

**DIRECTIVE (EU) 2017/853 OF THE
EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

of 17 May 2017

**amending Council Directive 91/477/EEC on
control of the acquisition and possession of
weapons**

THE EUROPEAN PARLIAMENT AND THE
COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning
of the European Union, and in particular Article
114 thereof,

Having regard to the proposal from the
European Commission,

After transmission of the draft legislative act to
the national parliaments,

Having regard to the opinion of the European
Economic and Social Committee (1),

Acting in accordance with the ordinary
legislative procedure (2),

Whereas:

(1) Council Directive 91/477/EEC (3)
established an accompanying measure for the
internal market. It created a balance between, on
the one hand, the commitment to ensure a
certain freedom of movement for some firearms
and their essential components within the Union,
and, on the other hand, the need to control that

freedom using security guarantees suited to those products.

(2) Certain aspects of Directive 91/477/EEC need to be further improved in a proportionate way, in order to address the misuse of firearms for criminal purposes, and considering recent terrorist acts. In this context, the Commission called in its communication of 28 April 2015 on the European Agenda on Security, for the revision of that Directive and for a common approach on the deactivation of firearms to prevent their reactivation and use by criminals.

(3) Once firearms are lawfully acquired and possessed in accordance with Directive 91/477/EEC, national provisions concerning the carrying of weapons, hunting or target shooting should apply.

(4) For the purposes of Directive 91/477/EEC, the definition of a broker should cover any natural or legal person, including partnerships, and the term 'supply' should be deemed to include lending and leasing. Since brokers provide services similar to those supplied by dealers, they should also be covered by Directive 91/477/EEC in respect of those obligations of dealers that are relevant to brokers' activities, to the extent that they are in a position to fulfil those obligations and in so far as these are not fulfilled by a dealer as regards the same underlying transaction.

(5) The activities of a dealer include not only the manufacturing but also the modification or conversion of firearms, essential components and ammunition, such as the shortening of a

complete firearm, leading to a change in their category or subcategory. Purely private, non-commercial activities, such as hand-loading and reloading of ammunition from ammunition components for own use or modifications of firearms or essential components owned by the person concerned, such as changes to the stock or sight or maintenance to address wear and tear of essential components, should not be considered to be activities that only a dealer would be permitted to undertake.

(6) In order to increase the traceability of all firearms and essential components and to facilitate their free movement, all firearms or their essential components should be marked with a clear, permanent and unique marking and registered in the data-filing systems of the Member States.

(7) The records held in the data-filing systems should contain all information allowing a firearm to be linked to its owner and should record the name of the manufacturer or brand, the country or place of manufacture, the type, make, model, calibre and serial number of the firearm or any unique marking applied to the frame or receiver of the firearm. Essential components other than the frame or receiver should be recorded in the data-filing systems under the record relating to the firearm to which they are to be fitted.

(8) To prevent markings from being easily erased and to clarify which essential components the marking should be affixed to, common Union rules on marking should be introduced. Those rules should apply only to firearms or

essential components that are manufactured or imported into the Union on or after 14 September 2018, when they are placed on the market, while firearms and parts manufactured or imported into the Union before that date should remain covered by the marking and registration requirements under Directive 91/477/EEC that are applicable until that date.

(9) In view of the dangerous nature and durability of firearms and essential components, in order to ensure that competent authorities are able to trace firearms and essential components for the purpose of administrative and criminal proceedings and taking into account national procedural law, it is necessary that records in the data-filing systems be retained for a period of 30 years after the destruction of the firearms or essential components concerned. Access to those records and all related personal data should be restricted to competent authorities and should be permitted only up until 10 years after the destruction of the firearm or essential components concerned for the purpose of granting or withdrawing authorisations or for customs proceedings, including the possible imposition of administrative penalties, and up until 30 years after the destruction of the firearm or essential components concerned where that access is necessary for the enforcement of criminal law.

(10) The efficient sharing of information between dealers and brokers, on the one hand, and national competent authorities, on the other, is important for the effective operation of the data-filing systems. Dealers and brokers should

therefore provide information without undue delay to the national competent authorities. To facilitate that, national competent authorities should establish a means of electronic connection accessible to dealers and brokers, which can include submission of the information by email or directly through a database or other registry.

(11) As regards Member States' obligation to have a monitoring system in place in order to ensure that the conditions for a firearms authorisation are met throughout its duration, Member States should decide whether or not the assessment is to involve a prior medical or psychological test.

(12) Without prejudice to national laws addressing professional liability, the assessment of relevant medical or psychological information should not be presumed to assign any liability to the medical professional or other persons providing such information where firearms possessed in accordance with Directive 91/477/EEC are misused.

(13) Firearms and ammunition should be stored in a secure manner when not immediately supervised. If stored otherwise than in a safe, firearms and ammunition should be stored separately from each other. When the firearm and ammunition are to be handed over to a carrier for transport, that carrier should be responsible for proper supervision and storage. Criteria for proper storage and for safe transportation should be defined by national law, taking into account the number and category of

the firearms and ammunition concerned.

(14) Directive 91/477/EEC should not affect Member States' rules which allow lawful transactions involving firearms, essential components and ammunition to be arranged by means of mail order, the internet or distance contracts as defined in Directive 2011/83/EU of the European Parliament and of the Council (4), for example by way of online auction catalogues or classified advertisements, telephone or email. However, it is essential that the identities of parties to such transactions and their lawful ability to enter into such transactions be capable of being checked and actually checked. As regards purchasers, it is therefore appropriate to ensure that their identity and, where relevant, the fact of their authorisation to acquire a firearm, essential components or ammunition be checked by a licensed or authorised dealer or broker, or by a public authority or a representative of such authority, prior to, or at the latest upon, delivery.

(15) For the most dangerous firearms, stricter rules should be introduced in Directive 91/477/EEC in order to ensure that those firearms are, with some limited and duly reasoned exceptions, not allowed to be acquired, possessed or traded. Where those rules are not respected, Member States should take all appropriate measures, which might include the impounding of those firearms.

(16) Member States should, however, have the possibility to authorise the acquisition and possession of firearms, essential components and ammunition classified in category A when necessary for educational, cultural, including

film and theatre, research or historical purposes. Authorised persons could include, inter alia, armourers, proof houses, manufacturers, certified experts, forensic scientists and, in certain cases, those involved in film or television recordings. Member States should also be allowed to authorise individuals to acquire and possess firearms, essential components and ammunition classified in category A for national defence, such as in the context of voluntary military training provided under national law.

(17) Member States should be able to choose to grant authorisations to recognised museums and collectors for the acquisition and possession of firearms, essential components and ammunition classified in category A when necessary for historical, cultural, scientific, technical, educational or heritage purposes, provided that such museums and collectors demonstrate, prior to being granted such an authorisation, that they have taken the necessary measures to address any risks to public security or public order, including by way of proper storage. Any such authorisation should take into account and reflect the specific situation, including the nature of the collection and its purposes, and Member States should ensure that a system is in place for monitoring collectors and collections.

(18) Dealers and brokers should not be prevented from handling firearms, essential components and ammunition classified in category A in cases where the acquisition and possession of such firearms, essential components and ammunition is exceptionally allowed, where their handling is necessary for

the purposes of deactivation or conversion, or whenever otherwise permitted under Directive 91/477/EEC, as amended by this Directive. Nor should dealers and brokers be prevented from handling such firearms, essential components and ammunition in cases not covered by Directive 91/477/EEC, as amended by this Directive, such as firearms, essential components and ammunition to be exported outside the Union or weapons to be acquired by the armed forces, the police or the public authorities.

(19) Dealers and brokers should be able to refuse to complete any suspicious transaction for the acquisition of complete rounds of ammunition or live primer components of ammunition. A transaction may be considered suspicious if, for example, it involves quantities uncommon for the envisaged private use, if the purchaser appears unfamiliar with the use of the ammunition or if the purchaser insists on paying in cash while being unwilling to provide proof of his or her identity. Dealers and brokers should also be able to report such suspicious transactions to the competent authorities.

(20) The risk of acoustic weapons and other types of blank-firing weapons being converted into real firearms is high. It is therefore essential to address the problem of such converted firearms being used in the commission of criminal offences, in particular by including them within the scope of Directive 91/477/EEC. Furthermore, to avoid the risk of alarm and signal weapons being manufactured in such a way that they are capable of being converted to

expel a shot, bullet or projectile by the action of a combustible propellant, the Commission should adopt technical specifications in order to ensure that they cannot be so converted.

(21) Taking into consideration the high risk of reactivating improperly deactivated firearms and in order to enhance security across the Union, such firearms should be covered by Directive 91/477/EEC. A definition of deactivated firearms should be given that reflects the general principles of deactivation of firearms as provided for by the Protocol against the Illicit Manufacturing of and Trafficking of Firearms, their Parts and Components and Ammunition, attached to Council Decision 2014/164/EU (5), which transposes that Protocol into the Union legal framework.

(22) Firearms designed for military use, such as AK47 and M16, and which are equipped to operate on the basis of selective fire, where they may be manually adjusted between automatic and semi-automatic firing modes, should be classified as category A firearms and should therefore be prohibited for civilian use. If converted into semi-automatic firearms, they should be classified in point 6 of category A.

(23) Some semi-automatic firearms can easily be converted to automatic firearms, thus posing a threat to security. Even in the absence of such conversion, certain semi-automatic firearms might be very dangerous when their capacity, in terms of the number of rounds, is high. Therefore, semi-automatic firearms with a fixed loading device allowing a high number of rounds to be fired, as well as semi-automatic

firearms in combination with a detachable loading device having a high capacity, should be prohibited for civilian use. The mere possibility of fitting a loading device with a capacity exceeding 10 rounds for long firearms and 20 rounds for short firearms does not determine the classification of the firearm in a specific category.

(24) Without prejudice to the renewal of authorisations in accordance with Directive 91/477/EEC, semi-automatic firearms which use rimfire percussion, including those with a calibre of .22 or smaller, should not be classified in category A unless they have been converted from automatic firearms.

(25) The provisions of Directive 91/477/EEC relating to the European firearms pass as the main document needed for their respective activities by target shooters and other persons authorised in accordance with that Directive should be improved by including in the relevant provisions thereof a reference to firearms classified in category A, without prejudice to Member States' right to choose to apply more stringent rules.

(26) Objects which have the physical appearance of a firearm ('replica'), but which are manufactured in such a way that they cannot be converted to expel a shot, bullet or projectile by the action of a combustible propellant, should not be covered by Directive 91/477/EEC.

(27) Where Member States have national laws regulating antique weapons, such weapons are not subject to Directive 91/477/EEC. However,

reproductions of antique weapons do not have the same historical importance or interest attached to them and may be constructed using modern techniques which can improve their durability and accuracy. Therefore, such reproductions should be brought within the scope of Directive 91/477/EEC. Directive 91/477/EEC is not applicable to other items, such as airsoft devices, which do not correspond to the definition of a firearm and are therefore not regulated by that Directive.

(28) In order to improve the functioning of the exchange of information between Member States, it would be helpful if the Commission could assess the necessary elements of a system to support such exchange of information contained in the computerised data-filing systems in place in Member States, including the feasibility of enabling each Member State to access such a system. That system may use a module of the internal market information system ('IMI') established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council (6) specifically customised for firearms. Such exchange of information between Member States should take place in compliance with the rules on data protection laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council (7). Where a competent authority needs to have access to the criminal records of a person applying for an authorisation to acquire or possess a firearm, that authority should be able to obtain that information under Council Framework Decision 2009/315/JHA (8). The Commission's assessment could be accompanied, if

appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

(29) In order to ensure appropriate exchange of information by electronic means between Member States concerning authorisations granted for the transfer of firearms to another Member State and on refusals to grant authorisations to acquire or possess a firearm, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing provisions enabling the Member States to create such a system of exchange of information. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making (9). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(30) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the

Council (10).

(31) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

(32) Regulation (EU) 2016/679 should apply to the processing of personal data within the framework of Directive 91/477/EEC. Where personal data collected under Directive 91/477/EEC are processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, the authorities processing those data should comply with rules adopted pursuant to Directive (EU) 2016/680 of the European Parliament and of the Council (11).

(33) Since the objectives of this Directive cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(34) Directive 91/477/EEC should therefore be amended accordingly.

(35) As regards Iceland and Norway, this Directive and Directive 91/477/EEC constitute a development of the provisions of the Schengen

acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis (12) which fall within the areas referred to in Article 1 of Council Decision 1999/437/EC (13).

(36) As regards Switzerland, this Directive and Directive 91/477/EEC constitute a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (14) which fall within the areas referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC (15).

(37) As regards Liechtenstein, this Directive and Directive 91/477/EEC constitute a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (16) which fall within the areas referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3

of Council Decision 2011/350/EU (17),

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/477/EEC is amended as follows:

1) Article 1 is replaced by the following:

«Article 1

1. For the purposes of this Directive, the following definitions apply:

(1) “firearm” means any portable barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant, unless it is excluded from that definition for one of the reasons listed in Part III of Annex I. Firearms are classified in Part II of Annex I.

The definitions of firearm and object capable of being converted into a firearm has not changed significantly

An object shall be considered to be capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if:

- a) it has the appearance of a firearm; and
- b) as a result of its construction or the material from which it is made, it can be so converted;

(2) “essential component” means the barrel, the frame, the receiver, including both upper and lower receivers, where applicable, the slide, the cylinder, the bolt or the breech block, which, being separate

The definition of "part" has been deleted as it overlapped with that of "essential component" ("essential part" is more correct) which is further specified. The category of essential parts is now closed: essential parts are only those specifically identified as such and clearly mentioned in the

objects, are included in the category of the directive.
firearms on which they are or are intended
to be mounted;

(3) “ammunition” means the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorisation in the Member State concerned;

The definition of ammunition remains unchanged.

(4) “alarm and signal weapons” means devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant;

Alarm and signal devices were previously excluded from the definition of firearm - and therefore from the scope of the directive - by part III b) of Annex I of the directive. The amendment however defines such objects as "weapons" and includes them into the scope of the directive.

(5) “salute and acoustic weapons” means firearms specifically converted for the sole use of firing blanks, for use such as in theatre performances, photographic sessions, film and television recordings, historical re-enactments, parades, sporting events and training;

Blank firearms were previously not clearly differentiated from alarm and signal devices. The amendment defines and regulates them.

(6) “deactivated firearms” means firearms that have been rendered permanently unfit for use by deactivation, ensuring that all essential components of the firearm in question have been rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be

Deactivated firearms were previously regulated by Part III a) of Annex I of the directive with the only aim to exclude them from its scope. The amendment however accurately defines deactivation procedures and regulates deactivated firearms.

reactivated in any way;

(7) “museum” means a permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches and exhibits firearms, essential components or ammunition for historical, cultural, scientific, technical, educational, heritage or recreational purposes, and recognised as such by the Member State concerned;

Museums were previously excluded from the scope of the directive.

(8) “collector” means any natural or legal person dedicated to the gathering and conservation of firearms, essential components or ammunition for historical, cultural, scientific, technical, educational or heritage purposes, and recognised as such by the Member State concerned;

Also collectors were previously excluded from the scope of the directive.

(9) “dealer” means any natural or legal person whose trade or business consists wholly or partly of either of the following:

The definition of dealer is further specified.

(a) the manufacture, trade, exchange, hiring out, repair, modification or conversion of firearms or essential components;

(b) the manufacture, trade, exchange, modification or conversion of ammunition;

(10) “broker” means any natural or legal person, other than a dealer, whose trade or business consists wholly or partly of either of the following:

Also the definition of broker is further specified and widened. The role of broker does not exist in the field of civilian firearms, as each company operates through its own commercial network.

(a) the negotiation or arrangement of

transactions for the purchase, sale or supply of firearms, essential components or ammunition;

(b) arranging the transfer of firearms, essential components or ammunition within a Member State, from one Member State to another Member State, from a Member State to a third country or from a third country to a Member State;

Including transfer arrangements in the brokering activities subject to authorisation - already provided by directive 2008/51/EC - could generate problems as it will unnecessarily include post and couriers.

(11) “illicit manufacturing” means the manufacturing or assembly of firearms, their essential components and ammunition:

Also the definition of illicit manufacturing is further specified, this time in a useful and complete way.

(a) from any essential component of such firearms illicitly trafficked;

(b) without an authorisation issued in accordance with Article 4 by a competent authority of the Member State where the manufacture or assembly takes place; or

(c) without marking firearms at the time of manufacture in accordance with Article 4;

(12) “illicit trafficking” means the acquisition, sale, delivery, movement or transfer of firearms, their essential components or ammunition from or through the territory of one Member State to that of another Member State if any one of the Member States concerned does not authorise it in accordance with this Directive or if the firearms, essential components or ammunition are not marked in accordance with Article 4;

However, the definition of illicit trafficking remains substantially unchanged.

(13) “tracing” means the systematic tracking of firearms and, where possible, their essential components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and illicit trafficking.

The definition of tracing remains substantially unchanged.

2. For the purposes of this Directive, a person shall be considered to be a resident of the country indicated by the address appearing on an official document showing his or her place of residence, such as a passport or a national identity card, which, on a check on acquisition or on possession, is submitted to the competent authorities of a Member State or to a dealer or broker. If a person's address does not appear on his or her passport or national identity card, his or her country of residence shall be determined on the basis of any other official proof of residence recognised by the Member State concerned.

This provision introduces a criterion for identifying the place of residence of a person with the aim to control the acquisition and possession of firearms.

3. A “European firearms pass” shall be issued on request by the competent authorities of a Member State to a person lawfully entering into possession of and using a firearm. It shall be valid for a maximum period of 5 years, which may be extended, and shall contain the information set out in Annex II. It shall be non-transferable and shall record the firearm or firearms possessed and used by the holder of the pass. It must always be in the possession of the person using the firearm and any change in the possession or characteristics of the firearm, as well as the loss or theft

The definition of European firearms pass remains unchanged.

thereof, shall be indicated on the pass. »;

2) Article 2 is replaced by the following:

«Article 2

1. This Directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting, using weapons lawfully acquired and possessed in accordance with this Directive.

2. This Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the armed forces, the police or the public authorities. Nor shall it apply to transfers regulated by Directive 2009/43/EC of the European Parliament and of the Council».

If compared to the previous formulation, collectors and museums are included in the scope of the directive. Directive 2009/43/EC refers to intra-Community transfers of armament material, which is excluded from the scope of the directive.

3) Article 4 is amended as follows:

(a) paragraphs 1, 2 and 3 are replaced by the following:

‘1. With respect to firearms manufactured or imported into the Union on or after 14 September 2018, Member States shall ensure that any such firearm, or any essential component, placed on the market has been:

(a) provided with a clear, permanent and unique marking without delay after manufacture and at the latest before its placement on the market, or without delay after importation into the Union; and

The regulation on the marking of firearms and parts is partially innovated. While previously it was Member States that required citizens and operators to have a marking with all the requested information to be affixed using different marking system, now it is the European regulation that requires directly the marking and specifies what elements need to be marked on firearms and parts, while Member States guarantee that such rules are respected. Due to the fact that there can be different marking systems, the new marking will be mandatory only from the date of entry into force of the Directive.

In addition to marking, it is requested that

(b) registered in compliance with this Directive without delay after manufacture and at the latest before its placement on the market, or without delay after importation into the Union.

firearms and essential parts are registered, which means that their acquisition or assignment must be registered by operators and that information on citizens' acquisition and possession are accessible by Member States authorities of the place of residence. This is due to the fact that in some Member States there are still unregistered firearms.

2. The unique marking referred to in point (a) of paragraph 1 shall include the name of the manufacturer or brand, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number, and the model where feasible. This shall be without prejudice to the affixing of the manufacturer's trademark. Where an essential component is too small to be marked in compliance with this Article, it shall be marked at least with a serial number or an alphanumeric or digital code.

Marking requirements are specifically defined. A problem might be that the year of manufacture must be affixed also on imported firearms, and that is a detail that virtually cannot be known. This is a mistake which should be overcome in the interpretation phase, by considering the year of final import and entrance into the market of a firearms coming from a third country as equivalent to the year of manufacture.

The marking requirements for firearms or essential components that are of particular historical importance shall be determined in accordance with national law.

Imported historical firearms, and those whose marking can be established at national level, are safeguarded. However, also these firearms must have CIP proof marks in compliance with art. 11 par. 3 in order to be moved within the Union.

Member States shall ensure that each elementary package of complete ammunition is marked in such a way as to indicate the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition.

The marking of ammunition is not substantially amended by the new provisions.

For the purposes of paragraph 1 and this paragraph, Member States may choose to apply the provisions of the Convention for the Reciprocal Recognition of Proof Marks on Small Arms of 1 July 1969.

The CIP system could be used for marking firearms and ammunition. This means that the marking elements (manufacturer and date and place of manufacture's) can be derived also from CIP proof marks which use codes that are widely known.

Furthermore, Member States shall ensure, at the time of transfer of a firearm or its essential components from government stocks to permanent civilian use, the unique marking, as provided for under paragraph 1, permitting identification of the transferring entity. Firearms and essential parts coming from law enforcement and from the dismissal by governmental bodies will have to be correctly marked before placing them on the market and specifying the bodies that dismissed them.

2a. The Commission shall adopt implementing acts establishing technical specifications for the marking. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2). The Commission is in charge of issuing one or more implementing acts including technical rules on the marking.

3. Each Member State shall establish a system for the regulation of the activities of dealers and brokers. Such systems shall include at least the following measures: Each Member State shall establish a system that guarantees at least the measures required.

(a) the registration of dealers and brokers operating within the territory of that Member State;

(b) the licensing or authorisation of the activities of dealers and brokers within the territory of that Member State; and

(c) a check of the private and professional integrity and of the relevant abilities of the dealer or broker concerned. In the case of a legal person, the check shall be both on the legal person and on the natural person or persons directing the undertaking.';

(b) paragraph 4 is amended as follows:

(i) in the first subparagraph, the second sentence is replaced by the following:

‘That data-filing system shall record all information relating to firearms which is needed in order to trace and identify those firearms, including:

The data-filing system is aligned to the information required by marking and to the marking itself. It also includes information necessary to its tracing.

(a) the type, make, model, calibre and serial number of each firearm and the mark applied to its frame or receiver as a unique marking in accordance with paragraph 1, which shall serve as the unique identifier of each firearm;

(b) the serial number or unique marking applied to the essential components, where that differs from the marking on the frame or receiver of each firearm;

(c) the names and addresses of the suppliers and of the persons acquiring or possessing the firearm, together with the relevant date or dates; and

(d) any conversions or modifications to a firearm leading to a change in its category or subcategory, including its certified deactivation or destruction and the relevant date or dates.

Member States shall ensure that the record of firearms and the essential components, including the related personal data, is retained in the data-filing systems by the competent authorities for a period of 30 years after the destruction of the firearms or

essential components in question.

The records of firearms and essential components referred to in the first subparagraph of this paragraph and the related personal data shall be capable of being accessed:

(a) by the authorities competent to grant or withdraw authorisations referred to in Article 6 or 7 or by the authorities competent for customs proceedings, for a period of 10 years after the destruction of the firearm or the essential components in question; and

(b) by the authorities competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, for a period of 30 years after the destruction of the firearm or the essential components in question.

Member States shall ensure that the personal data are deleted from the data-filing systems upon expiry of the periods specified in the second and third subparagraphs. This is without prejudice to cases in which specific personal data have been transferred to an authority competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties and are used in that specific context, or to other authorities competent for a compatible purpose provided for by national law. In those

cases, the processing of such data by the competent authorities shall be regulated by the national law of the Member State concerned, in full compliance with Union law, in particular on data protection.’;

(ii) the second subparagraph is replaced by the following:

‘Throughout their period of activity, dealers and brokers shall be required to maintain a register in which each firearm and each essential component subject to this Directive that is received or disposed of by them shall be recorded, together with particulars enabling the firearm or essential component concerned to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the suppliers and of the persons acquiring it.

Upon the cessation of their activities, dealers and brokers shall deliver that register to the national authorities responsible for the data-filing systems provided for in the first subparagraph.

Member States shall ensure that dealers and brokers established in their territory report transactions involving firearms or essential components without undue delay to the national competent authorities, that dealers and brokers have an electronic connection to those authorities for such reporting purposes

The registration requires the need to maintain a dedicated register.

It is established that firearms movements are communicated to national competent authorities through an electronic transfer of information.

and that the data-filing systems are updated immediately upon receipt of information concerning such transactions.’;

(c) paragraph 5 is replaced by the following:

‘5. Member States shall ensure that all firearms may be linked to their owner at any moment.’; It is an essential requirement for tracing.

4) Article 4a is replaced by the following:

«Article 4a

Without prejudice to Article 3, Member States shall allow the acquisition and possession of firearms only by persons who have been granted a licence or, with respect to firearms classified in category C, who are specifically permitted to acquire and possess such firearms in accordance with national law.’; All firearms are subject to licence or authorisation. It becomes impossible to purchase any type of firearms in Europe without licence or authorisation and only under specific requirements such as, for instance, the age of majority.

5) Article 4b is deleted

6) Articles 5 and 6 are replaced by the following:

«Article 5

1. Without prejudice to Article 3, Member States shall permit the acquisition and possession of firearms only by persons who have good cause and who: The requirements for the acquisition and possession of firearms are redefined.

(a) are at least 18 years of age, except in relation to the acquisition, other than through purchase, and possession of firearms for hunting and target shooting, It will be possible for persons of less than 18 years of age to possess firearms only if they are donated to them under the permission of their parents and only if used for hunting of sport shooting.

provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licensed or otherwise approved training centre, and the parent, or an adult with a valid firearms or hunting licence, assumes responsibility for proper storage pursuant to Article 5a; and

(b) are not likely to be a danger to themselves or others, to public order or to public safety; the fact of having been convicted of a violent intentional crime shall be considered as indicative of such danger.

All firearms holders must guarantee that they will not abuse them. Those convicted of a violent intentional crime - it is not specified of which kind - will not be authorised.

2. Member States shall have in place a monitoring system, which they may operate on a continuous or non-continuous basis, to ensure that the conditions of authorisation set by national law are met throughout the duration of the authorisation and, inter alia, relevant medical and psychological information is assessed. The specific arrangements shall be determined in accordance with national law.

Member States will have to verify periodically that the legal and psychophysical authorization requirements are still met.

Where any of the conditions of authorisation is no longer met, Member States shall withdraw the respective authorisation.

Member States may not prohibit persons resident within their territory from possessing a firearm acquired in another Member State unless they prohibit the acquisition of the same type of firearm within their own

territory.

3. Member States shall ensure that an authorisation to acquire and an authorisation to possess a firearm classified in category B shall be withdrawn if the person who was granted that authorisation is found to be in possession of a loading device apt to be fitted to centre-fire semi-automatic firearms or repeating firearms, which:

- (a) can hold more than 20 rounds; or
- (b) in the case of long firearms, can hold more than 10 rounds,

unless that person has been granted an authorisation under Article 6 or an authorisation which has been confirmed, renewed or prolonged under Article 7(4a).

The possession of high capacity loading devices for short firearms (more than 20 rounds) entails the withdrawal of the licence or authorisation to possess firearms. With regards to high-capacity loading devices for long firearms (more than 10 rounds), the possession entails the withdrawal of the licence if there is no authorisation to possess semi-automatic firearms with more than 10 rounds.

Moreover, the exception for rim-fire magazines to the ban of owning high capacity loading devices (with more than 20 rounds for short firearms or 10 for long ones) is not properly reflected in the Italian, French German and Dutch versions of the text due to incorrect translation and wording.

Article 5a

In order to minimise the risk of firearms and ammunition being accessed by unauthorised persons, Member States shall establish rules on the proper supervision of firearms and ammunition and rules on their proper storage in a secure manner. Firearms and their ammunition shall not be readily accessible together. Proper supervision shall mean that the person lawfully possessing the firearm or the ammunition concerned has control over it during its transportation and use. The level of scrutiny of such proper storage arrangements shall reflect the number and category of the firearms and ammunition concerned.

Member States will have to establish rules on the proper supervision of firearms and ammunition. The provision is not entirely clear. In its implementation phase, it is hoped that Member States will better clarify the meaning of "supervision" and "storage".

Article 5b

Member States shall ensure that, in cases involving the acquisition and selling of firearms, essential components or ammunition classified in category A, B or C by means of distance contracts as defined in point (7) of Article 2 of Directive 2011/83/EU of the European Parliament and of the Council, the identity, and where required, the authorisation of the purchaser of the firearm, essential components or ammunition are checked prior to, or at the latest upon, delivery thereof to that person, by:

- (a) a licensed or authorised dealer or broker;
or
- (b) a public authority or a representative of that authority.

It is expected that the purchase by means of distance of firearms, parts and ammunition will involve monitoring the authorisation to acquire them by either the authorities, broker or dealer.

Article 6

1. Without prejudice to Article 2(2), Member States shall take all appropriate measures to prohibit the acquisition and possession of the firearms, the essential components and the ammunition classified in category A. They shall ensure that those firearms, essential components and ammunition unlawfully held in contravention of that prohibition are impounded.

Category A firearms are prohibited and they can be confiscated if possessed illegally.

2. For the protection of the security of critical infrastructure, commercial shipping, high-value convoys and sensitive premises, as well as for national defence, educational,

Category A firearms can be possessed if authorised by a competent Member State for specific security or cultural-scientific reasons.

cultural, research and historical purposes, and without prejudice to paragraph 1, the national competent authorities may grant, in individual cases, exceptionally and in a duly reasoned manner, authorisations for firearms, essential components and ammunition classified in category A where this is not contrary to public security or public order.

3. Member States may choose to grant to collectors, in individual special cases, exceptionally and in a duly reasoned manner, authorisations to acquire and possess firearms, essential components and ammunition classified in category A, subject to strict conditions on security, including the demonstration to the national competent authorities that measures are in place to address any risks to public security or public order and that the firearms, essential components or ammunition concerned are stored with a level of security proportionate to the risks associated with unauthorised access to such items.

The possession of such firearms can be authorised for collection purposes.

Member States shall ensure that collectors authorised under the first subparagraph of this paragraph are identifiable within the data-filing systems referred to in Article 4. Such authorised collectors shall be obliged to maintain a register of all firearms in their possession classified in category A, which shall be accessible to the national competent authorities. Member States shall establish an appropriate monitoring system with respect to such authorised collectors, taking all relevant factors into account.

Collectors authorised to possess cat. A firearms shall keep an updated register to be checked by authorities of the Member State concerned.

4. Member States may authorise dealers or brokers, in their respective professional capacities, to acquire, manufacture, deactivate, repair, supply, transfer and possess firearms, essential components and ammunition classified in category A, subject to strict conditions regarding security. The professional capacities of dealers can be authorised with regard to automatic firearms.
5. Member States may authorise museums to acquire and possess firearms, essential components and ammunition classified in category A, subject to strict conditions regarding security. Also Museums can be authorised to possess cat. A firearms.
6. Member States may authorise target shooters to acquire and possess semi-automatic firearms classified in point 6 or 7 of category A, subject to the following conditions: It concerns primarily semi-automatic firearms with high capacity magazines. Each Member State can decide to authorise target shooters to possess them, but only if they guarantee that they will not abuse them and provided that they actively practise shooting sports.
- (a) a satisfactory assessment of relevant information arising from the application of Article 5(2);
 - (b) provision of proof that the target shooter concerned is actively practising for or participating in shooting competitions recognised by an officially recognised shooting sports organisation of the Member State concerned or by an internationally established and officially recognised shooting sport federation; and
 - (c) provision of a certificate from an officially recognised shooting sports organisation confirming that:
 - (i) the target shooter is a member of a

shooting club and has been regularly practising target shooting in it for at least 12 months; and

(ii) the firearm in question fulfils the specifications required for a shooting discipline recognised by an internationally established and officially recognised shooting sport federation.

As regards firearms classified in point 6 of category A, Member States applying a military system based on general conscription and having in place over the last 50 years a system of transfer of military firearms to persons leaving the army after fulfilling their military duties may grant to those persons, in their capacity as a target shooter, an authorisation to keep one firearm used during the mandatory military period. The relevant public authority shall transform those firearms into semi-automatic firearms and shall periodically check that the persons using such firearms do not represent a risk to public security. The provisions set out in points (a), (b) and (c) of the first subparagraph shall apply.

This paragraph has been included for States, like Switzerland, that have a people's army equipped with individual firearms. Switzerland must implement the directive according to the agreements on the admission into the Schengen area.

7. Authorisations granted under this Article shall be reviewed periodically at intervals not exceeding 5 years.;

Even if authorisations can have longer duration, the permanence of authorisation requirements for cat. A firearms shall be verified at least every 5 years.

7) Article 7 is amended as follows:

(a) in paragraph 4, the following subparagraph is added:

‘Authorisations for possession of firearms

shall be reviewed periodically, at intervals not exceeding 5 years. An authorisation may be renewed or prolonged if the conditions on the basis of which it was granted are still fulfilled.’;

Requirements for the authorisations to possess firearms shall be verified at least every five years. Other authorisations - for firearms other than those in cat. A - may be verified at different intervals.

(b) the following paragraph is inserted:

‘4a. Member States may decide to confirm, renew or prolong authorisations for semi-automatic firearms classified in point 6, 7 or 8 of category A in respect of a firearm which was classified in category B, and lawfully acquired and registered, before 13 June 2017, subject to the other conditions laid down in this Directive. Furthermore, Member States may allow such firearms to be acquired by other persons authorised by Member States in accordance with this Directive, as amended by Directive (EU) 2017/853 of the European Parliament and of the Council’.

Members States can decide to allow the possession of firearms that are moved from cat. B to A (A6, A7, and A8) acquired before 13 June 2017. However, they can also decide not to do so. In this latter case, it is unclear what would happen to firearms whose possession is no longer authorised. The first paragraph of art. 6 could apply, according to which these firearms shall be confiscated. However, the procedures for doing so and the entity responsible for reimbursing legitimate firearms holders are unclear.

8) in Article 8, paragraph 3 is replaced by the following:

‘3. If a Member State prohibits or makes subject to authorisation the acquisition and possession within its territory of a firearm classified in category B or C, it shall inform the other Member States, which shall expressly include a statement to that effect on any European firearms pass they issue for such a firearm, pursuant to Article 12(2).’;

It is possible for a Member State to prohibit the possession within its territory of firearms that are allowed in other Member States or in the rest of the Union, with the obligation to inform other States that must specify in the European Firearms Pass that it is prohibited to acquire or possess such kind of firearm in those States.

9) Article 10 is replaced by the following:

«Article 10

1. The arrangements for the acquisition and

possession of ammunition shall be the same as those for the possession of the firearms for which the ammunition is intended.

The acquisition of loading devices for centre-fire semi-automatic firearms which can hold more than 20 rounds or more than 10 rounds in the case of long firearms shall be permitted only for persons who are granted an authorisation under Article 6 or an authorisation which has been confirmed, renewed or prolonged under Article 7(4a).

2. Dealers and brokers may refuse to complete any transaction for the acquisition of complete rounds of ammunition, or components of ammunition, which they reasonably consider to be suspicious owing to its nature or scale, and shall report any such attempted transaction to the competent authorities.’;

10) the following Articles are inserted:

«Article 10a

1. Member States shall take measures to ensure that devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.

2. Member States shall classify as firearms devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling

The provision is quite ambiguous. Usually, ammunition can be loaded in many different firearms, and it is not easy to make a distinction according to the firearm of destination.

High-capacity loading devices for semi-automatic firearms are allowed only to those persons who are granted an authorisation to possess cat. A firearms.

In principle, according to the European law on the protection of the consumer, a trader cannot refuse to sell a good to the public. With this provision, the trader is authorised to refuse a suspicious transaction.

Also this provision appears of difficult implementation. Devices firing blanks and real firearms have the same loading devices, so it is unlikely that they can be modified in a way that they cannot be used in real firearms but only in those devices firing blanks. This applies only to devices firing blanks that use cartridges of the same calibre of real firearms. Syntactically, the provision is poorly formulated.

It is correct to state that objects capable of being converted into firearms shall be considered as such. However, since every mechanic object can be transformed, it should be necessary to define

rounds and which are capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.

criteria for such modifications, excluding those object that can be transformed with the same expertise and technologies that are used for the manufacturing ex-novo.

3. The Commission shall adopt implementing acts laying down technical specifications for alarm and signal weapons manufactured or imported into the Union on or after 14 September 2018 to ensure that they are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2). The Commission shall adopt the first such implementing act by 14 September 2018.

The Commission will have to adopt technical specifications to ensure that the manufacturing of alarm and signal weapons guarantees that they cannot be converted into firearms. This will only apply to alarm and signal weapons that will be manufactured in the future.

Article 10b

1. Member States shall make arrangements for the deactivation of firearms to be verified by a competent authority in order to ensure that the modifications made to a firearm render all its essential components permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way. Member States shall, in the context of that verification, provide for the issuance of a certificate and record attesting to the deactivation of the firearm and the apposition of a clearly visible mark to that effect on the firearm.

Technical standards for deactivation are already provided by Regulation (EU) 2014/2403 of the Commission of 15 December 2015. Member States will have to adopt provisions - if they do not have them already - according to which the deactivation of a firearm will have to be verified by a competent authority - i.e. a recognized CIP Proof House. The verification will be accompanied by a certificate and the apposition of a mark on the firearm.

2. The Commission shall adopt implementing acts laying down deactivation standards and techniques to ensure that all essential

As already mentioned, the Regulation already exists.

components of a firearm are rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).

3. The implementing acts referred to in paragraph 2 shall not apply to firearms deactivated prior to the date of application of those implementing acts unless those firearms are transferred to another Member State or placed on the market subsequent to that date.

4. Member States may notify to the Commission within 2 months after 13 June 2017 their national deactivation standards and techniques applied before 8 April 2016, justifying the reasons for which the level of security ensured by those national deactivation standards and techniques is equivalent to that ensured by the technical specifications for deactivation of firearms set out in Annex I to Commission Implementing Regulation (EU) 2015/2403 as applicable on 8 April 2016.

If national provisions can guarantee an acceptable level of security, equivalent to that of European standards, Member States can keep them.

5. When Member States notify the Commission in accordance with paragraph 4 of this Article, the Commission shall, at the latest 12 months after notification, adopt implementing acts deciding whether the national deactivation standards and techniques thus notified ensured that firearms were deactivated with a level of security equivalent to that ensured by the technical specifications

The Commission decides if such provisions can be considered adequate.

for deactivation of firearms set out in Annex I to Implementing Regulation (EU) 2015/2403 as applicable on 8 April 2016. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).

6. Until the date of application of the implementing acts referred to in paragraph 5, any firearm deactivated in accordance with the national deactivation standards and techniques applied before 8 April 2016 shall, when transferred to another Member State or placed on the market, comply with the technical specifications for deactivation of firearms set out in Annex I to Implementing Regulation (EU) 2015/2403.

7. Firearms deactivated before 8 April 2016 in accordance with the national deactivation standards and techniques that have been found to ensure a level of security equivalent to that ensured by the technical specifications for deactivation of firearms set out in Annex I to Implementing Regulation (EU) 2015/2403 as applicable on 8 April 2016 shall be considered to be deactivated firearms, including when they are transferred to another Member State or placed on the market after the date of application of the implementing acts referred to in paragraph 5.

11) in the title of Chapter 3, the word 'Community' is replaced by the word 'Union';

12) in Article 11, paragraph 1 is replaced by the following:

'1. Firearms may, without prejudice to

Article 12, be transferred from one Member State to another only in accordance with the procedure laid down in this Article. That procedure shall also apply in respect of transfers of firearms following a sale by means of a distance contract as defined in point (7) of Article 2 of Directive 2011/83/EU.’;

The procedure of prior written agreement applies also to distance sales.

13) Article 12, paragraph 2 is amended as follows:

‘Notwithstanding paragraph 1, hunters and historical re-enactors, in respect of firearms classified in category C, and target shooters, in respect of firearms classified in category B or C and firearms classified in category A for which an authorisation has been granted under Article 6(6) or for which the authorisation has been confirmed, renewed or prolonged under Article 7(4a), may, without the prior authorisation referred to in Article 11(2), be in possession of one or more firearms during a journey through two or more Member States with a view to engaging in their activities, provided that:

The regulation on the movement of hunters and target shooters within the EU is now adapted to the amendments made in the classification of firearms. Please note that category B includes several firearms that are or can be used for hunting, but which will continue not to be transferred temporarily by virtue of the Firearms Pass.

(a) they are in possession of a European firearms pass listing such firearm or firearms; and

(b) they are able to substantiate the reasons for their journey, in particular by producing an invitation or other proof of their hunting, target shooting or historical re-enactment activities in the Member State of destination.’;

(b) the third subparagraph is replaced by the following:

‘However, this derogation shall not apply to Member States can deny the temporary transfer of specific firearms on their territory for hunting and sport purposes. They can also refuse to introduce cat. A firearms even if they are registered in the European Firearms Pass of shooters whose possession is authorised.

Member States may also refuse the application of this derogation in the case of firearms classified in category A for which an authorisation has been granted under Article 6(6) or for which the authorisation has been confirmed, renewed or prolonged under Article 7(4a).’;

14) in Article 13, the following paragraphs are added:

‘4. The competent authorities of the Member States shall exchange, by electronic means, information on the authorisations granted for the transfer of firearms to another Member State and information with regard to refusals to grant authorisations as provided for in Articles 6 and 7 on grounds of security or relating to the reliability of the person concerned.

A European system for the exchange of information on refused authorisation shall be established, as it already exists for the Common Position 2008/944/CFSP and for Regulation (EU) 258/2012. This system is of little relevance, as there are few supranational cases for these kind of authorisations. It is probably a measure of scarce utility.

5. The Commission shall provide for a system for the exchange of information mentioned in this Article.

The Commission shall adopt delegated acts in accordance with Article 13a in order to supplement this Directive by laying down the detailed arrangements for the systematic

exchange of information by electronic means.
The Commission shall adopt the first such
delegated act by 14 September 2018.’;

15) Article 13a is replaced by the following:

«Article 13a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 13(5) shall be conferred on the Commission for an indeterminate period of time from 13 June 2017.

3. The delegation of power referred to in Article 13(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 13(5) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.’;

16) the following Article is inserted:

«Article 13b

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

17) in Article 15, paragraph 1, the word ‘Community’ is replaced by the word ‘Union’;

18) Article 17 is replaced by the following:

«Article 17

By 14 September 2020, and every 5 years thereafter, the Commission shall submit to the European Parliament and to the Council a report on the application of this Directive, including a fitness check of its provisions,

accompanied, if appropriate, by legislative proposals concerning, in particular, the categories of firearms in Annex I and issues related to the implementation of the system for the European firearms pass, to marking and the impacts of new technologies such as 3D printing, the use of QR code and the use of radio-frequency identification (RFID).’;

19) Annex I is amended as follows:

(1) Part II is amended as follows:

(a) the introductory part is replaced by the following:

‘For the purposes of this Directive, firearms are classified in the following categories:’;

(b) point A is amended as follows:

(i) the introductory part is deleted;

(ii) in category A, the following points are added:

‘6. Automatic firearms which have been converted into semi-automatic firearms, without prejudice to Article 7(4a).

They are semi-automatic firearms obtained from the demilitarization of automatic weapons coming from government stockpiles.

7. Any of the following centre-fire semi-automatic firearms:

This is an open category, on which may fall any semi-automatic firearms, of whatsoever category, with a loading device able to hold more rounds than those envisaged.

(a) short firearms which allow the firing of more than 21 rounds without reloading, if:

(i) a loading device with a

capacity exceeding 20 rounds is part of that firearm; or

(ii) a detachable loading device with a capacity exceeding 20 rounds is inserted into it;

(b) long firearms which allow the firing of more than 11 rounds without reloading, if:

High-capacity magazines and loading devices fall into the same category.

(i) a loading device with a capacity exceeding 10 rounds is part of that firearm; or

(ii) a detachable loading device with a capacity exceeding 10 rounds is inserted into it.

8. Semi-automatic long firearms (i.e. firearms that are originally intended to be fired from the shoulder) that can be reduced to a length of less than 60 cm without losing functionality by means of a folding or telescoping stock or by a stock that can be removed without using tools.

They are long firearms that could change category by bending or closing their folding or retractable stock and be therefore transformed into short firearms. These firearms can be easily hidden and maintain the same firing capabilities and offensiveness of long firearms. Warning: in the same category are included also those firearms whose stock can be removed without any particular tool.

9. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.';

They are cat. A firearms converted to fire blanks, syringe guns, or similar.

(iii) category B is replaced by the following:

‘Category B — Firearms subject to authorisation Also cat. B is modified.

1. Repeating short firearms.
2. Single-shot short firearms with centre-fire percussion.
3. Single-shot short firearms with rimfire percussion whose overall length is less than 28 cm.
4. Semi-automatic long firearms whose loading device and chamber can together hold more than three rounds in the case of rimfire firearms and more than three but fewer than twelve rounds in the case of centre-fire firearms.
5. Semi-automatic short firearms other than those listed under point 7(a) of category A.
6. Semi-automatic long firearms listed under point 7(b) of category A whose loading device and chamber cannot together hold more than three rounds, where the loading device is detachable or where it is not certain that the weapon

cannot be converted, with ordinary tools, into a weapon whose loading device and chamber can together hold more than three rounds.

7. Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length.

8. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.

9. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms other than those listed under point 6, 7 or 8 of category A.’; They are the "former B7", or what is left of them after the establishment of A6, A7 and A8 categories.

(iv) category C is replaced by the following:

‘Category C — Firearms and weapons subject to declaration

1. Repeating long firearms other than those listed in point 7 of category B.

2. Long firearms with single- With a barrel longer than 60cm.

shot rifled barrels.

3. Semi-automatic long firearms other than those listed in category A or B.

4. Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm.

5. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.

6. Firearms classified in category A or B or this category that have been deactivated in accordance with Implementing Regulation (EU) 2015/2403. Deactivated firearms are equated to other types of firearms as, for instance break-action shotguns or semi-automatic shotguns with a barrel longer than 60cm. Therefore, either the provision is unreasonable, or the measures identified by the Commission are not technically secure with regard to re-activation.

7. Single-shot long firearms with smooth-bore barrels placed on the market on or after 14 September 2018.';

(v) category D is deleted;

(c) point B is deleted;

(2) Part III is replaced by the following:

‘III. For the purposes of this Annex, objects which correspond to the definition of a “firearm” shall not be included in that

definition if they:

(a) are designed for alarm, signalling, life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only;

(b) are regarded as antique weapons where these have not been included in the categories set out in Part II and are subject to national laws.

Pending coordination throughout the Union, Member States may apply their national laws to the firearms listed in this Part’;

20) in Annex II, point (f) is replaced by the following:

«f) the statements:

“The right to travel to another Member State with one or more of the firearms classified in category A, B or C mentioned in this pass shall be subject to one or more prior corresponding authorisations from the Member State visited. Such authorisations may be recorded on the pass.

The prior authorisation referred to above is not in principle necessary in order to travel with a firearm classified in category C with a view to engaging in hunting or historical re-enactment activities or with a firearm classified in category A, B or C for the purpose of taking part in target shooting, on condition that the traveller is in possession of the firearms pass and can establish the reason

Antique firearms are included in the scope of the directive, as they almost entirely fall into the categories established.

With regard to reproduction of antique firearms,, CONARMI believes that reproduction of muzzle loading firearms do not fall within the scope of the Directive, while replicas of antique breech-loading firearms and muzzle loading firearms that from a mechanical point of view are not reproduction of antique firearms would be equated with modern firearms in relation to the application of the rules on acquisition and detention.

for the journey.”

Where a Member State has informed the other Member States, in accordance with Article 8(3), that the possession of certain firearms classified in category B or C is prohibited or subject to authorisation, one of the following statements shall be added:

“A journey to ... (State(s) concerned) with the firearm ... (identification) shall be prohibited.”

“A journey to ... (State(s) concerned) with the firearm ... (identification) shall be subject to authorisation.”.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 14 September 2018. They shall immediately inform the Commission thereof.

The deadline to implement the directive is 14 September 2014

2. By way of derogation from paragraph 1 of this Article, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3) and Article 4(4) of Directive 91/477/EEC, as amended by this Directive, by 14 December 2019. They shall immediately inform the Commission thereof.

The provisions for the establishment of a data-filing system for brokers and dealers, for granting the related authorisation, and that for establishing a register for tracing firearms are postponed to 14 December 2019.

3. When Member States adopt the measures under paragraphs 1 and 2, they shall contain a reference to this Directive or shall be accompanied by such a reference on the

occasion of their official publication. The methods of making such reference shall be laid down by Member States.

4. Notwithstanding paragraph 1, Member States may, as regards firearms acquired before 14 September 2018, suspend the requirement to declare firearms classified in point 5, 6 or 7 of category C until 14 March 2021.

In some States, certain types of firearms are not subject to declaration. A much longer deadline is given for complying with the provisions.

5. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.