



Position on the Commission proposal for a revision of the Firearms Directive

Summary

The Nordic Hunters' Alliance, established in 1947 and currently representing the interests of approximately 600,000 hunters and shooters in Sweden, Norway, Finland, Denmark and Iceland, is of the opinion that the Commission proposal is unmotivated, unjustified and disproportional for the reasons explained in detail below. We therefore conclude:

- The Commission proposal **must be withdrawn in full**;
- An **impact analysis as well as stakeholder consultations must be carried out** before any new proposal is put forward;
- Any new proposal for a revision of the Firearms Directive should focus on **improving the implementation of the existing framework** for acquisition and possession of **legal firearms**, only;
- Any measures aimed to combat terrorism and illicit firearms trafficking must be adopted within the framework of the **Commission's Action Plan against illicit trafficking in and use of firearms and explosives**, which is the relevant framework for addressing the most pressing problems in the EU.

Background

Shortly after the terrible terrorist attacks in Paris, the European Commission proposed a revision of Directive 91/477/EEC, the Firearms Directive. Unfortunately and without justification, the Commission links terrorism and illicit firearms trafficking to the lawful possession of civilian firearms in the EU, which has caused it to **rush** its proposal and **skip important steps such as an impact assessment and stakeholder consultations**. The Commission itself states that illicit firearms from cross border trafficking from outside the EU are the main problem, but its proposed actions target legal firearms.

The proposal seems to have **particularly negative effects for the Nordic countries**, due to, e.g., the proposed ban on certain semiautomatic firearms, deletion of the possibility for young persons to acquire firearms under derogation and the ban on trade by means of distance communication between



NORDIC HUNTERS' ALLIANCE

private persons. The Nordic Hunters' Alliance **strongly objects** to measures that target Nordic hunting traditions and to the Commission's implied association of Nordic hunters with terrorism and criminal activities.

Prohibition of certain categories of semiautomatic firearms

The proposal introduces a ban on "semi-automatic firearms for civilian use which resemble weapons with automatic mechanism" as well as "automatic firearms which have been converted into semi-automatic firearms". This proposal is based on **unclear criteria, lacks a justification** and seems to be the result of **symbol politics** rather than rational policy-making.

The Commission **has not produced any evidence** to show that the current system is not working and that certain types of lawfully owned semiautomatic firearms are *de facto* and *systematically* used in terrorist attacks or for other criminal activities. The ban will therefore only target owners of legal firearms and will not have any effect on criminal actions.

Rather than an unmotivated, subjective ban, stringent deactivation standards and improved border control would be the way forward. The Nordic Hunters' Alliance welcomes the Commission's recent, much belated adoption of common deactivation standards and notes that an earlier adoption in accordance with the Directive would have been in place!

The Commission proposal **does not clarify what would be the criterion for "resemblance"** of semiautomatic firearms with automatic firearms nor does it specify which mechanism it refers to. The proposal does in fact introduce the possibility to confiscate and destruct legally owned firearms based solely on their looks, but the recitals in the Preamble seem to link "resemblance" to magazine capacity as well as to the idea that semiautomatic firearms can be easily converted to automatic firearms. Furthermore, caliber has been mentioned as a potential criterion.

In the Nordic countries, semiautomatic firearms are permitted both for hunting and sport shooting purposes. Because we hunt both small and very large game, we use a variety of calibers. Furthermore, both detachable and fixed magazines are allowed, subject to specific conditions depending on use and country. A link between "resemblance" and magazine capacity and/or detachability would therefore not only have consequences for firearms in the current category B7, but potentially also for other firearms in the B and C categories. Accordingly, the Commission is introducing a gliding scale, where



NORDIC HUNTERS' ALLIANCE

hunters risk to progressively lose additional subcategories of semiautomatic firearms subject to the discretion of the implementing authorities. In addition, the Commission expressly foresees further scrutiny in its proposed amendment of Article 17, where it is planning a new fitness check of the categories within two years.

The Commission proposal would result in the confiscation and destruction of thousands of valuable, legally owned firearms, without even a transition period or compensation offered. This is an unacceptable infringement of the right of property of the legal owners as protected by the Universal Declaration of Human Rights, the European Charter of Fundamental Rights and the European Convention on Human Rights, which guarantee every person the peaceful enjoyment of their possessions.

Distance communication

The Commission proposal includes a ban of the use of “distance communication” for the sale of firearms between private persons. This would ban all trade by private persons via internet, magazine ads, telephone calls, sms etc.

The Commission has not provided any evidence that such trade poses a security threat in the EU. On the contrary, the [Evaluation of the Firearms Directive of December 2014](#) clearly states that “new sales channels (e.g. internet) may challenge in the future the scope of the Directive which, **for the moment, seems to be adequate to face the current concerns**” (p. 4 of the Executive Summary).

Cross-border transfer of firearms between private persons within the EU is already strictly regulated in Article 11 of the Directive. The rules in force require full transparency and traceability on the basis of a transfer license from the national authorities. Failure to comply renders trade illegal already under the current rules. On the other hand, internet sales between private persons **within a member state** are a matter of national competence, which the EU is not competent to regulate.

To prohibit certain sales channels will only lead to a double criminalisation, which is unjustified and disproportionate. It is highly doubtful that persons who would ignore the current obligations in relation to cross-border firearms transfers would be prevented from using the internet (or the Darknet!) for criminal purposes on the basis of a simple prohibition. Therefore, the proposed ban is

NORDIC HUNTERS' ALLIANCE



likely to have an impact on law-abiding citizens, only, and not on the criminals and terrorists that it seeks to target.

Finally, a prohibition of internet sales between private persons is impossible to enforce, making a ban a waste of effort, time and money.

Young hunters

The Commission has stated that it wishes to phase out firearms ownership among young hunters. This would mean the end of high schools specialised in game management, biathlon etc.

The Commission has **not provided a justification** for its proposal to ban the acquisition as gifts or through inheritance (purchase is already prohibited within the current framework) of hunting and sport shooting firearms by persons younger than 18 years of age. Under the current rules, firearms possession among young hunters is already subject to very stringent rules. The Commission has not produced evidence that these rules do not work or would be insufficient or that young hunters or sport shooters would pose a particular threat to the security of EU citizens – they do not.

The Commission proposal will have a serious impact on young hunters and on typically Nordic boarding schools that teach young persons about hunting and wildlife, as well as shooting sport disciplines. Ownership is a prerequisite for the use of the firearms by these young persons, because of its link with other legal requirements such as storage (firearms need to be stored at the premises of the legal owner and they cannot be lend to other persons for a longer period of time).

Inversely, ownership does not suddenly create legal possession by unfit persons. Therefore, it should not be regulated in the Firearms Directive. The fact that a person has ownership – a legal title to a firearm – remains without consequence if this person does not have a firearms license allowing them to hold it, use it or store it at their premises.

Time-limited firearms licenses

The Commission proposes to limit the firearms license for category B firearm to maximum 5 years. This measure would mean a radical breach with the current framework, where Member States decide upon the periodicity of authorisations based on subsidiarity. The Commission does not provide a justification for this restriction, which is unnecessarily bureaucratic, burdensome and costly for



hunters, as well as for license issuing authorities. The current legal framework provides for an adequate system of control and for the possibility for Member States to “withdraw authorisations for possession of a firearm if any of the conditions on the basis of which it was granted are no longer satisfied” (Article 5(b) of the Directive).

Medical checks

Without any motivation or justification, the Commission proposes to introduce “standard medical tests” linked to the issuance and renewal of an authorisation for category B firearms. Also this is a novelty for the Nordic countries and not one we can support. Medical checks are subjective, bureaucratic, costly and time-consuming, whereas it is highly doubtful whether they will increase the security in the European Union, which seems to be the Commission’s purpose with its proposal. The current system, where licenses can be withdrawn if there are actual indications that a person is unfit to possess a firearm is effective and proportionate.

Sound moderators

The Commission proposes to include sound moderators in the definition of essential parts of firearms because it wishes to align the Directive with the UN firearms protocol. However, **the Commission’s interpretation of the UN Firearms Protocol is wrong.**

Article 3b of the Firearms Protocol defines the barrel, frame, receiver, slide, cylinder, bolt and breech-block as **essential to a firearms operation** and relevant for the purpose of deactivation. Sound moderators, however, are defined as **non-essential for the operation** of the firearm.

The **correct and logical interpretation** of the UN Firearms Protocol is that there are two kinds of “parts and components” of firearms, i.e.:

- (i) **“essential parts”**: *any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block*
- (ii) **“non-essential parts”**: *any device designed or adapted to diminish the sound caused by firing a firearm.*

The Commission’s erroneous interpretation of the UN Firearms Protocol leads to the **wrong and unworkable situation** that sound moderators would be regarded as essential parts and as firearms in



NORDIC HUNTERS' ALLIANCE

their own right! As a result, they would be subject to authorisation or declaration and they would need to be deactivated together with the firearm to which they are mounted, so that they can no longer be separately used for different firearms.

Such rules do not serve any rational and reasonable purpose. Sound moderators are **non-functional parts of firearms** and they are certainly not firearms, themselves! They are simple, sound reducing accessories that do not pose any danger to the security of EU citizens and do not play any role in crime. Sound moderators are widely used by hunters in the Nordic countries in order to protect their hearing by reducing a firearm's peak (harmful) noise by 15-30dB. They are easily detachable from firearms and owners of different types or categories of firearms can mount the same sound moderator on alternate firearms. Their continued use should be ensured and facilitated by adapting the legislation to allow for their registration in the European Firearms Pass.

Brussels, 11 January 2016