

Statement by the Committee on Justice 2015/16:JuU26

Subsidiarity check of proposal amending the EU's Firearms Directive

APPENDIX 2

Reasoned opinion of the Riksdag

The Statement by the Committee on Justice 2015/16:JuU26 presents the Committee's examination of the application of the principle of subsidiarity to the Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons (COM(2015)750). In light of this examination, the Riksdag considers that the Directive is compliant with the principle of subsidiarity at a general level, but at the same time that it conflicts with the principle in several parts.

The Riksdag is positive to an overview of the Firearms Directive and considers it important that the member states gain a greater control over dangerous weapons. However this control should primarily be targeted at weapons which experience has shown involve the greatest risk of being used in terrorist attacks or other serious crime. At the same time it is important that the regulatory framework does not become too onerous or intrusive for individual licence holders or voluntary defence organisations.

The security issues that are dealt with in the Firearms Directive are of a cross-border nature and of such a nature that they cannot be dealt with by the individual member states. In order to be able to guarantee a high level of security and to regulate the cross-border flow of firearms, measures at EU level are required.

At the same time, the Riksdag considers that there are shortcomings in the Commission's assessment regarding the proposal's compliance with the principle of subsidiarity. Even if the objectives of the proposed directive cannot be sufficiently reached by the member states and therefore, on account of the scope and consequences of the proposed action, they can better be achieved at Union level, it is doubtful whether all aspects require regulation at the level of detail and in all areas proposed by the Commission. The effectiveness of some of the proposed measures can also be questioned. It is, for example, unclear to what extent the proposals regarding time-limited licences and compulsory medical tests in connection with issuing authorisation - which is a burdensome measure for both authorities and the individual - can contribute to increasing the security of EU citizens. The same applies to the proposal that weapons in museums should also be covered by the Directive. In the opinion of the Riksdag, it is improbable that such weapons would be used for the purposes the proposal is intended to counteract. The proposal to limit trade in firearms between individuals also seems too intrusive. In the opinion of the Riksdag, the Commission's justifications regarding subsidiarity should be more detailed and should include clearer reasoning on how it has arrived at the conclusion that the various proposed measures are compliant with the principle of subsidiarity.

In parts, the proposal is also unclear and incomplete, which makes the subsidiarity check more difficult. It is, for example, unclear what is meant by firearms which *resemble* weapons with automatic mechanisms and which should therefore be transferred to another category, and the scope of the recommended standard medical tests.

In light of this, the Riksdag would like to stress the importance of thoroughly considering, in the continued work with the Directive, the various aspects of the proposal in relation to the principle of subsidiarity.

In summary, the Directive is, in the opinion of the Riksdag, compliant with the principle of subsidiarity at a general level, but at the same time several parts of it conflict with the principle. This primarily concerns the rules on time-limited licences and compulsory medical tests in connection with issuing authorisation. The Riksdag considers that these measures go beyond what is necessary to achieve the desired objectives. In the opinion of the Riksdag, these objectives could just as well be achieved if the member states were given greater scope, within the framework of the Directive, to decide themselves what measures should be taken.