



**Parliament of Romania
Chamber of Deputies
Committee for European Affairs**

Bucharest, 2nd of March 2016
No. 4 c-19 / 186

Opinion

**on the Proposal for a Directive of the European Parliament and of the Council to
amend the Council Directive 91/477/EEC on control of the acquisition and possession
of weapons - COM(2015) 750**

In compliance with the provisions of Article 170(1) of the Regulations of the Chamber of Deputies, reissued, the Committee on European Affairs and the Committee on Defence, Public Order and National Security, were requested to examine the Proposal for a Directive of the European Parliament and to amend the Council Directive 91/477/EEC on control of the acquisition and possession of weapons – COM (2015) 750.

Having regard to the:

- draft Opinion adopted by the Committee on Defence, Public Order and National Security,
- Note of the Ministry of Foreign Affairs,
- Note of the Ministry of Interior,
- Input from representatives of above-mentioned institutions, provided during the debates,
- European Parliament Resolution of July 9, 2015, on the European Agenda on Security (2015/2697(RSP)),
- European Parliament Resolution of February 11, 2015 on anti-terrorism measures (2015/2530(RSP)),
- Input from own Secretariat,
- Information sheet and input from Department for the European Union of the Chamber of Deputies,

The Committee on European Affairs:

1. **Takes note** of the fact that the draft directive amends the current legislative framework, in the sense of tightening up the rules applicable for acquisition and possession of firearms.

2. **Takes note** of the fact that various members of the European Parliament, of national Parliaments and other stakeholders have raised doubts in relationship to the role played by legally owned weapons in terrorist attacks and other serious crimes, thus perceiving that the causality established by the European Commission is unsubstantiated.
3. **Rallies itself** to the opinion expressed by those members of the European Parliament and national Parliaments who criticize the fact that European Commission has invoked recent terrorist attacks as a justification for discarding the impact study called upon by the rules of a proper law-making process, due to the urgency of such regulations.
4. **Takes note** of the fact that the lack of detailed statistical data is frequently mentioned, also in the external review from 2014 and in the Report issued in November 2015 by the European Commission for the Evaluation of Council Directive 91/477/EEC on control of the acquisition and possession of weapons, which shows that: *“Due to the lack of comprehensive data, it has been difficult for the evaluator to assess the effectiveness of the Directive in connection to the security objectives. In particular, the analysis was hampered by the lack of an information base including specific and detailed data on criminal offences committed with legally owned firearms, converted alarm weapons and reactivated firearms in EU Member States.”*
5. **Considers** that, as long as statistical data that may indicate the level of use for legally owned firearms in terrorist attacks and serious/organized criminal activities, as well as some statistical data that should be able to indicate the degree of use within criminal activities against various types of weapons – semi-automatic, alarm, signal, reactivated, converted weapons, weapons acquired from collectors, weapons procured on-line –, are missing, the added value of the draft directive cannot be assessed.
6. **Specifies** that such difficulty in the assessment process also represents a difficulty in determining the usefulness of such a regulation and implicitly, the level of compliance with the principle of subsidiarity.

Ascertains the validity and the sufficient nature of arguments brought for the usefulness of such a proposal, from the perspective of the insufficient action taken at national level and **accepts** the arguments put forward by the European Commission regarding the need to act at EU level, as the objectives set out through a common European action might be achieved to a higher extent compared to individual action taken at the level of each Member State.

Believes that, even if no substantial contribution to ensuring safety for EU can be determined from the perspective of the added value criterion, the draft Directive is compliant with the principle of subsidiarity.

7. **Having noticed** that the draft Directive also targets the fight against hijacking firearms from the legal market to the illegal market, we also **point out** that, should statistical data prove that criminal activities are overwhelmingly committed with weapons that have been illegally acquired or possessed, the regulatory action taken

by the European Commission should have focused, then, on such weapons and that restrictions applied to legal acquisition and possession of firearms are not sufficiently justified.

Ascertains that the European Commission Communication – the EU Action Plan against illicit trafficking in and use of firearms and explosives - COM (2015) was submitted briefly after the launch of the draft Proposal under scrutiny. **Considers** that the concern expressed by the European Commission in this area is justified, also due to the reason mentioned in the above paragraph.

In order to clarify all the above, **we request** the European Commission to provide national Parliaments with data regarding the date and the location where semi-automatic weapons, weapons procured on-line, converted alarm pistols, reactivated weapons or weapons acquired from collectors have been used during terrorist attacks; a comparison between the overall number of prohibited firearms (category A from the draft Directive) confiscated over a period of one year by the competent authorities of all EU Member States and the number of prohibited firearms confiscated and originating from collectors would also be relevant.

8. **Takes note** of the fact that Romanian domestic legislation is more restrictive compared with some Member States and that our country is ranked among the last in Europe in terms of the number of weapons per capita, as the majority of lethal weapons in possession of natural persons is represented by the category of hunting weapons.

Takes into consideration the reserve expressed by the Ministry of Interior concerning the possibility for weapons in relationship to which some Member States do not require a permit to end up in Member States where such a permit is required.

9. **Takes note** of the fact the European Parliament Resolution of 9 July 2015 on the European Agenda on security has noticed that EU does not currently enjoy a shared definition of the “national security” concept, a fact that creates an indefinite exclusion in those EU legal instruments which include references to “national security”; in this respect, we **take note** of the fact that some EU Member States invoke national security in order to criticize the draft Directive from the perspective of diminishing their defence capabilities.
10. **Admits** that, no matter which is the share of legally acquired and owned weapons when committing serious criminal activities, the draft Directive supplements and amends Directive 91/477/EEC on firearms and this may improve safety for citizens.
11. In this respect, we **consider that** conversion of alarm weapons with blank ammunitions into genuine firearms, improvements in the clarity of requirements for ear-marking firearms in order to improve their traceability, common guidelines for deactivation of firearms, keeping records on deactivated firearms, registration of transfers for deactivated firearms, clarification of definitions, restrictions over internet-based sales, simplification and improvement of national systems for data

exchange, respectively the exploration of interoperability possibilities, all represent legitimate concerns.

12. **Notices** that the added value of the directive is structured against two levels, as the impact of proposals is to be identified at the technical level of these provisions, by tightening up the conditions for procurement and possession of firearms, as well as at political level, by strengthening the coordination process among EU Member States, in the sense of formalizing a system for exchange of information on the firearms market.
13. In terms of the interoperability between the information systems set up at national level, a topic in relationship to which EU Member States have different opinions, we **rally** ourselves to the opinion that firearms traceability represents one of the most significant requirements, which once addressed shall eliminate most of the existing risks.
14. **Agrees** in principle with the prohibition for possession and trading of dangerous firearms included in category A, while also recognizing that EU Member States which focus their national defence on the concept of ongoing re-armament of the reserve force should benefit from exceptions, if possible, by applying the military staff status to the members of the military reserve force.
15. **Appreciates** the measures taken in order to standardize certificates and permits, which should lead to a decrease of the administrative burden.
16. **Warns** that the need to adapt to future technological developments mentioned in the Report issued in November 2015 by the European Commission for the Evaluation of Council Directive 91/477/EEC on control of the acquisition and possession of weapons should not be restricted to 3D printing and to on-line sales only, but it may also include weapons which are still in an experimental stage.
17. **Considers** that the draft Directive should add the category of weapons that are undetectable with regular detection methods to Annex A of Directive 91/477/EEC.
18. **Agrees** with the prohibition of using the Internet as a sales channel for firearms, except for armourers and intermediaries, however we **consider** that the two excepted categories should be subjected to rigorous monitoring and control mechanisms through common rules adopted at EU level and that the sanctions applied for infringements should be able to discourage any illegal behaviours. At the same time, we **consider** that interception of unauthorized goods at the delivery point still represents the most important action to be taken.
19. **Considers** that the expansion of the regulatory system for intermediaries in order to include armourers, as well, is substantiated; however, we **warn** about the fact that the authorization procedure for trade and intermediation activities which includes a check on natural and legal persons does not stipulate what does this verification consist from in the case of companies; a mere verification of the person running the company involved is not enough.

20. **Warns** that it is difficult to deliver an assessment of personal and professional integrity and of the armourer's or intermediary agent's skills and that drafting and acceptance of a best practice guideline in all Member States is a challenging task.
21. **Considers** that the same situation applies to establishing a number of criteria for the "*good reason*" that allows for the permit for firearms possession to be issued and to establishing some criteria that confirm that applicants for such a permit do not pose a danger "to themselves, to the public order or public safety"; **considers** that the existence of a previous conviction for violent crimes is enough to deny such a permit.
22. **Considers** that, in order to issue the permit for procurement of a firearm, not only "*standard medical checks*" should be organized, but instead medical checks especially designed for determining "standard risks".
23. **Takes over** the argument brought during the Council meetings, that it is more efficient to manufacture a new weapon than to re-activate a properly deactivated weapon and **underlines** that a better implementation of Regulation (EU) 2015/2403 of 15 December 2015, establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, becomes a key element.
24. Taking into consideration the fact that precautions related to circulation and legal possession of firearms make sense only as long as criminals do not find it easier to obtain them illegally, **we consider** that Member States' resolve in applying domestic laws as well as European Union rules, in the sense of fighting weapons trafficking, represents an absolute need.
25. **Deplores** tolerance in relationship to weapon trafficking that takes place in trading areas, such as ports, which are well-known by national, European and international law enforcement agencies, more over so if such areas are located in countries with high financial, human and material resources and **warns** the authorities of such states that a lax attitude in this area posing a serious risk represents a serious infringement of the rule of law principle and it affects the safety of European citizens.
26. **Rallies** itself to the opinion that large transports of weapons should be mandatory monitored through GPS.
27. **Rallies** itself to the opinion expressed in European Parliament Resolution of July 9, 2015, on the European Agenda on Security (2015/2697(RSP) on the effectiveness of Joint Investigation Teams (JITs) in investigating specific cases with a cross-border feature, on expanding this tool and on the establishment of semi-permanent or permanent JITs, especially within the most important areas of organized crime.

The Committee for European Affairs, in its meeting on the 1st of March 2016, with the participation of 14 of its 22 members, unanimously decided to adopt the Opinion herein and have it transmitted to the Standing Bureau of the Chamber of Deputies, in order to complete the Parliamentary examination procedure.

The Committee for European Affairs:
proposes forwarding the Opinion to the Romanian Government, applying art. 3 para. (2) of Law no. 373/2013 on cooperation between the Government and the Parliament in European affairs matters.

Proposes informing the European Union's institutions on the Committee's observations and recommendations, as a contribution to the process of formulating efficient policies in this area.

Furthermore, proposes forwarding its observations/recommendations to the European Commission, as part of the informal political dialogue promoted by the European Commission in its Communication "Delivering the Results for Europe", COM (2006) 211.

Chairwoman,
Ana BIRCHALL

Secretary,
Dorel Gheorghe CĂPRAR

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