declaration) and category D (divided in category D1: weapons subject to registration and category D2: weapons that can be bought freely). Alarm weapons and deactivated firearms are included in category D2 and can be freely bought, except for minors.

Ownership: There are various legitimate reasons to own a firearm, such as sport shooting, hunting, collection (for museums, clubs or individuals) and defence.⁸⁰ As for the requirements to be fulfilled for the ownership and purchase, they only concern Categories B, C and D1⁸¹ and refer to the need:

- to be at least 18 years old;
- to have a shooting licence, an hunting permit, a collector's licence (ongoing implementation) or a specific authorisation for defence purposes;
- to have a medical certificate not older than a month attesting that physical and psychological statuses are compatible with weapon possession;
- to be free of any juridical protection regime;
- not being registered in the national registry of weapon interdictions operated by the Ministry of Interior (FiNIADA⁸²), not having been sentenced to some punishment or not having a behaviour incompatible with the possession of a weapon.

Moreover natural or legal persons possessing firearms shall take all measures to avoid the use of weapons by a third party. To this end the national law prescribes the conditions for safety storage of firearms by private owners and dealers according to the category of firearms.⁸³

⁸⁰ Decree n° 2013-700 considers defence in Art. 32 in case of "Dangerous professional activities" (i.e.: private transporters or enterprises who have to ensure security for their goods or properties) and in Art. 33 for "People exposed to serious risks because of their professional activity".

⁸¹ See LOI n° 2012-304 du 6 mars 2012, Art. 3. For category B there is further need of a specific authorisation by the Prefect and the purchase and ownership of more than one firearm under this category is forbidden.

⁸² Fichier national des interdits d'acquisition et de détention d'armes.

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Every time hunters ask for the issuance of a hunting licence or want to buy a new firearm⁸⁴, controls on pending administrative interdictions can be performed electronically through a dedicated application⁸⁵ which allows the dealers/competent institutions (*Office National de la Chasse et de la Faune sauvage* and the National Hunting Federation) to check whether the applicant is registered in the FiNIADA system.⁸⁶

In case any interdiction is detected, dealers/competent institutions may directly contact a dedicated contact point at the Ministry of Interior for an additional confirmation of the existence of interdictions and stop the procedure (if interdictions are confirmed) or continue (if interdictions are not confirmed). This system has been operational for 4 years and allows the implementation of approximately 800 controls per day.

Marksman associations are not linked to the national registry of hunters and to "Web armes", so that preliminary controls for the issuance of a sport shooting firearm or for the acquisition of a firearm are performed by the Police on demand.

Ammunitions can be sold only to people legally owning a firearm or, for some of them, upon the presentation of the hunting or sport shooting license.

As for the validity, the authorisation lasts 5 years, while declaration (only for shooters and hunters) and registration are unlimited.⁸⁷

Dealers and brokers: As regards definitions, brokers⁸⁸ are defined as people who, for commercial purposes, link the firearms' supply and demand side.⁸⁹ Brokers generally operate among wholesalers and are responsible for transactions concerning weapons of categories A and B.

In France firearms manufacturers, dealers and brokers need to have an agreement for ownership and a specific authorisation for exerting the activity: a declaration in case they sell firearms belonging to category C or D (10 years⁹⁰) and an authorisation delivered by the Ministry of Defence and renewed every 5 years for category A and B firearms. Moreover, dealers need to have a proper (authorised) shop location and a degree certifying their capacities.

Manufacturers, dealers and brokers have to keep a paper based register of all transactions. This is controlled by the Prefet⁹¹ every year.⁹² Moreover, twice a year the operators dealing

⁸³ Chapitre V, Conservation et transfer de propriété, Section 1 Conservation (Décret no 2013-700 du 30 juillet 2013 portant application de la loi no 2012-304 du 6 mars 2012 relative à l'établissement d'un contrôle des armes moderne, simplifié et préventif).

⁸⁴ Hunters cannot buy category B firearms but only C and D.

⁸⁵ "Web armes" for the dealers.

⁸⁶ Between 2013 and 2014, the "Web armes" system of FINIADA detected 108 interdictions to buy a firearm in favour of the National Hunting Federation.

⁸⁷ A French federation for sport shooters.

⁸⁸ According to Decree n° 2013-700, Art.1., III, 4°: "Courtiers".

⁸⁹ Decree n° 2013-700, Art.1. III, 1°: « Activité d'intermédiation: toute opération à caractère commercial ou à but lucratif dont l'objet est soit de rapprocher des personnes souhaitant conclure un contrat d'achat ou de vente de matériels de guerre, armes et munitions ou de matériels assimilés, soit de conclure un tel contrat pour le compte d'une des parties. »

⁹⁰ Decree n° 2013-700, Art. 91

⁹¹ Art 84, par 2, Section 2, Fabrication et commerce des matériels de guerre, armes et munitions des catégories A et B and Art. 110, Section 4 Obligations de l'armurier dans la procédure de cession des armes et munitions (Décret no

with category A and B firearms have to send the records of all transactions to the Ministry of Defence.⁹³

Marking and traceability: France is a member of the C.I.P. The National Proof House is located in Saint Etienne, where the arms manufacturing industry started to develop in the 16th century. All manufactured firearms have to be marked with indication of the manufacturer, the country, the year, the model, the calibre and the serial number.⁹⁴ No particular technology is required for such exercise. The manufacturer is responsible for marking; for imported firearms, the importer is in charge of doing it. The serial number is stamped on the firearm carcass and if possible on each essential component. Furthermore, a C.I.P. proof house has to double mark every essential component.⁹⁵

All legal owners of firearms and ammunitions subject to authorisation, declaration, or registration on the national territory (e.g., hunters, marksmen, entertainment firms, experts, magistrates, etc.) are traced, together with the identifying information of the held firearms, in the computerised system AGRIPPA. This system is accessible by all interested national authorities (namely the Prefecture and the law enforcement) but not by national authorities of other MS. The system records all firearms in the country, their owners and their movements.

Deactivation: In France⁹⁶ *"a deactivation cannot be permanent when it is done on a previously functioning firearm"*. It is possible to speak about an *"effective deactivation"* when it is done in such a way that reactivation results more expensive in terms of effort and costs than the direct purchase of a functioning firearm on the black market. France developed its own deactivation standards. Since 1973⁹⁷, in order for a deactivation to be completed, all essential components of a weapon (barrel, frame, cylinder head, cylinder, fire system burst) must be deactivated.⁹⁸ The deactivation of the different types of firearm follows special processes designed by the Ministry of Defence.⁹⁹ The competent authority responsible to implement the deactivation is the Proof House of Saint Etienne.¹⁰⁰ At the end of the operations, the Proof House is the only institution authorised to affix the official deactivation proof-marks, to issue the certificate and to store data on the deactivation.

European Firearms Pass: The EFP in France is delivered by the local Prefecture (controlled by the Ministry of Interior). The documents required for both the EFP issuance and renewal (5

2013-700 du 30 juillet 2013 portant application de la loi no 2012-304 du 6 mars 2012 relative à l'établissement d'un contrôle des armes moderne, simplifié et préventif).

⁹² The Police conducts regular inventory of weapons, weapon components and ammunitions.

⁹³ Art 85, Par 2 Obligations des titulaires de l'autorisation (Décret no 2013-700 du 30 juillet 2013 portant application de la loi no 2012-304 du 6 mars 2012 relative à l'établissement d'un contrôle des armes moderne, simplifié et préventif).

⁹⁴ According to Decree n° 2013-700, Art.1. III, 7°(a). The marking of the serial number has to be made on the carcass weapon and if possible on all the essential components.

⁹⁵ Ministry of Interior.

⁹⁶ Note des Autorités françaises sur les problèmes juridiques liés aux définitions et aux approximations contenues dans la Directive Européenne 91/477/CE.

⁹⁷ Decree March, 12, 1973, n° 73-364 « relatif à l'application du 18 avril 1939 fixant le régime des matériels de guerre, armes et munitions »

⁹⁸ Ministry of Interior.

⁹⁹ Conditions generales adoptées par l'Assemblée Générale de la Chambre de Commerce Industrie et Services Saint Etienne Mont Brison le 21 Juin 2010 et valables à compter du 22 Juin 2010.

¹⁰⁰ The Proof House of Saint Etienne is a private institution managing a public service and employing public personnel. It is directly controlled by the Ministry of Defence, the Ministry of Interior and the Ministry of Industry.

years) are: a proof of identity and residence, a valid licence of firearm ownership. No fee is foreseen neither for the issuance nor for renewal. When entering France, hunters have to show the EFP and demonstrate that they travel with a hunting purpose. As for sport shooters, they need to present a written invitation or the proof of their enrolment in an official competition stating both place and date.¹⁰¹

Information sharing: At national level there are systems for information sharing among the police, the gendarmerie and the customs forces, and among the weapons-related services within the Ministry of Interior and the Prefectures. As for intra-EU information sharing, it can be implemented in the framework of the police cooperation or of the international mutual judiciary assistance.

Penalties: As regards private owners, dealers and brokers, the marking procedures and the EFP holding/renewal, penalties applied to infringements of national laws include: the authorisations withdrawal, the administrative seizure of weapon(s) or the obligation to divest, weapon(s) sale or destruction; and possible penal sanctions. As for deactivation, related sanctions are mostly penal.

5.1.2. Stakeholders' positioning¹⁰² on the implementation of the Firearms Directive

Representatives of users and dealers expressed no need to amend the Directive or its categories. Most representatives believe that market and security concerns can partly be solved addressing and minimizing differences in the implementation of the Directive at local level. More restrictions in terms of acquisition and possession of firearms would be considered disproportionate to existing problems and a violation of the principle of subsidiarity. Users and representatives of the Ministry of Interior agree that the current classification is satisfactory. However, the latter does not see how corrections or clarifications could have binding effects without an amendment of the Directive. Simple incentives or guidelines would not change security challenges that national governments face.

Representatives of users and dealers and representatives of the Ministry of Interior agree on the absence of the need to change the categories listed in the Annex I of the Directive, which are deemed as satisfactory.

The national law on firearms is generally considered satisfying. In particular, rules related to deactivation and marking are considered appropriate and effective in order to ensure the functioning and security of the internal market. Furthermore, users' associations deem the EFP a valuable instrument, though regretting that some MS ask for additional documents to allow the entry of hunters in their territories.

The representatives of the Ministry of Interior observed that the administrative burden brought by the Directive is proportionate and necessary and that the Directive did not impose any important modification because the French law already framed all the required standards.

5.2 Security issues experienced in the last years

Some of the major security concerns reported by the Ministry of Interior are linked to the lack of clarity of the Firearms Directive in relation to a number of key terms, as explained in the « *Note des Autorités Françaises sur les problèmes juridiques liés aux définitions et aux*

¹⁰¹ Art. 145, Decree n°2013-700, 30th July 2013.

¹⁰² Opinions reported in this paragraph relate to the ones collected during the roundtable organised in Paris on June, 4th with representatives of: the Ministry of Interior, a French association for gunsmiths, a French association for hunters and another for shooters. Answers to the online survey have also been taken into account.

approximations contenues dans la Directive Européenne 91/477/CE¹⁰³ », and namely to the following:

- **Essential components:** the interpretation of the essential components may be different across MS. In some MS the frame can be interpreted as part of the breach-closing mechanism and thus subject to the same rules of firearms while in others it can be sold freely. The same may happen with the grip. The different interpretation of essential components brings MS to mark or deactivate different firearms' parts and thus may create room for criminals to take benefit of these inconsistencies buying, for example, essential components that are considered as such in a MS, in other MS where they are not deactivated or marked. For instance, the French Central directorate of Judicial Police reported cases of illegal purchase of barrels or frames or even the illicit manufacturing of essential components;
- **Antique weapons:** The EU Directive does not define antique weapons. Many MS choose to have a "cut off" date to define what firearms are classified as antique and they sometimes refer to firearms produced before 1870 (as stated by the Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985) or to firearms produced before 1899 (as stated by the Regulation 258/2012 implementing Article 10 of the United Nations' Protocol). The absence of a clear definition at EU level brought each MS to unilaterally define what they consider as antique weapons. The existing criteria for classification vary a lot among MS (e.g. year of production, model, rarity, the absence of ammunition on the market, etc.) and can be exploited by criminals to buy antique weapons where criteria are more favourable;
- **Deactivation:** consistently with the Directive which excludes deactivated firearms from its scope (provided that they are rendered permanently unfit for the use), deactivated firearms can be bought freely in France. Nonetheless several MS do consider deactivated firearms as firearms and adopted specific registration requirements and deactivation procedures. This diversity of approaches caused the circulation in the EU of deactivated firearms with different levels of security and left room for criminals to buy essential components in some MS where they are not rendered permanently unfit for the use by existing deactivation procedures;
- **Replicas:** the term "replica" has different meanings according to MS. While in the United Kingdom this term seems to have an extensive meaning and covers all objects that have the appearance of a firearm, despite their ability to shoot a projectile or their degree of convertibility, in France the term replica (*replique*) stands for the exact copy of an existing firearm. Replicas in France are thus considered as firearms and are classified like the original firearms they imitate. The main security concerns related to the different definitions and regulations applied to replicas is linked to their potential use for intimidation purposes. In France all criminal offences committed with toys having the appearance of a firearm are punished as they were committed with real firearms. A stricter regulation of toys having the appearance of firearms is deemed disproportionate by the French competent authority with respect to the risks related to these objects. Moreover it would criminalise acts that cannot be considered as criminal (e.g., the game).

Reactivation of deactivated firearms: The French Police reported some problems in the past in relation to the reactivation of deactivated firearms from Spain and Austria where there were flexible procedures and regulations for deactivation. As for Spain, no more cases of

¹⁰³ June, 18th 2014.

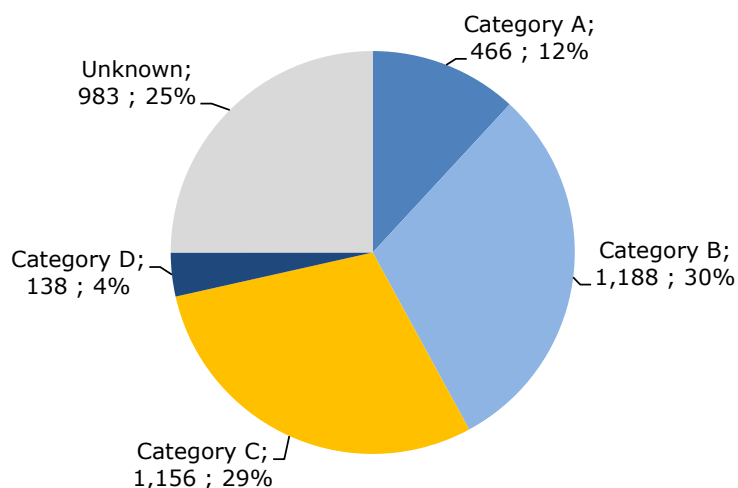
reactivation have been detected since when the national procedures for deactivation became more stringent. As for Austria, concerns still persist as all licenced dealers can deactivate a firearm without being bound to specific technical procedures even if they need to follow a code of good conduct. The French representative of the Ministry of Interior reported an increase in reactivated firearms among seized weapons.

Conversion of alarm weapons: The French representative of the Ministry of Interior reported an increasing number of seized firearms which would normally be in category D that have been modified and consequently fall in other categories (e.g.: alarm weapons modified to shot live ammunitions). Since 2002 France has started to have some security concerns linked to the conversion of alarm weapons imported from Turkey. These weapons are built with a strong material and are easily convertible. Similar concerns were linked also to the Tanfoglio GT27 and GT28. In this regard the Police reported the seizure in 2013 in the city of Tours of approximately 40 converted alarm weapons (including Tanfoglio weapons) coming from Portugal.

Law enforcement: The Police enquiries on the traceability of firearms have to face the incomplete recording of all information on firearms. When for example a firearms' dealer closes, he should submit his registry to the Public Authority, but the representatives of the Ministry of Interior reported cases where the information got lost as the obligation to keep the registry was not even known.

Illicit firearms trafficking and disposal: In 2011¹⁰⁴ approximately 63% of all firearms seized by the Police were civilian firearms, and namely: 30% category B firearms (i.e. firearms for defence); 29% category C firearms (52% hunting firearms, and 48% firearms for fairs), and 4% category D firearms (i.e. antique firearms) (see Figure below).

Figure 1 –Firearms seized by the Police in 2011



Source: EY elaboration on data of "Le Panorama des armes en 2011"

12% of seized firearms were military weapons. Among this category, 35% (i.e. 164 firearms) were automatic firearms. This represents a relatively stable phenomenon in the years. The

¹⁰⁴ "Le panorama des armes en 2011", Section centrale armes, explosifs et matières sensibles de la direction centrale de la police judiciaire.

most known, the AK 47 or "Kalashnikov", has been seized approximately 65 times and represents 1.65% of total seized firearms in France. In only 25% of cases, the AK 47 is found alone. In all other situations, it is found associated with other weapons (military, defence, hunting shotguns).

Geographically, according to the ratio of seized weapons on 10,000 inhabitants, Corsica region is at the first rank, as in 2010.

In France the diversion of firearms from the **legal market to the illegal one** has three main sources:

- **Stolen firearms¹⁰⁵**: since 2010, the Police Department has been recording a strong increase in the number of thefts (+25.2% between 2010 and 2012, passing from 2,441 to 3,057 stolen firearms in absolute figures¹⁰⁶). 67% of stolen weapons in 2011 were hunting firearms¹⁰⁷ that are not subject to special conservation measures¹⁰⁸ and remain more easily accessible during a burglary. Most of the gun thefts (86%) were committed during a burglary of a home, followed by thefts involving a dedicated local where arms are stocked (6.7%) or an unattended vehicle (3.4%). Firearms thefts are gaining importance in France but it is difficult to quantify precisely the phenomenon, as the thefts are hardly declared and the owners can rarely give formal elements for the identification of the criminal.
- **Illicit trade between firearms amateurs** either directly or at events like "weapons fairs". The French Police investigations confirm the porosity of the exchanges between firearms' lovers and criminals.¹⁰⁹
- **Failure to update firearms to new regulations**: given that France has been one of the main playing fields of the two World Wars, many people hold old firearms inherited by their families without having the proper authorisation. This represents a pool of illegal firearms that the French competent authorities are trying to manage. In 2012 a licence for collectors allowing interested people to hold these firearms has been envisaged, but the implementing rules still need to be drafted. Thus at the moment these people are considered as illegal owners.¹¹⁰

Similarly, there is a number of firearms that have not been registered after the changes in the national regulation in 2012¹¹¹ (single shot long firearms with smooth bore barrel included in category D1) that may represent a pool of illegal firearms. Moreover, the French Police reported approximately 10 cases, since 2003, of dealers exporting firearms without the requested transfer documents or dealers having bought firearms without recording the transaction in their registries.

¹⁰⁵ "Le panorama des armes en 2011", Section centrale armes, explosifs et matières sensibles de la direction centrale de la police judiciaire.

¹⁰⁶ Ministry of Interior.

¹⁰⁷ The increase in short guns thefts is 71% while the increase in long guns thefts is 104% (source: "Le panorama des armes en 2011").

¹⁰⁸ Specific storage requirements are foreseen by the national law for short guns.

¹⁰⁹ "Le panorama des armes en 2011", Section centrale armes, explosifs et matières sensibles de la direction centrale de la police judiciaire.

¹¹⁰ This situation brought people owning more than two firearms, to ask improperly for a dealer's licence to be legally entitled to own more than two firearms.

¹¹¹ This situation compromises the accuracy of the national statistics on circulating firearms. In France there are 3,865,300 registered firearms. The overall number of circulating firearms is likely to be higher.

Internet: Similarly to other MSs, internet is becoming an increasing concern also for French competent authorities. For some years, the Police started to detect cases of firearms bought through the internet channel.¹¹² Nonetheless a systematic control does not exist yet and it is hindered by juridical difficulties.¹¹³

5.3 The market issues related to civilian firearms

Market structure: France was in the past one of the first EU markets for military firearms due to the strong production of public companies. Producers of military firearms used to produce also civilian firearms; the market was quite concentrated and there were obstacles for new operators to enter the market. The changes in legislation in 1995¹¹⁴ which brought to stricter requirements for the possession of firearms and the financial crisis in 2000 strengthened the decrease of the firearms market.

Currently there are a limited number of French firearms' producers and they are mainly specialised in luxury firearms. Browning, Beretta, Blazer, Verney-Carron, Chapuis Armes, Winchester are the most important firearms' producers, with some of them being branches of the most important producers at European level.¹¹⁵ According to Eurostat Prodcom Database, 5,000 long firearms¹¹⁶ were produced in France in 2013 and sold for 17 million euros. French production is small and stable: between 2008 and 2013, long firearms production value increased at an average growth rate of 16% and ammunitions production value grew of 4.5% on average over the same period.¹¹⁷

Rivolier and Humbert Beretta are the biggest importers. Around 2,000 gunsmiths integrate the overview on the French market for firearms and ammunitions.

Trade: France is a net importer. As for EU MS, its main partners are Italy and Belgium, while Turkey and the US are the first countries of import among outside the EU. As regards exports, the main destinations of French production are Russia and Germany.

¹¹² In 2013 the police faced cases of modified military firearms for cinema (included in category A in France) bought by a French citizen from a firm located in Slovakia. These firearms have been re-sold through the internet and seized by the French Police in Rouen and Angers.

¹¹³ Unless a package containing firearms arrives at the borders partially open and firearms can be discovered accidentally, it is difficult to detect firearms moving across MS when they are not clearly declared.

¹¹⁴ Décret n°95-589 du 6 mai 1995 relatif à l'application du décret du 18 avril 1939 fixant le régime des matériels de guerre, armes et munitions.

¹¹⁵ Amadeus database, 2013.

¹¹⁶ According to Prodcom Database there is no production of short firearms in France.

¹¹⁷ Eurostat Prodcom Database.

5.3.1. Stakeholders' positioning¹¹⁸ on the impact of the Directive on the EU internal market functioning

Producers: the representative of the national association of sporting and hunting firearms producers¹¹⁹ referred to differences in the implementation of the Directive at national level as the main obstacle to the internal trade.

Dealers: Some issues were raised by the representative of dealers as regards the documentation to be presented to competent authorities. The number of repetitions in the questions asked by different Ministries is perceived as an unnecessary workload, and the obligation to send a report twice a year is a double burden given that dealers and brokers already register and send information on every single transaction. Costs linked to marking requirements are considered acceptable and proportionate to the risks linked to firearms circulating across MS.

Users: As for requirements linked to the Directive and concerning users, the representative of a hunters' federation believes that "they are proportionate, since they do not impose unnecessary burdens and do not go beyond what is necessary in order to achieve the objectives of the Directive".¹²⁰ In this regard, the Directive is also considered well-balanced under the subsidiarity point of view, as it leaves MS the possibility to determine themselves the specific conditions for ownership, what constitutes a "good cause" and who can be licenced in order to grant security at national level. However, according to representatives of dealers too heavy regulations and controls and the diminishing trend in hunters may cause serious obstacles to production and trade in the internal market.

Even though the number of applicants to the EFP is quite limited¹²¹, the EFP facilitated the movement of hunting and sport shooting firearms according to representatives of the national associations of hunters and sport shooters. As for the latter, the representative of the French Shooting Federation further strengthened the effectiveness of the EFP reporting that, before the introduction of the EFP, each sport shooter was requested to ask for a specific authorisation signed by the President of the Federation to move across MS. The introduction of the EFP simplified procedures for both marksmen willing to move and competent authorities responsible for the issuance of specific certificates.

However, obstacles to the free movement of hunters and marksmen and their firearms still persist and are linked to the following inconsistencies in the implementing rules applied to the EFP by MS:

- The **registration of firearms in the EFP:** representatives of users reported that in the past the French Government refused the registration of specific firearms on a Pass because they did not need the registration according to the national rules;¹²²

¹¹⁸ Opinions reported in this paragraph relate to the ones collected during the roundtable organised in Paris on June, 4th with representatives of: the Ministry of Interior, a French association for gunsmiths, a French association for hunters and another for shooters. Answers to the online survey were also taken into account.

¹¹⁹ Source: EY survey, a French producers association for civil firearms and ammunitions.

¹²⁰ Source: a French federation for hunters. EY Survey.

¹²¹ Approximately 80% of French hunters do not move across MS and thus do not ask for the EFP.

¹²² As an example, representatives of users reported that in Germany air guns need to be registered on the EFP while in France this is not the case. The same happens for antique weapons.

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- The **limit in the number of firearms registered** on the EFP (max. 12¹²³). This limit caused cases of people asking for a second EFP.
- The **conditions of entry of a firearm in a MS**: the entry of a firearm in a MS may be conditioned by the physical presence of the legitimate owner, and no substitute is accepted.
- Representatives of the national associations of hunters and sport shooters raised additional concerns also in relation to the high costs of transfer of firearms and ammunitions that are likely to become an obstacle to the free movement.¹²⁴

TOPIC	METRICS ¹²⁵	
Structure of the civilian firearms market	Number of firms producing civilian firearms and ammunitions in the country per size and their related share on the total number (i.e. Large Enterprises, from 250 employees; SMEs <250 employees; micro-enterprises, <10 employees)	N.A.
	Total number of persons employed by firms producing civilian firearms and ammunitions	N.A.
Related sectors	Number of dealers and repairers of civilian firearms and in the country	Around 2,000 <i>Source: Ministry of Interior</i>
	Employees/number of persons involved in these activities	N.A.
Production of civilian firearms and ammunitions	Volume (i.e. units) of civilian firearms in the country (average volume yearly produced or data referred to the trends over the years)	7,000 long firearms in 2011 8,000 long firearms in 2012 5,000 long firearms ¹²⁶ in 2013 <i>Source: Eurostat Prodcom Database</i>
	Value (i.e. sales/turn-over of the enterprises involved) of civilian firearms in the country (average value yearly produced or data referred to the trends over the years)	€ 17,202,000 in 2013 for long firearms <i>Source: Eurostat Prodcom Database</i>
	Volume of ammunition in the country (average volume yearly produced or data referred to the trends over the years)	3,104,597 kilos in 2011 4,564,888 kilos in 2012 3,234,440 kilos in 2013 <i>Source: Eurostat Prodcom Database</i>
	Share of the production of civilian firearms and ammunitions sold to other MS (% on total), and to extra-EU countries (% on total)	<ul style="list-style-type: none"> • Intra EU28: 50% of total export • Extra EU28: 50% of total export <i>Source: Eurostat International Trade Database (year 2013)</i>

¹²³ <http://www.rhone.gouv.fr/Demarches-administratives/Professions-et-activites-reglementees/Activites-reglementees/Detention-d-armes>

¹²⁴ For a transfer of 800,000 Euros of ammunitions, costs may be approximately 2,000,000 Euros (Source: Round Table, Paris June, 3rd).

¹²⁵ Please note that these data are not entirely comparable with the ones provided by the WFSa and presented in section 4.1.2 on the market at MS level. Given that Eurostat provides exhaustive data on France, in this part we mainly refer to this official source.

¹²⁶ Eurostat Prodcom database does not include short firearms probably because their volume is lower than 1,000 units. The WFSa recorded 181 units of short firearms produced in France in 2012.

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TOPIC	METRICS ¹²⁵
	<p>Volume and value of the export of civilian firearms and ammunitions produced in the country, towards other EU MS (intra-EU trade) and Third countries (extra-EU trade)</p> <ul style="list-style-type: none">• Intra EU28: € 35 m• Extra EU28: € 34 m• Intra EU28: 7.1 m kilos• Extra EU28: 7.5 m kilos <p><i>Source: Eurostat International Trade Database (for 2013)</i></p>

5.4 Overall comments and remarks

Various suggestions were raised by involved stakeholders:

- Including deactivated firearms, alarm weapons and antique weapons in the scope of the Directive, in category D firearms in order to guarantee minimum requirements to MS and legitimate any further restriction;
- Clarifying key terms of the Firearms Directive: essential components, antique weapons, alarm weapons, deactivation and replicas. In this regard, the Glossary in use by the Firearms Expert Group established by the DG HOME can be used as a starting point to develop common definitions;
- Clarifying the classification of ammunitions;
- Allowing the sport shooters associations to have access to “*Web armes*” to electronically control the existence of pending interdictions on sport shooters.

Annex 6. Case study on BELGIUM

KEY FEATURES OF THE BELGIAN CASE STUDY	
The civilian firearms sector¹²⁷	<ul style="list-style-type: none"> Belgian production is small and stable. About 45,000 long guns and 15,000 short guns are assembled yearly.¹²⁸ A very high share of production is oriented towards exports. Imports of firearms are unknown due to statistical aggregations of military and civilian firearms. Belgian network of dealers counts about 800 operators with about 150 active traditional arms shops.¹²⁹
The ownership of civilian firearms¹³⁰	<ul style="list-style-type: none"> Belgium counts 644,266 registered firearms in the Central Arms Register (June 2014 - based on provisional data). There are 27,000 hunters and 16,000 marksmen with the non-obligatory licence (2014, based on provisional estimations). An important share of hunters moves across borders, as 7,274 of them currently hold an EFP.
The transposition of the Firearms Directive and the national legislation	<ul style="list-style-type: none"> The Belgian law on firearms dates back to 2006 with the Arms Law of June 8th (and its executive royal decrees). Before 2006 the law in force dated to 1933 and was very similar, since 1991, to the 91/477/EEC. The amendment of the Firearms Directive 2008/51/EC in 2008 did not bring major changes into national legislation as the main provisions included in the Belgian national firearms legislation since 2006 are compatible to the ones of the Firearms Directive.
Main issues related to security	<ul style="list-style-type: none"> Weapon-enabled crime is not a major problem in Belgium according to the Federal Criminal Police. There is no robust estimate available for the total amount of illicit firearms in circulation. Belgian police forces estimate there is a minimum of 200,000.22 rifles sold under free trade before 1992 which are still illegally circulating today. Belgium faces security issues due to reactivation of firearms deactivated in other EU countries with less stringent standards. Internet sales are a well-known problem but Belgium lacks resources to prevent it.
Main issues related to the market	<ul style="list-style-type: none"> Belgian producers do not face major issues when trading firearms in the internal market. The real issue relates to obstacles to the production and trade of firearms outside of the internal market, due to the design of Regulation 2012/258 implementing article 10 of the UN Firearms Protocol.
Good Practices	<ul style="list-style-type: none"> Weapons fair (popular among collector exchanging used arms and arms pieces), in terms of safety level. Belgium adapted its legislation to reduce the risk of illegal sale of firearms to foreigners (firearms which were freely acquirable in Belgium but not in the others MS). Firearms registry in terms of learning from the substantial experience of Belgium.

6.1 Overview of the legislation

The Belgian law on firearms dates back to 2006 with the Arms Law of June 8th (and its executive royal decrees). Before 2006 the law in force dated from 1933 and was very similar, since 1991, to the 91/477/EEC. Since the beginning of the 1970s discussions on the need to replace the law had begun namely due to criticisms regarding the complexity of its technical

¹²⁷ Based on estimations from a Belgian producers' association and from a Belgian firearms dealers' association.

¹²⁸ Based on estimations from a producers' association.

¹²⁹ Estimations from a Belgian firearms dealers' association.

¹³⁰ Federal Ministry of Justice, interview, June 2014.

specificities and consequent interpretation issues. It was however only in 2006 that the legislation changed, which triggered the case of Hans Van Themsche.¹³¹

The amendment of the Firearms Directive 2008/51/EC in 2008 did not bring major changes into national legislation as the main provisions included in the Belgian national firearms legislation since 2006 are compatible with the ones of the Firearms Directive. This includes the firearms categorisation, definitions of and requirements for private owners, dealers and brokers, marking and traceability and deactivation. The Belgian categorisation is in fact more restrictive than the one set-up by the Firearms Directive, therefore subsidiarity applies (art. 2 par. 1 and art. 3). International rules for marking, traceability and deactivation standards are followed, and correct implementation is verified by the National Proof House.

In Belgium administrative powers are split between the federal, regional and the provincial level. No overlaps in the divisions of powers exist. The federal government has power for defence, justice (army and police) and economic activities (e.g. related to firearms categories, requirements for users, traders and brokers etc.). The attribution of power between the regional and provincial level is made on the basis of the following two concepts: territorial issues (i.e. all issues with a geographical component such as hunting and imports/exports) are dealt with at regional level, individuals' issues at provincial level (i.e. all issues related to people, such as being an arms dealer or collector, possessing firearms).

The regional government is responsible for imports and exports, since 2003. One exception is for imports and exports of military firearms for and from the Belgian army and police forces, which is competence of the federal government. The regional level is also responsible for hunting issues. The tests for obtaining a hunter's licence are organised by the hunting organisations but the list of hunting firearms is defined by regions. The Provincial Governor is in charge of checking requirements.¹³² The communities are also responsible for sport shooting (i.e. marksmen licences). However, particularly in Flanders and less in Wallonie, the communities decided to transfer to the federations the power to decide the list of firearms for marksmen.

6.1.1. Directive's implementation at national level with reference to the key provisions

The 2006 law defined the three following **categories of firearms**: 1) prohibited arms, 2) arms subject to authorisation and 3) arms freely obtainable. There is hence no category C of firearms subject to declaration. Moreover the category of arms freely obtainable includes antique firearms (black powder and antique firearms produced former than 1895) and non-firearms (for example CO2 weapons). No difficulties were noted on the reconciliation of national categories with the ones included in the Annex I of the Directive. Moreover the Belgian categorisation is more restrictive than the one set-up by the Firearms Directive; therefore subsidiarity applies (art. 2 par. 1 and art. 3).

It is important to note that between 2007 to 2013 the list of freely obtainable firearms was extended, including firearms beyond the current black powder and antique firearms produced before 1895. For this reason imports may have increased after 2006 (i.e. given the increased demand from other countries where freely obtainable firearms in Belgium required authorisation). Intensified controls during firearms fairs preventing people from purchasing those firearms were held in 2011, 2012 and eventually the longer list was abolished in 2013.

¹³¹ When Hans Van Themsche turned 18, he entered a firearms shop, bought a Category D firearm and when he exited the shop he started shooting at people on the street, resulting in several deaths and wounded people.

¹³² Includes: background check, condemnations, mental health, prior sanctions, theoretical and practical exam, medical check, agreement of people living under the same roof, legitimate reason).

Licensing for ownership, dealers and brokers is strictly regulated in Belgium. The Provincial Governor issues licences for ownership of firearms subject to authorisation under the provision of a background check (prior condemnations or sanctions, mental health), a theoretical and practical exam, medical checks, the agreement of people living under the same roof and a legitimate reason.¹³³ Dealers, on their side, need to apply for an individual licence in each province where they deploy activities. The Governor of a province can only grant the licence under the following conditions: background check (based on police documentation), test to proof professional skills with firearms (technical aspects, code of good practises and legislation), demonstrate the source of the funds used to start the trade and compliance with professional standards (rules of good practise imposed by royal decree). In Belgium, ammunitions follow the same rules as firearms and a permit is always requested for their acquisition.

The definition of brokers was introduced by the Federal parliament in 2003 and their regulation was then transferred to regional competences by regional decrees in 2012. According to the 2006 law the same requirements apply for both dealers and brokers. However, only two brokers are registered in Belgium.¹³⁴ When firearms trading involves the physical handling of a firearm, dealers are involved. On the contrary, intermediation in a transaction with origin and destination outside Belgium is the type of business for which there are very limited incentives for the intermediary party to be registered and hence legal (the case of brokers). Therefore in practice, brokers tend to be considered as persons who illegally trade firearms that do not reach the Belgian soil.¹³⁵

Marking in Belgium is performed by producers under the surveillance of the National Proof House¹³⁶, a publicly regulated institution member of the CIP. Since the unification of hallmark design across National Proof Houses from CIP members countries two years ago, firearms proofed according to the CIP standards can be legally introduced in Belgium without additional checks. All firearms imported from non-CIP MS and third countries are subject to the proof tests of the National Proof House. The alteration of marking on firearms is not an issue in Belgium.

Deactivation is a national matter and can only be performed by the Proof House and the procedure is fixed by a royal decree. Experts from the National Proof House also provide technical support to the Federal Police to fight against new re-activation techniques of firearms used for criminal purposes.

As for **firearms registration and information sharing**, public authorities currently use a computerised data-filing system which dates back to 2010, while the first computerised system was set up in 1989. For firearms subject to authorisation, the information recorded contains owner data, national number, serial number, mark, type, capacity, calibre and length among others. Since October 2010, the National Proof House is exclusively responsible for registering newly produced or imported firearms into the computerised system. This measure was adopted to improve the poor quality of the database which resulted from the lack of knowledge and resources of Police and customs. At the moment there are no initiatives to interconnect data collected at national level to data collected by other MS or third countries, namely due to the

¹³³ In Belgium legitimate reasons encompass: hunting, sports and recreational shooting, collecting, professional need, self-defence, participation in historic/cultural/scientific activities and passive ownership of inherited weapons.

¹³⁴ Source: Federal Ministry of Justice.

¹³⁵ In the nineties, police forces found evidence of some illegal brokers who used the airport of Ostend as a hub. Past well-known cases of Victor Bout, who also lived in Belgium, and Jacques Monsieur, who were not registered brokers and contributed to this misconception. Source: <http://www.justice.gov/opa/pr/2009/November/09-ag-1272.html>

¹³⁶ Banc d'épreuves des armes à feu, Liège.

differences in the current systems in place and to the lack of budget. Currently regions can also have access to the federal registry.

The Arms Law encompasses **penalties** that include the suspension, limitation or revocation of all authorisations and comparable documents, along with seizure of firearms. In practice, while issuing authorisations is strictly regulated, often controls tend to be less vigorous. In cases of violation judicial prosecution is rarely pursued and cases are typically sorted by paying a fine. The main reason for this practice is the complex judicial knowledge required.

6.1.2. Stakeholders' positioning on the implementation of the Firearms Directive¹³⁷

The amendment of the Firearms Directive 2008/51/EC in 2008 did not pose any administrative difficulties as major changes had already been included in the 2006 change of the National law. All provisions of the Firearms Directive imply an administrative burden which is deemed necessary by public authorities.

Users on their side agree on the legitimacy of such administrative requisites for the sake of public safety, but deplore the lack of consistency in their application and certain disproportionate requirements, caused by the lack of training of local police. They deplore the considerable variety in delays in delivering firearms licences from one police office to another. Also, they believe firearms owners should not be required to present the same documentation for first as well as for subsequent acquisitions of firearms, which implies an unnecessary burden both for police administrations and users. Public authorities, on their side, argue these controls are part of an official strategy to curb impulsive acquisition of firearms.

6.2 Security issues experienced in the last years

Trends in firearms enabled crime

Weapon-enabled crime is not a major problem in Belgium according to the Federal Criminal Police. Evidence in this regard is limited, although an on-going effort is made to systemise the available databases and facilitate the extraction of such information. At the moment however there are very few data on types of firearms used for criminal purposes or on legal status of firearms used for criminal purposes. Only data on armed robberies are now available.¹³⁸ Belgian data on firearms-related homicides indicate a decrease. A Belgian research institute looked at the impact of the legislative change in 2006 and found indications that this decrease is the result of the more restrictive weapons legislation implemented in 2006. They found reduced homicides rates caused by firearms after 2006, while non-firearms related homicides remained stable. The results were even more pronounced for suicides by means of a firearm decreasing by more than a third in the period 2006-2008 compared to the 2000-2005 period. However, the data do not provide details per category of firearms. It is also not possible to distinguish whether the homicides were committed with illegal or legal firearms.

¹³⁷ Opinions reported in this paragraph relate to the ones collected during the roundtable organised in Brussels on June, 18th with representatives of the Ministry of Justice and of the Federal Judicial Police. Phone interviews were also held with: a Belgian representative of producers, a dealers' association, and an association representing users. Answers to the online survey were also taken into account.

¹³⁸ No distinction is made however between robberies with firearms and other armed robberies.

According to the federal police the legal possession of firearms does not represent a major problem in terms of security. If no precise data on crimes committed with legally owned firearms are available, these are assumed by the Federal Police to represent approximately 1% - 5% of crimes committed with firearms. A Belgian research centre is currently working on a study on the modes of acquisition, which will contain valuable information on this issue.

Diversification of legally owned firearms to the illegal market:

- **Stolen firearms:** according to the limited evidence available across the EU, Belgium ranks 4th among the EU countries with the highest number of stolen and lost firearms¹³⁹. These figures however need to be viewed with caution as they only refer to stolen firearms, and the comparability with other countries is subject to quality concerns. For example since 1989 the continuously updated firearms registry allows the Police in Belgium to perform rigorous controls and keep good track of stolen and lost firearms. Also, public authorities are convinced that many firearms owners, knowing they do not meet the new requirements introduced by the 2006 change of law, declared their firearm as stolen while still illegally holding it.¹⁴⁰
- **Re-activation of deactivated firearms:** Some issues particularly emphasised by the Federal Police are the security threats due to the re-activation of deactivated firearms and the use of deactivated firearms for intimidation purposes. While strict rules apply in Belgium with the correct implementation being verified by the National Proof House, the lack of harmonisation in deactivation rules in Europe is currently a problem in Belgium. Its importance is further aggravated due to the First World War commemorations, during which de-activated firearms from other countries often enter the country.

The replacement of the Arms Law in 2006 entailed an **amnesty period** from June 2006 to October 2008, period during which all firearms owners could hand in their guns or declare them. Hence all firearms under the free trade regime prior to 2006 had to be declared and obtain authorisation, justifying a legitimate reason for gun ownership. In 2006 the Central Weapons Register counted 787,858 registered guns. During the amnesty period, 184,821 applications for the renewal of old licences were recorded, over 15,000 licences for passive gun ownership, more than 200,000 guns were handed in to the police and destroyed¹⁴¹. Currently¹⁴², all firearms previously belonging to the so-called "grey zone" - bought before 2006 legally but unknown, are either authorised or illegal. Large numbers of them are in fact illegal or uncontrolled. These firearms have generally never been used for hunting or sporting, and are kept without any legal motive.¹⁴³ However robust estimates of illegally held guns do not exist.

In Belgium, **the marking** of all firearms brought legally from outside Belgium is checked, but this might not be the case in other countries. According to a Belgian research institute, the problem at EU level might arise from the divergence in national control regimes. Criminals

¹³⁹ Based on "Number of stolen and lost firearms recorded in SIS": SIS Database. Data referred at 2012.

¹⁴⁰ See also: Duquet, N., Van Alstein, M. Gun ownership in Belgium. Flemish Peace Centre Report, September 2012.

¹⁴¹ Flemish Peace Centre, 2011.

¹⁴² The process has only recently been completed. Substantial administrative backlogs due to under-staffing caused delays.

¹⁴³ According to a Belgian gun owners' association, this reluctance to declare firearms results from the defiance generated by the police's ill management of the amnesty period. Indeed, they blame police forces for not sufficiently having informed on the requisites for receiving authorisations, pushing gun owners to deliver their properties without expecting them to be confiscated. Also, they believe property rights were violated as gun owners did not receive clear information on their rights to sell firearms instead of delivering them for free, when not obtaining ownership authorisation.

erase the initial marking, and since they do not have to undergo any control in a different MS, it is hard to trace when the gun became illegal. This divergence in legislation creates opportunities for criminals.

Illicit firearms trafficking is a well-known problem largely originating from a weak control of clandestine trafficking at the borders of Europe entering through Bulgaria and Romania.¹⁴⁴ In Belgium there is evidence of criminals exploiting legal procedures for illicit activities by making (parts of) arms disappear into the black market. The central location of Belgium and the functioning of the EU single market abolishing border and custom controls complicate operations against illicit firearms trafficking. The Federal police however do not have the necessary funds for field action and the fight against illicit firearms trafficking does not stand among top priorities assigned to the police. Moreover according to stakeholders (national authorities, police and producers) the two markets are parallel: traditional hunters and collectors use firearms for recreational purposes and would never buy firearms on the black market, while badly intentioned people would never buy expensive and high-quality guns from the legal market. Reinforcing norms for producers does not impact illicit firearms trafficking as such.

Internet sales are also a well-known problem. Belgian law is very strict: firearms cannot be traded to individuals on the internet. As for producers, Browning has a very strict policy: it only sells firearms to other producers, notably in France. Nevertheless, according to a Belgian research institute there are websites where this is possible before it is traced (e.g. eBay on Sunday mornings, or fora of collectors and sports shooters). The Federal Police are well aware of these exchanges of second-hand weapons and pieces but lacks the administrative means to efficiently fight against such traffic, as it does not stand on top of the political agenda.

As for **derogations to the Directive's provisions for hunters and marksmen**, they do not affect security in Belgium according to the Federal police as hunters and marksmen do not represent a problematic category of users. However, the Competent Authorities identified a niche category of users, the so-called "arms lovers", who look for legislation's weak points to legally create arsenals of firearms by taking advantage of the fact that the legislation does not set a limit in the number of owned firearms. The Authorities believe this is a potential threat to public security and further restriction on total number of firearms legally possessed should be considered.

Weapon fairs in Belgium are now better regulated. While most of these fairs were the occasion for collectors to exchange rare and antique firearms, police forces revealed firearms trafficking activities. Some antique firearms¹⁴⁵ were sold to criminal networks, which could use them for illegal purposes with ammunitions bought on the black market. Belgium adapted its legislation to prevent the possibility for such firearms to be diverted towards the illicit market, with the introduction in 2013 of further restrictions on ownership of antique firearms.

As for future developments, the use of 3D printing techniques in the manufacture of firearms or firearms' components is seen as a future threat and not as a current priority. No cases of 3D printed firearms or firearms components were recorded in Belgium.

¹⁴⁴ Source: Federal Judicial Police.

¹⁴⁵ The very popular Nagant M1895 Pistol, produced in Belgium until 1944.

6.3 The market issues related to civilian firearms

The Belgian civilian firearms market is very small compared to the military firearms market, dominated by the historical plant of FN Herstal. Browning, owned by the Herstal Group, is the major producer. There are also small scale producers of luxury firearms in Belgium (for example Lebeau-Courally and Armurerie Masquelier). The rest of the market is composed of small SMEs contributing to some segments of the value chain. There is no more production of ammunition for civilian use in Belgium: only one important producer of powder (PB Clermont), along with equipment for the production of civil pyrotechnic products (Indusys Technologies) and percussion primers (New Lachaussée).

The Belgian production of civilian firearms reacted positively to the global shrinking demand from 2008 onwards resulting from the financial and sovereign debt crises, and production remained quite stable over the years with no significant reduction in terms of sales volumes. Moreover Belgian imports of firearms have been increasing (measured in value and including both civilian and military firearms) since 2006, while firearms possession has been decreasing (from 16% of households owning a gun in the 1990s to 5% in 2010).¹⁴⁶

The Directive 2008/51/EC was transposed into Belgian national/regional law in 2012 and then entered into force in 2013. There is thus no sufficient background to evaluate the impact of the Directive. So far it did not impact the production of firearms, and 80% of the local production is exported to the internal market.

According to Belgian producers the trade of firearms in the internal market is not a major issue. Trading within the Benelux does not require licences while specific agreements on a system of open licences with some MSs (i.e. France) considerably facilitate trade of firearms towards and from main import and export countries. For the rest of the MS, the system of prior consent applies. Efficiency in issuing licences then varies widely from one national administration to another.

The **trade**¹⁴⁷ of firearms is administered at regional level and hence statistics on values and volumes are compiled at regional level. Figures however need to be interpreted with caution due to two main reasons:

¹⁴⁶ See also: Duquet, N., Van Alstein, M. Gun ownership in Belgium. Flemish Peace Centre Report, September 2012.

¹⁴⁷ Figures on trade are provided by the Flemish Peace Institute (2013). To interpret them, a number of important remarks were made by the authors:

- All values refer to licensed arms export/import, not to the real value of exported/imported firearms (which is generally significantly lower).
- In the government reports it is impossible to make a distinction between civilian and military firearms. So the figures are for all firearms. A significant share of firearms export from the Walloon region consists of military firearms (mainly produced by FN Herstal). The share of military firearms export from Flemish and Brussels Capital Region is probably negligible.
- Directive 91/477 allows the possibility for open licenses between arms dealers in different MSs. These licenses are not reported by the governments in their annual reports to Parliament. This means they are not included in the figures below and implies a strong underestimation of the volume of intra-EU transfers.
- Most firearms are classified as ML1 (and for the Flemish Region also under ML23.a). Firearms classified under ML2 (Smooth-bore weapons with a calibre of 20 mm or more + other weapons or armament with a calibre greater than 12,7 mm (calibre 0,50 inches) cannot be distinguished from other larger firing systems, so they are not included in the figures.

1) the inclusion of both civilian and military firearms and 2) the sole reference to licenced arms export/import, not to the real value of exported/imported firearms (see Table on metrics and corresponding footnote for more explanations on the availability of trade data in Belgium).

As a consequence, limited observations can be made on Belgian trade patterns particularly in terms of trade balance and imports. Based on the available data on exports and regional diversification the following three points can be made:

- Exports are directed to other MS (80-85%) rather than to extra-EU countries (10-15%);¹⁴⁸
- The Walloon region is the main region exporting civilian firearms produced in Belgium due to the location in Liege of one of Browning's facilities;
- Even though there is no production in the Flemish region, there are 135 dealers compared to 104 in the Walloon region (based on 2010 data). For Brussels the data does not provide an overall good estimation.¹⁴⁹

6.3.1. Stakeholders' positioning on the impact of the Directive on the EU internal market functioning

The real issue relates to obstacles to the production and trade of firearms outside the internal market. It has been reported that Regulation 2012/258 implementing article 10 of the UNFP¹⁵⁰ is poorly adapted and creates administrative obstacles to the trade of firearms outside the EU. The problem lies with import and export licences created related to the transit: to obtain an export licence, producers require both an import licence from the destination country and a transit licence from countries through which firearms will transit. While obtaining the former does not create difficulties, the latter is particularly problematic, as transit routes are often decided just before sending the firearms. In practice, this situation creates logistical difficulties. Besides, companies collaborating for the logistical issues (banks, insurances and transport companies) are defined as "brokers" from the moment they act as intermediaries in the transaction. Most companies are reluctant to be considered as firearms brokers and hence refuse to provide service to firearms producers and dealers. This situation according to producers and dealers of firearms in Belgium harms the legal trade of firearms.

As for dealers, according to the national Authorities, the impact of the 2006 Belgian legislation has been more positive and significant on dealers rather than on producers, particularly the ones specialising in hunting and shooting. The total number of hunters and marksmen diminished in the recent years, as many formerly registered hunters could not justify their hunting activity following the change in law. However, the sales to these categories did not diminish since firearms can now be obtained more easily than before. On the contrary, dealers argue that the strengthening of requirements for firearms' ownership harmed the market for firearms, due to a shrinking number of practicing hunters and shooters.

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- % of national market share cannot be given since this information is not made public.

¹⁴⁸ Based on available export data from a Belgian producer.

¹⁴⁹ Duquet, N., Van Alstein, M. *Vuurwapens- Handel, bezit en gebruik*. 1st ed. Leuven: Academische Cooperative Vennotschap, 2011.

¹⁵⁰ UN protocol against the illicit manufacturing of and trafficking of firearms, their parts and components and ammunition, supplementing the UN convention against transnational organised crime.

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Also both **dealers and users'** associations consider the administrative burden for obtaining authorisation to buy a second or third firearm to be disproportionate and discouraging, as the same documentation is asked for first ownership.

TOPIC	METRICS	
Structure of the civilian firearms market	Number of firms producing civilian firearms and ammunitions in the country per size and their related share on the total number (i.e. Large Enterprises, from 250 employees; SMEs <250 employees; micro-enterprises, <10 employees)	One Large Enterprise: Browning - FN Herstal <i>Source: interview with a Belgian producer, June 2014</i>
	Total number of persons employed by firms producing civilian firearms and ammunitions	About 1,500 direct; 3,000 indirect (including personnel involved for production of both civilian and military firearms)
Related sectors	Number of dealers and repairers of civilian firearms in the country	About 800 firearms dealers (estimates) and no brokers. 150 active street dealers (based on estimates). <i>Source: a Belgian firearms dealers' association</i>
	Employees/number of persons involved in these activities	N.A.
Production of civilian firearms and ammunitions	Volume (i.e. units) of civilian firearms in the country (average volume yearly produced or data referred to the trends over the years)	45,000 long guns and 15,000 short guns ¹⁵¹ (average yearly volume)
	Value (i.e. sales/turnover of the enterprises involved) of civilian firearms in the country (average value yearly produced or data referred to the trends over the years)	Average yearly turnover: > € 300 m <i>Source: Interview with a Belgian producer, June 2014</i>
	Volume of ammunition in the country (average value yearly produced or data referred to the trends over the years)	N.A.
Relevant markets	Share of the production of civilian firearms and ammunitions sold to other MSs (% on total), and to extra-EU countries (% on total)	<ul style="list-style-type: none"> • National Market: 1-2% • Intra EU28 export: 80-85% • Extra EU28 export: 10-15%¹⁵²
	Volume and value of the export of civilian firearms and ammunitions produced in the country, towards other EU MSs (intra-EU trade) and Third countries (extra-EU trade)	<u>Flemish Region</u> <ul style="list-style-type: none"> • Export: 17 licences for € 55,555 (export is limited) • Import: 516 licences for € 15,395,213.84 <u>Walloon Region</u> <ul style="list-style-type: none"> • Export: 834 licences for € 282,540,657 • Intra EU export: 17.5% - Extra EU export: 82.5% <u>Brussels Capital region</u> <ul style="list-style-type: none"> • Export: 31 licences for € 300,443 • Import: 2 licences for € 123,150 <i>Source: interview with a Belgian research institute</i>
	Main countries of destination of exports and origin of imports of civilian firearms and ammunitions	<u>Flemish Region</u> Export: <i>limited information</i> Import: imported firearms mainly originate from Germany (40%), Switzerland (30%) and the

¹⁵¹ They are not necessarily produced in Belgium but just imported and reassembled in Belgium. Less than 2,000 firearms are actually produced in Belgium, in most cases long guns. Less than 100 short guns are produced (very marginal).

¹⁵² The percentages were provided by Browning on the basis of absolute figures of all firearms in transit via Belgium towards other countries apart from the US. They do not hence exclusively reflect BE production.

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TOPIC	METRICS
	<p>United States (20%). Other countries of origin were Austria, the United Kingdom, France, Israel, Denmark, Poland and Italy.</p> <p><u>Walloon Region</u></p> <p>Export: Main countries of destination</p> <ul style="list-style-type: none"> • Saudi Arabia: € 95.8 m • USA: € 61.9 m • France: € 28.9 m • Australia: € 19.6 m • New Zealand: € 14.8 m <p>Import: <i>N.A.</i></p> <p><u>Brussels Capital Region</u></p> <p>Export: Main countries of destination</p> <ul style="list-style-type: none"> • France: € 264,330 • Switzerland: € 10,655 • Egypt: € 2,175 <p>Import: Italy</p> <p><i>Source: interview with a Belgian research institute</i></p>

6.4 Overall comments and remarks

In terms of security, no direct impact of the Directive at national level can be traced as Belgium had stricter firearms legislation before the introduction of the Directive's amendment in 2008. In terms of firearms market there is no sufficient background to evaluate the impact of the Directive due to its recent implementation in Belgium and other MS.

The implementation of the Firearms Directive in Belgium is satisfactory for all the categories of stakeholders and there is a common agreement on the need to keep the EU framework as it is with some improvements. Various suggestions were raised by involved stakeholders:

- Introduction of common deactivation standards. For optimal results it is suggested that the EC works closely with National Proof Houses and the CIP;
- Introduction of strict minimum standards for marking in all EU MS to avoid misuse and erosion of marks as much as possible;
- Establishment of a National Proof House in all MS irrespective of production;
- Simplification and harmonisation of all technical criteria;
- Establishment of no more than three categories of firearms: the option to reduce the categories to "prohibited" and "under authorisation" firearms is not considered necessary as it is not expected to impact citizen's security;
- Adoption of a broader definition of transit (instead of only transshipment) as other European countries while retaining vigorous control for firearms;
- Improvement of the information sharing across EU MS;
- Emphasis on illegal acquisition – identification of modalities of illegal firearms acquisition and design of specific policy options per country.

Annex 7. Case study on Poland

Evaluation of the Firearms Directive

- Annexes -

KEY FEATURES OF THE POLISH CASE STUDY

The civilian firearms' sector	<ul style="list-style-type: none">Polish firearms production is 0.1% of European firearms production in 2012.¹⁵³As for trade, Poland is mainly a firearms importer.The market is characterised by small gunsmiths producing a limited number of firearms per year (57 entrepreneurs and 58 gunsmiths¹⁵⁴).
The ownership of civilian firearms¹⁵⁵	<ul style="list-style-type: none">Limited firearms ownership: 1.3% of Polish own a firearm (i.e. 341,420 owners). In 2013 there were 505,171 registered firearms: 58% hunting firearms, 7% sport-shooting firearms and 5% firearms for self-defence;¹⁵⁶Long-standing hunting tradition. Most of firearms owners in 2013 are hunters (i.e. 150,750 hunters) followed by marksmen (18,804);Poland is among the top destinations for hunting and the share of hunters/marksmen having an EFP is quite limited¹⁵⁷ (approximately 2.5%) as hunters do not need to cross the borders for exerting the activity.
The transposition of the Firearms Directive and the national legislation	<ul style="list-style-type: none">Some terms of the Directive (e.g. essential components, dealers/brokers) are not properly implemented into national law because of the poor quality of the translation of the Firearms Directive in Polish;Strict interpretation of the Firearms Directive (e.g. requirements for the ownership, brokers and de-activation);Strict interpretation of the national law by the Police forces.
Main issues related to security	<ul style="list-style-type: none">Firearms smuggling (Ukraine border);Illegal possession of weapons to a lesser extent.
Main issues related to the market	<ul style="list-style-type: none">Obstacles to the movement of firearms across MS due to paper-based authorisation procedures.

7.1 Overview of the legislation

The two main pieces of Polish legislation on firearms and ammunitions are the Act of 21st May 1999 - on firearms and ammunitions - and the Act of 22nd June 2001 - on performing economic activities in the area of production and trading of explosives, weapons, ammunition, products and technology for military or police purposes.

The Act of 5 January 2011, amending the two aforementioned acts, introduced major legislative changes designing a more flexible regulation for the issuance of sport shooting licences.¹⁵⁸ This is demonstrated by the increase in the number of permits issued in last years, which passed from 13,000 in 1999 to 18,800 in 2013. The 2011 Act mainly brought harmonisation with the Directive, introducing for instance a definition of firearm and of essential component more in line with the European one and providing for the regulation of internet sales. The trading activity had been better shaped, characterising the broker as a

¹⁵³ EY calculations on WFS data for 2012.

¹⁵⁴ Polish Ministry of Internal Affairs

¹⁵⁵ Polish Police statistics on firearms.

¹⁵⁶ Gas blank firearms constitute 30% of total legally owned firearms.

¹⁵⁷ 5,855 EFP owners in June 2013.

¹⁵⁸ Act of 5 January 2011, amending the law on firearms and ammunition and the act on performing economical activities in the area of production and trading of explosives, weapons, ammunition, products and technology for military or police purposes.

stand-alone professional different from the dealer. As for marking, the original article had been complemented with the introduction of European requirements and with a provision for criminal penalties as regards marking infringements.

7.1.1. Directive's implementation at national level with reference to the key provisions

Categories of firearms: In Poland there are only two categories of firearms: prohibited firearms and firearms subject to authorisation.

Ownership: According to article 15 of Act of 21st May 1999, to own a firearm the applicant should be at least 21 years old (18 is permitted only with specific authorisation for target shooting or hunting), he/she should have no criminal records and a certification of his/her mental fitness for firearms possession made by a licenced physician. Furthermore, before being granted the licence the applicant needs to pass an exam testing his/her skills in the use of firearms.

Good reasons to ask for a permit may be hunting, sport shooting, collection, commemoration, historical reconstruction, training and self-protection or protection of other persons or properties.¹⁵⁹

According to article 9(6), licence validity for possession is indefinite, unless the owner ceases to satisfy the conditions under which the licence had been granted.

Dealers and brokers. Even though a definition of broker exists¹⁶⁰, thus qualifying a difference between brokers' and dealers' activities, Poland decided to make brokers subject to the same requirements of dealers without taking into account the less risky nature of brokers' business if compared to the dealers' one.

Dealers and brokers have to be aged 25 at least, to document professional preparation, full legal capacity and clean criminal records and to deliver medical and psychological reports every 5 years. Furthermore, they have to ensure proper conditions of place (in terms of localisation and arsenal to perform the activities) and to respect standards of security and storage. Dealers and brokers are obliged to keep records of firearms (such as the type, the model, the caliber, the serial number) and essential components which were purchased and sold, as well as on sellers and buyers (identity, residence). Representatives of the Ministry of Economic Affairs and the Police are in charge of the controls on proper storage and record-keeping.¹⁶¹

Marking and traceability: According to article 18(3) of June 2001 Act, "firearms and each separate, essential component¹⁶² of firearms" shall be marked by the manufacturer. The marking consists of a unique and easy-to-identify code which should include: the country of manufacture, the name of the manufacturer, a serial number and year of manufacture (if not

¹⁵⁹ Act of 21 May 1999, art. 10(3).

¹⁶⁰ Brokers are defined in art. 3(2) of Act of June 2001 through the definition of trading, which "should be understood as a commercial activity relating to the matter of explosives, weapons, ammunitions, (and) products and technologies for military or police forces; including mediation involving negotiation, shopping advice, assistance in contracting and organic movement of explosives, weapons, ammunitions performed on Polish territory".

¹⁶¹ Act of June 2001, art. 34.

¹⁶² Act of 21 May 1999, art. 5 "(1) Prepared or treated essential parts of weapons or ammunition shall be considered a weapon or ammunition. (2) Firearms essential components are the frame, the receiver, the barrel, the chamber and the drum cartridge."

contained in the serial number). Poland is not a member of the CIP and firearms are tested by the Police before entering the market.

As for traceability, the Police have the duty of storing information on firearms and their owners in a dedicated computerised system.¹⁶³ The system registers information on both firearms and owners. Furthermore, Polish Association of Hunters and management boards of shooting associations are obliged to submit every year their current members' list to the appropriate Police authorities, specifying who practices hunting or shooting and the use she/he makes of the weapons. They also have to notify the authorities about expulsion of members within 30 days from the date of expulsion.¹⁶⁴

De-activation: Firearms and all its essential components are defined as deactivated when "*all its relevant parts have been demilitarised in such a way that despite the action of compressed gases resulting from the combustion of propellant it is not possible to launch a projectile, a substance or other element from the barrel; [...] and the re-activation of the firearm is not possible without taking special steps*".¹⁶⁵

Deactivation can be done only by entrepreneurs specifically licenced to manufacture the type of firearms they are in charge of deactivating.¹⁶⁶ The Central Forensic Laboratory of the Police of Poland assesses and approves (or discards) a deactivation on the basis of technical specifications determined by the Ministry of Defence.¹⁶⁷ If the deactivation has been properly done, the Forensic Laboratory will impress a distinctive mark on the weapon.

Only firearms deactivated by the Polish Police according to the above mentioned specifications are not considered firearms anymore and are thus free of permit, and the owner has only to declare their possession to the Police.¹⁶⁸ Firearms deactivated according to other MS' procedures are still considered firearms in Poland as the country does not recognise deactivation procedures performed by other MS.

European Firearms Pass: In Poland there were 5,855 European Firearms Pass holders.¹⁶⁹ The EFP validity is 5 years and it is renewable once. Both the issuance and the renewal cost are PLN 105 (around € 25).¹⁷⁰

Penalties: All the provisions of the Directive are covered by administrative and criminal penalties (see Chapter 5 of the Act of May 1999).

7.1.2. Stakeholders' positioning on the implementation of the Firearms Directive

The overall implementation of the Directive at national level is influenced by the **translation** of the Firearms Directive from English to Polish¹⁷¹, which results in a number of inconsistencies

¹⁶³ Act of May 1999, art. 27(1).

¹⁶⁴ Act of May 1999, art. 27(5).

¹⁶⁵ Translation. Act of May 1999, art. 6a(2).

¹⁶⁶ Act of May 1999, art. 6a(1).

¹⁶⁷ Act of June 2001, art. 19b(2).

¹⁶⁸ Act of May 1999, art. 9(2).

¹⁶⁹ Ministry of Interior, EY survey.

¹⁷⁰ In June 2013. Ministry of Interior.

(e.g.: Annex 1, title II A, Category B, point 5, concerning 'semi-automatic' weapons with magazines containing three and more rounds, translated in Polish version as 'single-shot' weapons with magazine for three or more rounds¹⁷²).

The expert, the user's representative and the representative of dealers involved in the study agree on the fact that the Polish legislation interpreted the Firearms Directive in a strict way as demonstrated by the following aspects:

- only two categories of firearms exist (forbidden and under authorisation);
- the requirements for ownership are stringent;
- blank firearms of more than 6 millimetres of calibre are considered as firearms.

Furthermore the Polish Police have a restrictive interpretation of the national law, for example, with reference to the interpretation of the definition of firearm. According to article 7(1) of the Act of May 1999 as amended by the Act of 5 January 2011, a firearm is "*a device which is designed to expel or may be converted to expel one or more projectiles or substance by the action of a propellant*".¹⁷³ However, the national Police seem to consider as a firearm any device which functions thanks to "compressed gases resulting from an exploding material".¹⁷⁴ This definition includes also any blank firearms, even though according to Polish national law, they are not to be considered weapons if under 6 millimetres of calibre.

Another example is given by the "good reason" to own a firearm which may be variable according to specific geographical regions, making it very difficult to get a firearm licence.¹⁷⁵

7.2 Security issues experienced in the last years

Illegal possession of weapons is an issue in Poland. However, it does not seem to represent a threat to security. According to a recent study, only about 0.25% of all pending prosecutions between 2000 and 2011 were linked to illegal firearms possession.¹⁷⁶ The study distinguishes different scenarios for the possession of non-registered weapons, specifically:

- the possession of gas weapons (including gas pistols and revolvers) that, according to the Polish national law, requires a licence only if the kinetic energy leaving the barrel is greater than 17 Joules;
- the possession of old military ammunition fragments, which can be dangerous if gathered in relevant quantity;
- the illegal manufacturing of weapons and ammunitions for hunting purposes such as poaching.

Trends in firearms enabled crime in Poland are not easy to trace. According to a representative of the Ministry of Interior, cases of conversion of alarm weapons and of use of

¹⁷¹ Interview, Polish users' association and Expert from Warmia and Mazury University.

¹⁷² Interview, Polish users' association.

¹⁷³ Act of May 1999, art. 7(1) (as amended).

¹⁷⁴ Interview, Polish users' association.

¹⁷⁵ Interview, Polish users' association.

¹⁷⁶ Jerzy Kasprzak, *Scope of Illegal Possession of Weapons in Poland and Character Study of a Perpetrator of this Crime*, 2013.

objects having the appearance of firearms for intimidation purposes were reported in the country, but no statistical data are available. The interviewee was also not aware of any case of crimes committed with hunting or sporting firearms. Even as regards the re-activation of deactivated firearms there are no statistical data. However, the representative of the Ministry of Interior reports "isolated cases of deactivated firearms having been re-activated" and some more cases of "firearms deactivated in other countries having been re-activated in Poland". He remarks that firearms de-activated according to Polish regulation cease to be firearms; trying to re-activate them results unprofitable.

In general, crimes committed with firearms experienced a decrease, passing from 1,333 cases in 2000 to 386 in 2012. As for crimes committed with gas guns, the trend is also consistently declining, with 406 cases registered in 2000 and 69 in 2012.¹⁷⁷

The following table presents the number of infringements of article 136, paragraphs 2, 3, 4 of the Polish Penal Code between 2005 and 2012. Data show that the overall trend of infringements is declining, mainly driven by the diminishing number of infringements for illegal possession, manufacture or trade in arms and ammunitions. The second most frequent illicit regards the illegal possession, manufacture and trade of ammunitions only, with the number of cases nearly halved during the considered period.

Table 1 : Number of infringements between 2005 and 2012 per provision of article 263 of the Polish Penal Code, paragraphs 1, 2, 3, 4.

Type\ Number of cases	2005	2006	2007	2008	2009	2010	2011	2012
Illegal possession, manufacture or trade of arms and ammunitions	1,998	1,881	1,778	1,518	1,504	1,340	1,186	1,072
Illegal possession, manufacture or trade of ammunitions	1,231	1,119	1,012	851	798	814	653	677
Civilian firearms or ammunitions made available or devolved to an unauthorised	50	59	42	40	25	31	23	19
Unintentional loss of civilian firearms or ammunitions	223	253	226	174	169	200	186	135
TOTAL CASES	3,502	3,312	3,058	2,583	2,496	2,385	2,048	1,903

Source: Ministry of Interior

Stolen firearms: according to representatives of the Ministry of Interior and the Police, the thefts of firearms are not a major issue in Poland. Indeed between 100 and 200 cases per year are reported.¹⁷⁸ Most of stolen firearms are hunting firearms.

Illicit firearms trafficking: the geographical positioning of Poland on the border with third instable countries such as Ukraine and Byelorussia makes this country particularly vulnerable to the risks of firearms smuggling. However, no major cases of smuggling were reported along the study and representatives of the Ministry of Interior reported that this does not represent a major concern to security thanks to tight controls of borders. The interview held with the Polish

¹⁷⁷ The available data do not distinguish between legally and illegally held weapons used in crimes. Source: Ministry of Interior.

¹⁷⁸ Interview with expert from Warmia and Mazury University.

Border Guard confirms the effectiveness of the rules applied and the adequacy of the control standards to guarantee security to EU citizens.¹⁷⁹

According to the Polish Border Guard, illegal firearms may also come from the Czech Republic, Slovakia and the United States. Additional illegal firearms can be smuggled from the countries of the Balkan peninsula that experienced conflicts on their territories relatively recently.

Future developments: According to a Polish firearms dealer's view, one of the impacts of the EU Directive regards internet sales. The Directive "changed the role" of the Firearms Act of May 1999, enabling consumers to "on-distance" purchase, though only around 100 firearms are bought online each year in Poland. Furthermore, this online business faces two critical issues in terms of logistic. Firstly, the technical requirements for the company that transfers the firearm are so strict¹⁸⁰ that only one firm in the country can meet them. Secondly, the post offices often do not have the facilities to keep the firearm before the purchaser collects it. As a consequence, if this does not happen quickly the firearm is sent back.

As regards internet sales security, there are diverging opinions. On the one hand, the representative of the Ministry of Interior considers internet sales as a possible threat to security, and suggests that the Directive should be updated to take into account possible future developments in this direction. On the other hand, the representative of users notes that internet trade in firearms requires the same formalities as a regular sale, which would reduce the possible illegal implications of such a practice. Furthermore, even though the purchase can be online, the transfer of a firearm is still physical, since the buyer has to go in a shop to get the weapon.

As for 3D printing, in EU countries the manufacture of firearms and components with this new technology is not an issue as in the USA, since all firearms' manufacturing is subject to government permission. Furthermore, it is much easier to illegally manufacture parts of weapons by means of traditional machines which are in free circulation, cheaper and much more precise, such as Computerised Numerical Control machines.¹⁸¹

7.3 The market issues related to civilian firearms

Firearms ownership is limited in Poland: only 1.3% of Polish citizens own a firearm (i.e. 341,420 owners) in 2013. In the same period there were 505,171 registered firearms, of which more than half (58%) were hunting firearms (for 150,750 registered hunters), 7% sport-shooting firearms (for 18,804 registered marksmen); and 5% were firearms for self-defence.¹⁸² The long-standing hunting tradition of the country is demonstrated also by the low share of hunters/marksmen having an EFP¹⁸³ (approximately 3.45%), as Poland is among the top destinations for hunting, they do not need to cross the borders to exert the activity.

¹⁷⁹ "During the process of border crossing, the Polish Customs Service is responsible for the proper control of the compliance of imported firearms with the declaration provided. The Border Guards perform the checks of the transport upon a "preliminary transport permit" and a "transport permit" issued by the locally relevant Administrative Proceedings Division of Police or by the Consul of the Republic of Poland." Source: Police Border Guard, interview.

¹⁸⁰ Usually firearms bought online are transferred by car.

¹⁸¹ Interview, Polish users' association and Polish firearms dealer.

¹⁸² Polish Police statistics on firearms.

¹⁸³ 5,855 EFP owners in June 2013 according to the Polish representative of the Ministry of Interior.

Market Structure: Polish firearms production is very limited: according to WFS data, in 2012 Poland produced 2,000 long and 9,000 short firearms, representing 0.1% of European production. A clear picture on producers is hardly retrievable, but according to information provided by the Ministry of Interior, one of the most important firearms producers seem to be Mesko (previously Bumar Amunicja). Overall, 57 entrepreneurs and 58 gunsmiths have been counted by the Ministry as operating on the market, together with 108 brokers and 322 dealers.

As for trade, Poland is mainly a firearms importer. In 2013 its' share over total EU import was 3.24%, of which 70% came from EU countries.¹⁸⁴ Its' main trade partners in Europe are the Czech Republic, Germany and Italy, while as for non-EU countries are Norway and Russia. Polish export is also limited: in 2013 it was 1.16% of total EU export in value, and 96% of this came from outside the EU.¹⁸⁵ Its main partners are Norway, Bulgaria, Mali, and, since the latest years, Saudi Arabia.

7.3.1. Stakeholders' positioning on the impact of the Directive on EU internal market functioning

The cross-border movement of firearms appears to be limited by:

- procedures to get import/export and transfer permits, which are still managed by fax;¹⁸⁶
- lack of transparency as regards the national contact points that should support economic operators and MS competent authorities in case of difficulties;¹⁸⁷
- information costs that economic operators and competent Authorities have to bear in case of import/export/transfer when a MS implements the Firearms Directive according to different rules.¹⁸⁸

Moreover a market issue was raised by a representative of users in relation to after-sale services, which seem to result in an unequal treatment of domestic and foreign (coming from a different MS) clients¹⁸⁹ willing to send back a firearm to the seller. The lack of provisions regulating these transfers makes the purchase of firearms in a different MS less appealing given the difficulties that a buyer can encounter when willing to use after-sale services.

Dealers: according to a dealer's view, the procedures entered into force due to the EU Firearms Directive did not bring any additional burden even though the records to be transmitted on transactions are now more detailed. Nonetheless, the high level of bureaucratisation was mentioned as one of the key obstacles to foreign investments in the civilian firearms sector.¹⁹⁰

Users: The application of the same requirements to dealers and brokers results in an obstacle to the internal market, because any person who wishes to start a business that involves only

¹⁸⁴ Eurostat International Trade Database.

¹⁸⁵ Eurostat International Trade Database.

¹⁸⁶ Interview, Ministry of Interior.

¹⁸⁷ Interview, Ministry of Interior.

¹⁸⁸ Interview, users' association.

¹⁸⁹ Interview, Polish users' association.

¹⁹⁰ Interview, Polish firearms dealer.

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trading has to comply with the same strict requirements foreseen for those exerting also manufacturing and dealing activities. In particular, this blocks the access to market for micro- and small-business entities by raising the financial entry barriers with legal requirements (concession).¹⁹¹

According to the users' representative, the restrictive interpretation of the law and the existence of only two categories (forbidden and under authorisation) in Poland hinders a good functioning of the internal market. This can be noticed for instance in the treatment of alarm weapons as firearms. This approach indeed obstructs the market and trade of this type of weapons. For instance, the Shooting Development Foundation had to ask to a German manufacturer to produce ad hoc alarm weapons less than 6 mm of calibre in order for these firearms not to be considered guns in the Polish market.

Another limit to a smooth market functioning consists in the lack of provisions supporting hunters with a European Firearms Pass to buy ammunitions in the country of destination. This forces them sometimes to move with great amounts of ammunitions, which may represent a threat to security.

TOPIC	METRICS	
Structure of the civilian firearms market	Number of firms producing civilian firearms and ammunitions in the country per size and their related share on the total number (i.e. Large Enterprises, from 250 employees; SMEs <250 employees; micro-enterprises, <10 employees)	57 entrepreneurs and 58 gunsmiths <i>Source: Ministry of Interior</i>
	Total number of persons employed by firms producing civilian firearms and ammunitions	N.A.
Related sectors	Number of dealers and repairers of civilian firearms and in the country	322 dealers and 108 brokers
	Employees/number of persons involved in these activities	N.A.
Production of civilian firearms and ammunitions	Volume (i.e. units) of civilian firearms in the country (average volume yearly produced or data referred to the trends over the years)	2,000 long firearms 9,000 short firearms <i>Source: WFS estimates for 2012</i>
	Value (i.e. sales/turnover of the enterprises involved) of civilian firearms in the country (average value yearly produced or data referred to the trends over the years)	N.A.
	Value of ammunitions in the country (average value yearly produced or data referred to the trends over the years)	N.A.
Relevant markets	Share of the production of civilian firearms and ammunitions sold to other MSs (% on total), and to extra-EU countries (% on total)	<ul style="list-style-type: none"> Intra EU28: 4% of total export Extra EU28: 96% of total export <i>Source: Eurostat International Trade Database (year 2013)</i>
	Volume and value of export of civilian firearms and ammunitions produced in the country, towards other EU MSs (intra-EU trade) and Third countries (extra-EU trade)	<ul style="list-style-type: none"> Intra EU28: € 0.5 m Extra EU28: € 13 m Intra EU28: 0.3 m kilos Extra EU28: 0.7 m kilos <i>Source: Eurostat International Trade Database (year 2013)</i>

¹⁹¹ Interview, Polish users' association.

7.4 Overall comments and remarks

The contacted stakeholders expressed a series of suggestions as possible areas of improvement for the firearms Directive.

As regards **categories**, there are diverging opinions. While the representative of the Ministry of Interior asks for the reduction of categories to two in all MS, for security reasons, the representative of users, prefer the four categories introduced by the Directive. This would not only contribute to boost the market, but it would also improve security, given that many more people would be encouraged to declare the firearms they own.

The **harmonisation** of the Directive implementation at national level is equally supported by Government representatives and by the representative of users. The Government states the need to harmonise the legislation on essential parts and components (among pieces of EU legislation and among MSs) and to improve the application of article 1 in Poland by means of a regulation. Users' representatives request for an overall harmonisation of firearms de-activation procedures to enable mutual recognition of de-activation certificates across MS.

The following aspects were highlighted as areas of future intervention of the EU:

- improvement of the Polish **translation** of the Directive (e.g.: definition of firearms and of dealers/brokers and of essential components, aligning the latter with the definition provided in the UNFP);¹⁹²
- introduction of a provision to enable EFP holders to **purchase ammunitions** abroad;¹⁹³
- spread **more information** on which types of firearms can be entered in a country with the EFP and on the documents needed together with the pass;¹⁹⁴
- strengthen the **involvement** of relevant stakeholders in the decision-making related to future revisions of the Directive;¹⁹⁵
- extension of the scope of the **transfer permit** to allow foreign firearms purchasers to take advantage of after-sales services across MSs.

Additional specific points of attention targeted to the national Authority were raised as regards to:

- the possibility to sell firearms on internet that shall be further regulated;¹⁹⁶
- the need for digitalisation of the transfer procedures.¹⁹⁷

¹⁹² Interview, Polish users' association and expert from Warmia and Mazury University.

¹⁹³ Interview, Polish users' association.

¹⁹⁴ Interview, Polish firearms dealer.

¹⁹⁵ Interview, Polish firearms dealer.

¹⁹⁶ Interview, Polish firearms dealer.

¹⁹⁷ Interview, Polish users' association.

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Annex 8. Evaluation grids

CRITERIA	RELEVANCE
Evaluation question	To what extent is the Directive relevant to the needs and risks identified? To what extent did the legislative measures corresponds to the objectives?
Understanding the question	Understanding to what extent the strategic and operational approach defined in the Directive 91/477/ECC and its' amendment in 2008 are relevant to meet the existing needs in the area of internal market functioning and EU citizens' security

SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
Does the Directive cover current market needs and security risks ?	<p>The topics covered by the directive match with the main issues arising from the market analysis.</p> <p>The provisions of the Directive create favourable conditions for the production and marketing of firearms in the internal market.</p> <p>The Directive is adequate with respect to the current and emerging security risks at the EU and national level.</p>	<p>a) Desk and field research to provide an analysis of the market and security trends, with specific focus on:</p> <ul style="list-style-type: none"> production and intra-EU flows (import-export) since the entry into force of the Directive; trends in crimes due to firearms, per category of firearm; emerging security issues. <p>b) Identification of the main obstacles faced by economic operators in the production and marketing of firearms.</p> <p>c) Identification of the security issues not covered or not adequately covered by the implementation of the Directive.</p>	<ul style="list-style-type: none"> Development of the firearms sector; Development of the internal market trade of firearms, as compared to the external market (trends of the intra-EU trade and extra EU trade); Incidents, criminal offences related to different categories of firearms/different users; Evidence on current and emerging threats not covered by the Directive; Evidence on illicit Trafficking; Perceptions of EU citizens on security. 	<p>Primary sources: MS authorities, representatives of the firearms industry, dealers and brokers, firearms users, research institutes, EU officials, Expert groups and representatives of other relevant international institutions at EU level (Europol, UNDOC).</p> <p>Secondary sources: Eurostat statistics on Arms production, Eurostat statistics on trade, databases for the collection of economic and financial data of the main companies, Eurobarometer survey 2013.¹⁹⁸</p>

¹⁹⁸ Flash Eurobarometer 383.

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SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
<p>Is the treatment of categories of firearms in the Directive sufficiently clear, with specific reference to:</p> <ul style="list-style-type: none"> the distinction between category A and the other categories; the distinction between firearms for hunting and sport shooting versus other firearms. <p>Is it necessary to change the number of firearms categories and possible options, considering their advantages and/or disadvantages?</p> <p>Which are the expectations of MS's administrations and other stakeholders (brokers, dealers, firearms users)?</p> <p>Which is the potential impact on the internal market and on security?</p>	<p>National law enforcement bodies and other stakeholders (firearms users, dealers, brokers and producers) can clearly understand the distinction among categories and do not need additional assistance.</p> <p>Obstacles in the free movement of hunters and sport shooters.</p> <p>Obstacles in the trade of firearms across MS.</p> <p>The Firearms categories of each MS limit phenomenon of "cross-border lower category shopping"</p>	<p>Analysis of the implementation across MS of the classification of firearms according to the categories of the Directive and collection of evidence on related issues for economic operators and users.</p> <p>The information will be collected through:</p> <ul style="list-style-type: none"> Survey among MS's authorities; Desk analysis of the relevant national provisions and data already collected at EU level. 	<p>Level of mismatch among descriptions at MS level and categories in the Directive</p>	<p>Primary sources: MS authorities; Representatives of the firearms industry, dealers and brokers, firearms users.</p> <p>Secondary sources: National provisions implementing the Directive.</p> <p>Commission Communication COM (2012) 415 and related background documents.</p>
<p>Is the treatment of category D in the Directive relevant to the needs and risks?</p>	<p>Category D treatment in the Directive should reflect trends in offences/criminal acts, as well as ensure the effective enjoyment of the EU free movement rights.</p>	<p>Analysis of the trends in number of offences/criminal acts involving category D weapons in comparison to categories A, B, C weapons.</p>	<p>Rate of growth of offences/criminal acts involving category D vs. other categories.</p>	<p>Primary sources: MS authorities; Representatives of the firearms industry, dealers and brokers, firearms users.</p> <p>Secondary: EC reports and strategic documents (e.g. COM(2010) 404 final, COM (2012) 415 final, COM(2013) 716 final).</p>

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SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
Is the treatment of hunters and marksmen in the Directive relevant to the needs and risks?	Derogations for hunters and marksmen in the directive should ensure adequate protection from offences/criminal acts across the EU MS.	Analysis of the trends in number of offences/criminal acts committed by hunters and marksmen as compared with overall offences/criminal acts due to firearms.	Licensed hunters, sports shooters, collectors and dealers using the firearms pass to travel within the EU. Frequency of offences/criminal acts committed by hunters and marksmen.	Primary: MS authorities; Representatives of the firearms industry, dealers and brokers, firearms users. Secondary: EC reports and strategic documents (e.g. COM (2010) 404 final, COM (2012) 415 final, COM (2013) 716.
Does the Directive cover current market needs and security risks , including the issues related to illicit trafficking?	The topics covered by the Directive match with the main issues arising from the market analysis. The Directive is adequate with respect to the current and emerging security risks at EU and national level.	a) Desk and field research to provide an analysis of the market and security trends, with specific focus on: <ul style="list-style-type: none"> production and intra-EU flows (import-export) since the entry into force of the Directive; trends of crimes due to firearms, per category of firearm; information on illicit firearms trafficking routes; emerging security issues. b) Identification of the main obstacles faced by economic operators in the production and marketing of firearms. c) Identification of the security issues not covered or not adequately covered by the implementation of the Directive.	<ul style="list-style-type: none"> Development of the firearms sector; Development of the internal market trade of firearms, as compared to the external market (trends of the intra-EU trade and extra EU trade); Incidents, criminal offences related to different categories of firearms/different users; Evidence on current and emerging threats not covered by the Directive; Evidence on illicit Trafficking; Perceptions of EU citizens on security. 	Primary sources: MS authorities, representatives of the firearms industry, dealers and brokers, firearms users, research institutes, EU officials, Expert groups and representatives of other relevant international institutions at EU level (Europol, UNDOC). Secondary sources: Eurostat statistics on Arms production, Eurostat statistics on trade, and databases for the collection of economic and financial data of the main companies, Eurobarometer survey 2013 ¹⁹⁹ .

¹⁹⁹ Flash Eurobarometer 383.

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CRITERIA	EFFECTIVENESS
Evaluation question	To what extent has the Directive contributed to an efficiently operating internal market for firearms? To what extent has the Directive achieved its' aim with regard to the security and protection of health of persons?
Understanding the question	Evaluating whether and to what extent have the set targets been achieved so far at both EU and MS level, by taking into account both the general goals related to the functioning of the internal market and the security of EU citizens. The assessment of the overall achievements will be carried out by taking into account the different areas of intervention of the Directive and the specific provisions contributing to the general goals.

SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
Which are the current patterns and trends concerning the firearms market ? Which are the trends concerning criminal offences and illicit trafficking related to firearms? Which changes occurred following the Directive 91/477/ECC and its' amendment?	The implementation of the Directive will be framed in the context of market and criminal trends analysis.	Desk and field research with specific focus on: <ul style="list-style-type: none"> changes in the market structure, production and size of the internal trade since the entry into force of the Directive and the modifications introduced in 2008; trends in crimes due to firearms, per category of firearm. emerging security issues 	<ul style="list-style-type: none"> Statistical data on market and security issues (see the criteria "Relevance"). Specific focus on: <ul style="list-style-type: none"> Evidence on changes occurred in terms of the categories of firearms produced and/or marketed by EU producers; Changes of the import/export features and routes (i.e. import/export of different types of firearms intra- and extra-EU). 	Primary sources: MS Competent authorities, representatives of the producers, dealers and brokers, EU Expert groups. Secondary sources: Eurostat statistics on trade, databases for the collection of economic and financial data of the main companies, Eurobarometer survey 2013.

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SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
Is the categorisation of firearms set out in Annex I of the Directive effective in the view of a smooth functioning of the internal market and protection of citizens?	<p>The Directive does not provide for full harmonization of rules, whereas the MSs can apply stricter rules.</p> <p>The answer to this evaluation question is aimed at understanding whether the application of the categorisation of firearms in MSs grant safer conditions for EU citizens and simpler procedures for economic operators.</p>	<p>Analysis of the classification of firearms in MSs and main approaches.</p> <p>Estimate economic importance of the sector.</p> <p>Risks analyses related to the illicit use of firearms.</p> <p>Assessment of the application of the exceptions set out in the Annex I of the Directive on alarm or signal weapons, deactivated firearms and replicas.</p>	<p>Number of registered hunters and hobby marksmen.</p> <p>Number of firearms circulating in the market.</p> <p>Reports on criminal offences due to illicit use of civilian firearms (particularly those under categories B, C and D will be taken into account).</p> <p>Issues (security issues and obstacles for economic operators) related to alarm or signal weapons, de-activated firearms and replicas.</p>	<p>Primary: MS authorities, Representatives of producers, dealers and brokers, Firearms users, including hunters and marksmen.</p> <p>Secondary: national rules on the classification of firearms; Relevant Commission documents on the matter (COM (2012) 415 final)</p> <p>Data from the national/European associations of manufactures and firearms users</p>
<p>To what extent rules for firearms licensing ensure a high level of protection from criminal purposes?</p> <p>How effective are the rules for the issuance of licensing for dealers and brokers and for the acquisition and possession of the firearms?</p>	<p>With reference to the authorisations for firearms dealers, brokers and owners, the Directive defines only basic requirements (the obligation for dealers and brokers to record data; the obligations to get an authorisation for owners). The analysis will focus on assessing the:</p> <ul style="list-style-type: none"> • Requirements to be fulfilled for the acquisition and ownership of a firearm; • Mandatory requirements for dealers and brokers implemented in MS; • Supervision by MS's authorities on the mandatory information registers of dealers and brokers. 	<p>Analysis of the current practices in MS and the issues encountered.</p>	<p>Evidence on criminals having acquired firearms through legal procedures and lawful purchase;</p> <p>Share of MS requiring medical checks as well as criminal record checks as a condition for the lawful purchase and ownership of any firearm;</p> <p>Share of MS providing for time-limited licences subject to renewal.</p>	<p>Primary:</p> <p>MS authorities, Representatives of the producers, dealers and brokers, Firearms users, including hunters and marksmen, other stakeholders: International bodies, associations, research institutes and other experts.</p> <p>Secondary:</p> <p>Implementing rules and administrative provisions at national level.</p>

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SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
<p>Are the provisions on marking in the Directive relevant to prevent the growth of the illicit firearms market?</p> <p>Are the guidelines adopted by the International Association of proof houses (C.I.P.) appropriate as a basis for a common approach?</p>	<p>Low standards for marking can have security issues, as far as the marks can be erased or altered.</p> <p>Failures in the marking of all the essential components of firearms create vulnerabilities to the illicit trafficking of parts and components of firearms.</p> <p>Differences in procedures/rules for marking across MS can reduce the possibility for tracing firearms and, therefore, hinder the law enforcement when cross-border crimes are committed.</p>	<p>Analysis of the level of homogeneity in the marking procedures/rules in MS</p> <p>Analysis of the inclusion of new/innovative technologies in the marking procedures/rules of MS (e.g. forensic markers to improve the traceability of firearms, 3-D printing or digital locks?)</p> <p>Comparison between the procedures/rules adopted in MS and the C.I.P. guidelines.</p>	<p>Cases of alteration of marks.</p> <p>Use of parts and components of firearms for illicit purposes.</p> <p>Cases of firearms found on a crime scene which cannot be traced back to the MS of origin.</p>	<p>Primary: MS authorities; representatives of CIP and national Proof Houses; producers and their associations.</p> <p>Secondary: National legislations and/or guidelines on marking; EC reports and strategic documents; CIP documents and guidelines; results of the on-going impact assessment studies on marking, de-activation and destruction of firearms, as well as on alarm weapons and replicas.</p>
<p>To what extent the rules on deactivation, as applied in the MS, are secure?</p>	<p>Guarantees put in place to ensure that de-activated firearms cannot be re-activated.</p>	<p>Analysis of the standards applied in MS for the deactivation of firearms, legal or natural persons entitled to carry out de-activation, licences and permits need, control procedures defined, and registration of the information on de-activated firearms.</p>	<p>Cases of deactivated firearms and/or parts and components having caused incidents/having been used for criminal purposes.</p>	<p>Primary: MS authorities, Representatives of the EC and Representatives of CIP involved in the EC work on the definition of common deactivation standards.</p> <p>Secondary: Commission Reports, results of the on-going impact assessment studies on marking, de-activation and destruction of firearms, as well as alarm weapons and replicas and on criminal sanctions.</p>

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SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
<p>Is the European Firearms pass an effective tool for safeguarding the licit use and transfer of firearms in the EU?</p> <p>Are there security risks implied/not tackled by the circulation of firearms under the European Firearms pass?</p>	<p>Harmonization of rules for obtaining the firearms pass in MS</p> <p>Enjoyment of free movement rights by hunters, sports shooters and other relevant categories of firearms users</p> <p>Security risks raised</p>	<p>Analysis of the application of rules related to the issuance of the European Firearms pass in the MS.</p> <p>Collection and analysis of data or evidence of crimes involving hunting or sporting firearms.</p>	<p>Number of European Firearms pass issued by MS;</p> <p>Number of incidents due to hunting or sporting firearms (based on the availability of data)</p>	<p>Primary: MS authorities, Representatives of the producers, dealers and brokers, Firearms users, including hunters and marksmen.</p> <p>Secondary: Implementing rules and administrative provisions concerning the European Firearms pass at national level;</p> <p>Relevant Commission documents on the matter (COM (2012) 415 final)</p> <p>Data from the national/European associations of manufactures and users of sporting firearms</p>
<p>To what extent the penalties adopted by MS result to be dissuasive in preventing infringements?</p>	<p>Assessment of the national definitions of specific offences related to infringements of the legislation implementing the Firearms Directive.</p>	<p>Analysis of the MS measures, national legislation and criminal law provisions and their application on the ground</p>	<p>Evidence on the trends in criminal proceedings, since the adoption of the relevant legislation.</p>	<p>Primary sources: MS Competent authorities, representatives of the producers, dealers and brokers, EU Expert groups, Experts and research institute.</p>
<p>Did MS establish a computerised data-filing system for the record of firearms?</p>	<p>Ability of the MS to effectively record and track the existing weapons</p>	<p>Analysis of the information systems and data collection arrangements set up in the MS, and to the purposes of cross-border cooperation.</p>	<p>The infrastructure to collect and store related information</p> <p>Presence of specific rules for sharing and recording information</p>	<p>Primary: MS Competent authorities, Representatives of EU bodies (such as Europol).</p> <p>Secondary:</p> <p>National legislations and/or documentation related to the national and EU information systems.</p>

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CRITERIA	EFFICIENCY
Evaluation question	Are the results achieved at a reasonable cost? Is the administrative burden created by the implementation of the Directive's concepts and procedures considered proportionate?
Understanding the question	Assessing to what extent the obligations placed by the Directive are efficient in terms of benefits achieved, as compared to the costs implied.

SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
Which is the administrative burden implied by European Firearms pass ? Is the administrative burden counterbalanced by the harmonization of the procedures introduced?	<ul style="list-style-type: none"> Assessment of the cost and the administrative burden placed on competent public authorities, as well as on hunters and ports shooters; Effectiveness of the firearms pass (based on the results of the evaluation, see the previous criterion). 	<p>Analysis based on the assessment of:</p> <ul style="list-style-type: none"> Documents and controls requested for the issuance of the European Firearms pass in different MS; Fees requested in some MS and administrative procedures for collecting these fees; Number of firearms passed issued each year and, possibly, trends since its' introduction. 	<ul style="list-style-type: none"> Number of documents requested in MS (on average) for the issuance of the European Firearms pass; Number of MS requesting a fee and amount of the latter; Time and frequency of the administrative procedures for issuing the European Firearms pass/collecting the fee; Evidence and information of the cross-border activities of hunters and sports shooters (see the previous criterion). 	<p>Primary: MS authorities, EU and national associations of firearms users.</p> <p>Secondary:</p> <p>Implementing rules and administrative provisions concerning the European Firearms pass.</p> <p>Commission Communication COM (2012) 415 and background documents.</p>
Which other obligations introduced by the Directive imply an administrative burden on MS and target groups? How do these compare with the effectiveness of the Directive?	<p>Number of procedures which entail obligation information, target groups involved (competent public authorities, hunters and ports shooters, producers, dealers, and brokers) and extent of the burden.</p> <p>Assessment of the effectiveness of the Directive in achieving the results.</p>	<p>Analysis of the information obligations and the administrative burden related to selected procedures of the Directive, such as:</p> <ul style="list-style-type: none"> Marking procedures; Record keeping and Information system; Procedures for the record of data of brokers and dealers; Procedures to be executed by firearms ownership. <p>Qualitative assessment of the cost-effectiveness, based on the evaluation results included in the "effectiveness".</p>	<ul style="list-style-type: none"> Overall number of information obligations; Estimate of the time required and the frequency of the procedures for each target group involved (in particular, for competent authorities of the MS). 	<p>Primary: MS authorities, Representatives of the producers, dealers and brokers, Firearms users.</p> <p>Secondary: National legislations and/or guidelines, provisions on the specific procedures.</p>

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CRITERIA	CONSISTENCY
Evaluation question	Is the Directive applied in a consistent and uniform manner among MS? Is the scope of the Directive clear, or are there diverging interpretations within MS?
Understanding the question	Understanding the level of harmonization achieved among MS and the extent to which the remaining divergences can prevent the achievements of the overall objectives of the Directive.

SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
To what extent have the definitions of key terms of the Firearms Directive (such as dealer, broker, authorisation, notification, licence) been introduced in national transposition laws and measures in a consistent manner?	To what extent do MS apply uniform or diverging definitions	Analysis of the transposition of the EU Directive across EU MS.	<ul style="list-style-type: none"> Degree of variability among MS. 	Primary: MS authorities, Representatives of the producers, dealers and brokers, Firearms users. Secondary: National legislative acts implementing the Firearms Directive; Relevant Commission documents.
To what extent harmonized rules are provided for the issuance of licencing for dealers and brokers and for the acquisition and possession of the firearms ?	<ul style="list-style-type: none"> Degree of variation across MS with regards to requirements to be fulfilled for the acquisition and ownership of a firearm; Degree of variation across MS as regards to requirements for dealers and brokers. 	Analysis of the current practices in MS and the specific requirements for the issuance of licensing for dealers and brokers and for the acquisition and possession of the firearms.	Classification of MS, according to the prevailing approaches regarding: <ul style="list-style-type: none"> Requirements to be fulfilled as a condition for the lawful purchase and ownership of any firearm; Requirements to be fulfilled by dealers and brokers as a condition for the licence; Time validity of permits and licences issued. 	Primary: MS authorities, Representatives of the producers, dealers and brokers, Firearms users. Secondary: Implementing rules and administrative provisions concerning the European Firearms pass at national level

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SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
Within the classification set out in Annex I of the Directive, what degree of differentiation does remain in the categorisation of firearms in national system?	Understanding to what extent MS applied in a different manner the classification of firearms set out in Annex I of the Firearms Directive.	Analysis of the categorisation of firearms adopted in different MS, and distinction of the main approaches adopted.	MS having opted for more restrictive provisions than those set out in the Annex I; MS providing 2 or 3 categories of firearms, as compared to those applying 4 categories – in line with the Annex I. Cases of issues in the cross-border trade of firearms/cross-border hunting or sporting activities.	Primary: MS authorities, Representatives of the producers, dealers and brokers, Firearms users. Secondary: national rules on the classification of firearms; Relevant Commission documents on the matter (COM (2012) 415 final); Data from the national/European associations of manufactures and users of civilian firearms.
Concerning the rules for marking , what degree of variation exists between MS? Which are the consequences?	Scope and quality/security of the marking requirements set out by and used in MS, in relation to firearms, their parts and components. Consequences of the rules on marking and traceability in terms of control of illicit trafficking, illicit use and alteration of firearms: MS applying less stricter rules and/or less secure standards in marking provisions may have a negative effect on the efforts made by other MS in order to grant the recognition and tracing of firearms, parts and components, as well as the protection against alteration of marks.	Analysis of the marking procedures adopted in MS, parts and components subject to marking, and identification of the main approaches and differences. Analysis of the level of security in the marking procedures in MS, technologies used.	Degree of variation among MS in terms of: <ul style="list-style-type: none">• Kinds of marking applied and technology used;• Rules for marking of parts and components.	Primary: MS authorities, Representatives of the EC and Representatives of CIP involved in the EC work on the feasibility of an EU marking system. Secondary: National legislations and/or guidelines on marking; CIP documents and guidelines on marking; results of the on-going impact assessment studies on marking, de-activation and destruction of firearms, as well as alarm weapons and replicas and on criminal sanctions.
How did MS implement the Directive's requirement on deactivation ?	Differences among MS and comparability of the deactivation standards and	Analysis of the rule applied in MS, concerning:	<ul style="list-style-type: none">• Number of MS applying CIP standards vs. the number of MS having	Primary: MS authorities, Representatives of the EC and Representatives of CIP involved

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SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
What is the definition of de-activated firearms in MS and which rules and standards are applied?	procedures for registration applied across MS. Moreover, in some MS in CIP proof houses the firearms are also deactivated, using specific techniques and in line with the national requirements.	<ul style="list-style-type: none"> Technical standards for the de-activation of firearms, by distinguishing between MS relying on CIP and MS having defined their own standards. Bodies and institutions involved in the execution and control of deactivation. Requirements to be fulfilled by the entity(ies) authorised to carry out the deactivation or destruction. Information recorded on de-activation procedures and de-activated firearms. 	<ul style="list-style-type: none"> defined their own standards; Number of MS where de-activation can be carried out only by a single authority/authorised bodies which's competence is defined by legislation; Number of MS providing for registration of deactivated firearms. 	<p>in the EC work on the definition of common deactivation standards.</p> <p>Secondary: Commission Reports, results of the on-going impact assessment studies on marking, de-activation and destruction of firearms, as well as alarm weapons and replicas and on criminal sanctions.</p>
To what degree has the European Firearms pass been uniformly implemented in MS?	Harmonization of procedures for obtaining the firearms pass in MS	Analysis of the rules and procedures defined for the issuance of the European Firearms pass in the MS	<ul style="list-style-type: none"> Differences among MS in terms of number of documents required/requirements to be fulfilled; Share of MS applying a fee. 	<p>Primary: Primary: MS authorities, Representatives of Firearms users.</p> <p>Secondary: Implementing rules and administrative provisions concerning the European Firearms pass at national level; Relevant Commission documents on the matter (COM (2012) 415 final).</p>
Did MS establish a computerised data-filing system for the record of firearms? If so, which are the approaches used?	Scope and functionalities of the information systems adopted (or to be adopted) by MS to record and track the existing weapons	Analysis of the information systems and data collection arrangements set up in the MS, also for the purpose of cross-border cooperation.	<p>Scope of the information systems across MS, in terms of:</p> <ul style="list-style-type: none"> Information recorded and categories of arms included; Frequency of the updates; 	<p>Primary: MS Competent authorities, Representatives of EU bodies (such as Europol).</p> <p>Secondary: National legislations and/or documentation related to the national and EU information systems.</p>

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SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
Is the application of the Firearms Directive consistently enforced in MS ?			<ul style="list-style-type: none"> Rules for the use and sharing of information. 	
	National measures taken by MS to ensure the application and enforcement of the Firearms Directive	Rules, measures and penalties laid down by MS on penalties applicable to infringements of the national provisions adopted in line with the Firearms Directive.	<ul style="list-style-type: none"> Mechanisms for the enforcement of the national legislation on firearms. Penalties and sanctions applied. 	<p>Primary: MS authorities, EU officials, Expert groups and representatives of other relevant international institutions at EU level, other stakeholders: International bodies, associations, research institutes and other experts.</p> <p>Secondary: infringements procedures and case law of the European Court of Justice; results of the on-going impact assessment on criminal sanctions.</p>
To what extent is the EU Firearms Directive coherent with other pieces of EU legislation dealing with weapons?	<ul style="list-style-type: none"> Comparison with other EU measures dealing with firearms regulation, internal and external strategies for security. 	Analysis of the relevant EU legislative framework.	<ul style="list-style-type: none"> Consistency and synergies or overlapping with EU legislation on military and civilian firearms; Consistency and synergies or overlapping with EU strategies for internal security. 	<p>Secondary:</p> <p>Relevant EU legal acts, Commission Communications and other policy documents (UN Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the UN convention against transnational organized crime"; Arms Trade Treaty; Directive 2009/43/ on simplifying terms and conditions of transfers of defence-related products within the Community; UN Resolution 2117 (2013) on SALW).</p>

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CRITERIA	EU ADDED VALUE
Evaluation question	To what extent has the Directive had an added value? To what extent could the EU added-value be improved? To what extent has the EU legislation contributed to reach the objectives, as opposed to national legislation?
Understanding the question	Assessing to what extent the results of the EU action are additional to the value that would have resulted from action at MS level.

SUB-QUESTIONS	JUDGEMENT CRITERIA	ANALYTICAL APPROACH	INDICATORS AND DESCRIPTORS	SOURCES
Did the classification of firearms and the definition of related rules for their acquisition and possession contribute to the better functioning of the internal market and improved security?	<ul style="list-style-type: none"> Simplification of the circulation of firearms for civilian use across MS; Improved security due to the clarification of which firearms are banned and which require a licence, or increased diversion of legal trade of weapons to illegal channels. 	<p>Analysis of the data on licit and illicit market, on criminal offences due to firearms.</p> <p>Analysis of the cross-border trade, sporting and hunting activities.</p>	<ul style="list-style-type: none"> Trends in criminal offences due to firearms; Trends in illicit trafficking. 	<p>Primary: MS authorities, Representatives of the producers, dealers and brokers, Firearms users, other stakeholders: International bodies, associations, research institutes and other experts.</p> <p>Secondary: Statistical data on the size of the market and trends in criminal offences due to firearms. Relevant Commission documents.</p>
Has the cross-border movement of firearms for licit purposes been simplified and improved?	Ability of hunters and shooters to move across the MS thanks to the European firearms pass	<p>Analysis of the application of rules related to the issuance of the European Firearms pass in the MS.</p> <p>Harmonization of procedures for obtaining the firearms pass in MS.</p>	<p>Number of European Firearms Pass holders and, possibly, trends over the years.</p> <p>Number and types of additional information requested to hunters and shooters holding a Firearms Pass and moving across MS (as a means to assess the simplification introduced)</p> <p>Changes in the number and types of information requested to hunters and shooters moving across MS after the introduction of the Firearms Pass</p>	<p>Primary: MS authorities, Representatives of the producers, dealers and brokers, Firearms users, other stakeholders: International bodies, associations, research institutes and other experts.</p> <p>Secondary: Implementing rules and administrative provisions concerning the European Firearms pass at national level;</p> <p>Relevant Commission documents on the matter (COM (2012) 415 final)</p> <p>Data from the national/European associations of manufactures and users of sporting firearms.</p>

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Annex 9. Answers to the evaluation questions

Evaluation question	Ref. in the Final Report
Relevance	
<p>1. To what extent do the objectives and scope of the Directive correspond to the needs and risks defined?</p> <p>The Firearms Directive proves to be relevant to current market needs. Concerns raised by economic operators (obstacles and burden generated by different classification of firearms, different rules applied to the same type of firearm and different procedures and requirements adopted at national level) do not relate to the Directive itself but rather to the different implementing measures and procedures that MS have adopted. As for security, most of concerns at EU level fall within the scope of the Directive and relate to the terms “convertibility” and “essential components”. Other concerns, related for instance to altered or erased marks and firearms thefts, have a more local dimension and would require an improved sharing of responsibilities among MS to adequately address them. New technologies (e.g. 3D printing) and new sales channels (e.g. internet) may challenge in the future the scope of the Directive.</p>	Par. 4.2
<p>2. To what extent did the legislative measures contribute to the objectives?</p> <p>The establishment of minimum requirements for ownership together with the definition of minimum and common danger thresholds (categories) for firearms circulating in the EU are conditions that have increased overall security and prevented MS from adopting less stringent regulations. Also deactivation requirements positively contributed to the security objective; however the lack of common deactivation procedures and the fragmentation of responsibilities in the process have left room for criminals to benefit from the existing differences. The introduction of marking requirements has positively contributed to the objective of improving the tracing of firearms, strengthening law enforcement capacities in dealing with cross-border criminal offences involving civilian firearms. However, the lack of a common understanding on essential components creates uncertainties across MS and security concerns related to illicit trade of unmarked components. Furthermore, the European Firearms Pass strongly contributed to the simplification of procedures for the transfer of hunting and sport shooting firearms across MS.</p>	Par. 4.3
Effectiveness	
<p>3. To what extent has the Directive achieved its’ aim with regard to the security and protection of health of persons?</p> <p>The level of security and protection against criminal acts and illicit trafficking has been improved mainly through the introduction of additional tracing requirements for MS competent authorities and dealers. The comprehensiveness and accuracy of information on firearms and firearms owners/dealers available to law enforcement has improved remarkably and is expected to further increase once all the national computerised data systems will be fully operational. However, cases of conversion of alarm weapons, of re-activation of de-activated firearms and of illegal trade in firearms parts suggest the existence of areas for improvement.</p>	Par. 4.3

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<p>4. To what extent has the Directive contributed to an efficiently operating internal market for firearms?</p> <p>The introduction of categories and related regulatory regimes allowed preventing the potential market distortions linked to the abolition of the internal controls. However, the different interpretations at national level have limited the magnitude of the expected benefits of the EU intervention and to a minor extent created some obstacles to the movement of hunters and marksmen. In this regard, a number of concerns related to specific obstacles and burdens on producers, hunters and marksmen have been raised.</p>	Par. 4.3
Efficiency	
<p>5. Are the results achieved at a reasonable cost? In particular is the administrative burden created by the implementation of the Directive's concepts and procedures considered proportionate?</p> <p>The Directive's results have been achieved at reasonable costs based on the analysis of costs and stakeholders' perception of the burden generated by the Directive. Costs linked to the implementation of the Directive's provisions are justified and acceptable, they are fairly distributed among interested stakeholders, often serve more than one objective and no infrastructure investments are required (except for the creation of a computerised data-filing system).</p>	Par. 4.4
Consistency	
<p>6. Is the scope of the Directive clear, or are there diverging interpretations within Member States?</p> <p>The scope of the Directive is generally clear exception made for the definition of "convertibility" as it leaves room for uncertainty on the classification of alarm weapons as firearms across MS.</p>	Par. 4.1
<p>7. To what extent have the definitions of key terms of the Firearms Directive (such as dealer, broker, authorisation, notification, licence) been introduced in national transposition laws and measures? To what extent do Member States apply diverging definitions which might affect the objectives of the Directive?</p> <p>The analysis has raised significant differences in the interpretation of some key terms at national level. Essential components, brokers, alarm weapons and antique weapons are among the most controversial. The inconsistencies of the EU legislation with the United Nations Firearms Protocol as for the definition of essential components and the lack of clarity of the Directive in the definition of a broker, of the convertibility criteria for alarm weapons and of the criteria to define an antique weapon, left room for national interpretations and in some cases to security problems (e.g. trade in parts and components, conversion of alarm weapons).</p>	Par. 4.1
<p>8. To what extent is the legislative measure coherent with other pieces of legislation dealing with weapons?</p> <p>The analysis highlighted a number of inconsistencies between the Directive and the United Nations Firearms Protocol (UNFP). The analysis has raised, for instance, ambiguity around the definition of essential components (as included in the Directive) and parts and components (as included in the UNFP); whether essential components should be considered only as the ones indicated in the Directive or include additional parts as suggested by the UNFP; whether to consider de-activated firearms as firearms (as suggested by the UNFP) or not.</p>	Par. 4.1

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European added value	
9. To what extent has the Directive had an added value? To what extent could the EU added-value be improved? The added value of this Directive lies in the common regulatory framework for firearms regulation that would not have been achieved through national or bilateral interventions. Moreover, the EU Directive has enhanced transparency of MS' national firearms control policies thus facilitating cross-border cooperation. The EU added value would likely be improved with regards to both security and market if an improved harmonisation of interpretations and implementing procedures would be achieved. Nevertheless, since firearms relate to national competencies such as criminal law and security, this would require a direct accountability and involvement of MS.	Par. 4.5
10. To what extent has the EU legislation contributed to reach the objectives, as opposed to national legislation? Most of the issues described in the study are partly related to differences in national legislation and clearly assume a cross-border nature. Vulnerabilities of a single MS to criminal activity (e.g. conversion of alarm weapons, illicit trafficking of firearm parts) affect the EU as a whole. Such differences represent also an obstacle to controls and police cooperation across MS. Based on this, effective action to reach the objectives of ensuring a high level of security for EU citizens and allowing the cross-border movement of firearms could have been taken only at EU level.	Par. 4.5

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