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**Transposition of Directive 91/477/EEC on
Control of the Acquisition and Possession of
Weapons in 10 EU Member States**

Briefing Note

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Transposition of Directive 91/477/EEC on Control of the Acquisition and Possession of Weapons in 10 EU Member States

CORRIGENDUM

Executive summary, fourth paragraph

The sentence “This occurred mostly as regards the introduction of a centralised registry of firearms (8 out of 10 states), of uniform marking techniques (7 out of 10)...” is replaced by: “This occurred mostly as regards the introduction of a centralised registry of firearms (8 out of 10 states), of uniform marking techniques (9 out of 10)...”

Page 7, Poland, Classification of firearms

The sentence “Poland disposes of a national system of classification of firearms, which is however equivalent to the one of the Directive, and includes all four categories (A, B, C and D) of weapons. There are equivalent categories for C and D firearms” is replaced by: “The Polish legislation on firearms has adopted the same classification as provided by Directive 91/477/EEC”.

Accordingly, in the **Conclusion, page 10, fourth paragraph**, the sentence “The EU four-category firearms classification system has been adopted by **five** countries (i.e. HU, IT, LT, SI and SE)” is replaced by “The EU four-category firearms classification system has been adopted by **six** countries (i.e. HU, IT, LT, **PL**, SI and SE) and the sentence “Poland’s classification system is equivalent to the Directive’s classification” is deleted.

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Executive Summary

Directive 91/477/EEC on control of the acquisition and possession of weapons (hereinafter, “the Directive”) was adopted on 18 June 1991 as a response to the planned abolition of border controls within the EU by 1 January 1993. The Directive establishes minimum provisions with regard to the acquisition and possession and to the transfer of firearms from one EU member state to another.

This briefing note reviews the state of transposition of the Directive in 10 EU member states: Belgium, France, Germany, Hungary, Italy, Lithuania, Poland, Slovenia, Sweden and the United Kingdom. The briefing note focuses on the following issues: registration, marking and tracing, classification of firearms, special provisions regarding acquisition of weapons, the functioning of the European Firearms Pass, legal provisions on brokering and the deactivation of firearms.

To date, the analysed member states have transposed the Directive into their national legislation and in some cases (Belgium, Lithuania) this process fostered the adoption of a completely new framework law on firearms.

All states under study have made use of article 3 of the Directive, which allows national legislators to impose more stringent measures than those foreseen by the Directive. This occurred mostly as regards the introduction of a centralised registry of firearms (8 out of 10 states), of uniform marking techniques (9 out of 10), of a unique national identification number for each registered weapon (2 out of 10). More stringent provisions have also been introduced with regard to the acquisition of weapons (5 out of 10). Half of the surveyed countries also extended the minimum period required by dealers to keep their register from five to ten years.

The European Firearms Pass (EFP) has been put into circulation correctly. Six out of the ten states under study also introduced an additional obligation to obtain an invitation, on top of the authorization and the EFP before an EU national can enter their territory with firearms.

Brokers are covered by the national firearms legislation in all states under study by the provisions on trade in weapons by dealers. Trade in weapons of all categories (A, B, C and D) in all countries is only possible after obtaining an authorisation.

Deactivation of weapons can be carried out by a Proof House, by manufacturers, dealers or weapons experts, depending on national provisions on deactivation. In all 10 member states under study, a certificate is issued to attest the deactivation.

1 Introduction

This briefing note illustrates the state of transposition of Directive 91/477/EEC on control of the acquisition and possession of weapons (hereinafter, “the Directive”) in 10 EU member states: Belgium, France, Germany, Hungary, Italy, Lithuania, Poland, Slovenia, Sweden, and the United Kingdom. The Directive was adopted on 18 June 1991 as a response to the planned abolition of border controls within the EU by 1 January 1993. The text establishes minimum provisions with regard to the acquisition and possession and to the transfer of firearms from one EU member state to another. Moreover, article 3 of the Directive allows the adoption of more stringent regulations at the national level, an opportunity that was seized by the 10 member states under exam. For the sake of clarity, some general definitions of the terms employed in the Directive are provided below.

The Directive sets minimal standards in certain fields (registration, acquisition) by requiring the partial harmonisation of the firearms legislation in EU member states. In addition, firearms are classified into four categories (A, B, C and D), each subject to a different legal treatment. The Directive prohibits weapons of category A, whereas category B weapons can be acquired upon authorisation. Possession of category C weapons must be declared by the buyer to the competent authorities, while category D weapons are sold freely. Nonetheless, member states may keep their national firearms classification system. When this occurred, national legislators generally introduced a clear distinction between category A (prohibited) weapons and other weapons (those subject to authorisation and/or declaration).

The Directive also introduces a European Firearms Pass (EFP), which allows the transportation of firearms within the EU, in particular for hunting and sporting purposes. An EFP lists all the weapons which the EFP holder is transporting when travelling to another EU country.

It should be noted that the Directive contains no provisions on marking or tracing, and on the deactivation of firearms. However, these aspects have been regulated by the 10 reviewed member states and are therefore explained in the text.¹

Both the Directive and Firearms legislations in the 10 examined member states provide a broad definition of dealers, which implicitly covers brokering activities (i.e. trade in weapons). However, only trade in weapons for civilian use falls within the scope of the Directive.

The findings contained in this briefing note were obtained through desk research, face-to-face and telephone interviews and questionnaires and are presented in the next section and summarised in two tables at the end of the briefing note. We focus in particular on registration, marking and tracing, classification of firearms, special provisions regarding acquisition of weapons, the functioning of the European Firearms Pass, legal provisions on brokering and the deactivation of firearms.

¹ Moreover, these aspects are disciplined by the UN Protocol *against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the UN Convention against transnational organized crime* of 8 June 2001, entered into force on 3 July 2005. Some of the analysed member states already ratified the Protocol. For further details, see table 2.

2 State of transposition in 10 EU member states

2.1 Belgium

In Belgium, a new Law on Weapons entered into force on 9 June 2006, even though the legislation was already in line with Directive 91/477/EEC. The new law makes active use of Article 3 of the Directive and introduces more stringent provisions in many areas.

Registration. All weapons manufactured or imported in Belgium are registered in a central weapons register, in which a unique national identification number is attributed to each weapon.² The central weapons register is kept by the “Service Général d’appui policier” (General Service for Police Support). Moreover, dealers keep records of the weapons in their registers for at least five years in conformity with the provisions of the Directive.³ The local police verify the records of the dealers.

Marking and tracing⁴. All weapons manufactured or imported in Belgium must be marked according to a uniform system of marking. The marking on a weapon is verified during the quality check by a dedicated official body, the “Banc d’Epreuves”. In addition, Belgium, together with other EU member states⁵ is a member of the Commission Internationale Permanente (CIP)⁶, which introduced international standards for marking that are mutually recognised by its members.

Classification of firearms. Belgium disposes of its specific classification scheme for firearms distinguishing between three categories: prohibited weapons (equivalent to category A in the Directive); weapons which can be sold freely (weapons which are not firearms and deactivated firearms); and weapons subject to authorisation. Thus, category B, C and D weapons under the Directive have been regrouped in the category of weapons subject to authorisation.

Special Provisions regarding acquisition. Authorisations for the acquisition of weapons are issued by the Provincial Governor for a five-year period. The local police must perform a background check on the applicant and approve the application within three months. The legislation is in line with the general provisions for acquisition provided for by the Directive.⁷ The new law prohibits the acquisition of weapons by post or through the internet.

The European Firearms Pass (EFP). The “Service Général d’appui policier”, receives the applications for EFPs and records all applications in a database. The Belgian law follows the Directive’s guidelines on the general application of the EFP. EU citizens wishing to use their weapons in Belgium must specify the duration (up to one year) and must be able to prove the reason of their stay and submit their EFP to the Ministry of Justice for approval.

² Only Belgian and Italian legislation foresees the attribution of a national identification number to each registered weapon. For further details, see table 1.

³ Article 4 of Directive 91/477/EEC provides details about the dealers’ obligation to keep a register for at least five years, even after cessation of activities, and lists the information that should be kept on record.

⁴ For information on how tracing is ensured for all countries under study, please refer to table 1. Tracing is ensured through various registration procedures.

⁵ For further details, see table 1 below.

⁶ See table 1 for membership of the Commission Internationale Permanente (CIP). The CIP introduced international standards for marking, which are mutually recognized by its members. For further details, see: <http://www.proximedia.com/web/cip.html>.

⁷ Article 5 of the Directive establishes the following conditions for the acquisition of weapons: minimum age of acquisition (18 + with some exceptions); necessity to prove good mental and physical condition; police carry out a check on criminal antecedents; there must be a valid reason for the acquisition (hunting, sport, self-defence, etc.); proof of knowledge on firearms legislation in force and/or handling of weapon. These conditions are in force in all countries under study.

Brokers. Brokers are implicitly covered in the national firearms legislation under the definition of dealers. Dealers must obtain an authorisation from the Provincial Governor in order to trade in weapons of all categories. They must prove their knowledge of the legislation and their technical expertise.

Deactivation. Deactivation of weapons is carried out by the “Banc d’Epreuves de Liège” Proof House⁸ or by experts contracted by the Proof House. Forthcoming decrees will provide details with regard to the issuing of certificates of deactivation.

2.2 France

In France, Legislation on firearms is based on the decree-law of 18 April 1939, which was later modified by several decrees. The most significant overhaul of the 1939 law was made by a decree of 6 May 1995.⁹ In 2005, the existing provisions on firearms were consolidated into a single text.

Registration. France has no national registration system and each Préfecture (territorial entity) must maintain a database. The local police verify at least twice a year the dealers’ registers. The dealers keep the register for a period of ten years, in conformity with the provisions of the Directive.¹⁰

Marking and tracing. All weapons manufactured or imported in France must be marked, according to uniform marking techniques. Marking is ensured by the manufacturer. France is a member of the CIP (see table 1 below).

Classification of firearms. There are 8 types of weapons in the French classification, of which categories 4 to 8 refer to weapons for civilian use, and thus are covered by the scope of the Directive. Weapons are then classified in four categories: prohibited weapons, weapons subject to authorisation, weapons subject to declarations and weapons that can be sold freely. Accordingly, France has maintained the distinction between categories C and D as specified in the Directive.

Special Provisions regarding acquisition. Authorisations for acquisitions are issued by the “Préfet” (prefect) for a duration of five years (renewable). The legislation is in line with the general provisions laid down by the Directive regarding acquisition. Authorisations for self-defence purposes are not often delivered.

The European Firearms Pass. Applications for an EFP are reviewed by the “Préfet” (prefect). The legislation is in line with the Directive’s guidelines on the general application of the EFP. EU citizens must motivate the purpose of their journey into France by presenting an invitation and request an authorisation from the Interior Ministry.

Brokers. Brokers are implicitly covered in the national firearms legislation under the definition of dealers. Dealers must obtain an authorisation from the Ministry of Defence for trade in prohibited weapons. Trade in category B, C and D weapons requires the submission of a declaration to the Prefect. Dealers must prove their knowledge of the legislation and their technical expertise.

Deactivation. The deactivation is carried out by an officially recognised Proof House or by certified weapons experts. The military administration oversees and certifies the deactivation of weapons.

⁸ A Proof House is a recognised body that is officially mandated to carry out quality checks and to deactivate weapons.

⁹ Décret n° 95-589 du 6 mai 1995 relatif à l'application du décret du 18 avril 1939 fixant le régime des matériels de guerre, armes et munitions.

¹⁰ In France, the dealers submit their register within three months of cessation of activities to local police.

2.3 Germany

The German weapons law of 8 March 1976 was subsequently modified to transpose the Directive. Major changes were introduced by the new Weapons Act (Waffengesetz, WaffG) entered into force on 1 April 2003, and by the General Ordinance on the Weapons Act (Allgemeine Waffengesetz-Verordnung, AWaffV) on 1 December 2003. In March 2005, more stringent provisions than those contained in the Directive were introduced, in particular as regards the acquisition of weapons.

Registration. The Bundeskriminalamt (the Federal Criminal Service) keeps a national register on weapons. Data are provided by manufacturers and dealers that keep a detailed register in conformity with the Directive. The Länder verify the records of the dealers through the local police. The dealers keep a register for ten years in conformity with the provisions of the Directive.

Marking and tracing. All weapons, manufactured or imported, must have a serial number. The legislation is very detailed as regards the content of the marking, which should allow identification of the manufacturer and the weapon's country of origin. Germany is a member of the CIP.

Classification of firearms. Germany has its own classification system that introduces three categories of weapons: prohibited weapons; weapons subject to authorisation; and weapons which can be sold freely. Accordingly, category B, C and D weapons of the Directive have been regrouped in the category of weapons subject to authorisation.

Special Provisions regarding acquisition. A licence is necessary in order to acquire a weapon. The legislation is in line with the general provisions regarding acquisition. In addition, the applicant must have an insurance policy of 1 million euros for any damage caused, and must not be (or have been during the last ten years) a member of an extremist or other type of criminal/illegal association. The licence is issued by the competent authorities (police) in each Länder.

The European Firearms Pass. Applications for an EFP must be filed with the competent authorities of each Länder, who then notify the Bundeskriminalamt each time an EFP is issued, reporting the information contained in it. EU citizens must have an invitation from a hunting or shooting club proving the purpose of their visit. The legislation is in line with the Directive's guidelines on the general application of the EFP

Brokers. Brokers are covered in the national firearms legislation under the definition of dealers. German Länder are competent to issue authorisations for trade in weapons of all categories. Dealers must prove their knowledge of the legislation and their technical expertise.

Deactivation. Weapons are deactivated by manufacturers and their deactivation is certified by the local police authorities upon issuance of a certificate.

2.4 Hungary

The main law implementing Directive 91/477/EEC is the parliamentary Act XXIV of February 2004. In addition, certain regulations of the earlier Administration Decree 115/1991 (IX.10) are still in force.

Registration. A central weapon registry is kept at the National Police Headquarters, together with a special registry on the permits held by weapon owners. The records are kept for at least ten years after the expiry of every permit. Dealers must also keep a register, in conformity with the provisions of the Directive, and must upon request communicate their records to the central weapon registry of the national police. The dealer's records must be kept by the police for at least five years.

Marking and tracing. Any newly manufactured or imported weapon is marked during a quality check and registered in a central database. As part of tracing, the police regularly visit weapons owners at home in order to check if they are still in possession of their declared weapons. Hungary is a member of the CIP.

Classification of firearms. The Hungarian legislation on firearms has adopted the same classification as provided by Directive 91/477/EEC.

Special Provisions regarding acquisition. The legislation is in line with the general provisions regarding acquisition. The permits are issued by the police and the applicant must always motivate the reason for acquiring a weapon (i.e. hunting, sport or self-defence). For hunting weapons, the applicant must pass a hunter's course. The authorities are reportedly very reluctant to issue permits for weapons for sport-shooting. Permits for self-defence are issued very rarely.

The European Firearms Pass. The EFP is issued by the Hungarian police, and the legislation is in line with the Directive's guidelines on the general application of the EFP. Upon entering Hungary, the EFP and an invitation must be presented to the Hungarian Customs and Finance Guard, who then issues a certificate for the period of stay. When leaving, the visitor must return the certificate to the issuing authority as proof that all weapons are being taken out of the national territory.

Brokers. Brokers are implicitly covered in the national firearms legislation under the definition of dealers. Dealers must obtain an authorisation from the Hungarian Trade Licensing Office of the Ministry of Economy and Transport for trade in weapons of all categories. They must prove their knowledge of the legislation and their technical expertise.

Deactivation. The Civil Small Arms and Ammunition Proof House deactivates weapons when they are brought in for deactivation or when they fail the quality check. Deactivated weapons receive a certificate.

2.5 Italy

In Italy Directive 91/477/EEC has been implemented by a legislative decree of 30 December 1992, n. 527. The provisions on the registration of weapons are stricter than those foreseen by the Directive.

Registration. The National Arms Register (a centralised database) is held by the National Police and registers all weapons manufactured or imported in Italy by attaching a national identification number to each weapon. Dealers must keep detailed records in their register in conformity with the Directive. A register must be kept by the dealer for at least five years in conformity with the provisions of the Directive. Dealers update the local police every month about sold weapons, and the identity of buyers and suppliers.

Marking and tracing. Every firearm manufactured or imported in Italy must be marked by the manufacturer with a serial number. Upon registration it receives a national identification number. Italy is a member of the CIP.

Classification of firearms. The classification provided by Directive 91/477/EEC has been adopted.

Special Provisions regarding acquisition. Applications for authorisations are reviewed by the "Questore" (Head of the Provincial Police). The legislation is in line with the general provisions regarding acquisition. The licence is issued for at most five years.

The European Firearms Pass. The “Questore” issues the EFP. The legislation is in line with the Directive’s guidelines on the general application of the EFP. The EU citizen requires the approval from the Ministry of Interior, but there is no need for an invitation on the part of an Italian hunting or marksman shooting association. However, the visitor must be able at all times to prove the purpose of his visit.

Brokers. Brokers are implicitly covered in the national firearms legislation under the definition of dealers. Dealers must obtain an authorisation from the “Questore” in order to trade in weapons of all categories. They must prove their knowledge of the legislation and their technical expertise.

Deactivation. The Police issue licences to experts who are allowed to modify and deactivate those specific weapons for which they have a licence. Deactivated weapons receive a certificate, a copy of which is forwarded to the “Questore”.

2.6 Lithuania

Lithuania introduced a new Law on control of arms and ammunition on January 2002 in preparation to its accession to the EU, thereby transposing Directive 91/477/EEC and at the same time imposing stricter regulations in a number of areas, particularly as regards the registration of weapons.

Registration. The Weaponry Fund under supervision of the government is responsible for maintaining the State Arms Register; the Licence Unit of the Police Department is also in charge of maintaining a central arm database. The local police keep records on weapons and their owners and transfer them to the State Arms Register. The dealers also keep a register for at least 10 years in conformity with the provisions of the Directive. The dealer informs the local police of every sale, by providing information on the weapons and buyers.

Marking and tracing. A uniform system of marking weapons exists in Lithuania. Every weapon, manufactured or imported, must be marked with a serial number and other information on its origin. Lithuania is not a member of the CIP.

Classification of firearms. The legislation of 2004 introduces the same classification of weapons as the one provided for in Directive 91/477/EEC.

Special provisions regarding acquisition. Permits for the acquisition of weapons are issued by the local police and the weapon must be acquired within six months from issuance of the permit. The permit can only be issued for certain purposes (hunting, sports, self-defence, professional activities, etc.). The legislation is in line with the general provisions regarding acquisition.

The European Firearms Pass. The National Police Department of the Ministry of the Interior issues the EFP’s and also approves the entry of EU citizens. EU citizens need to present an invitation certifying the purpose of their visit from a hunting or shooting club. The legislation is in line with the Directive’s guidelines on the general application of the EFP.

Brokers. Brokers are implicitly covered in the national firearms legislation under the definition of dealers. Dealers must obtain an authorisation from the Ministry of Interior in order to trade in category B, C, D weapons. Trade in prohibited (category A) weapons is carried out exclusively by the Weaponry Fund and Ministry of Defence. Dealers must prove their knowledge of the legislation and their technical expertise.

Deactivation. The Weaponry Fund is also the Proof House responsible for deactivating a weapon. A certificate is issued to attest the deactivation.

2.7 Poland

The Law on Weapons and Ammunition of 21 May 1999, which entered into force in March 2000, transposed Directive 91/477/EEC. The law relies on government decrees for its further application.

Registration. The Commander in Chief of Police is responsible for maintaining the central arms registry. The buyer registers the acquired weapon within five days of the acquisition with the local police, which issue a registration card. Dealers also keep a register for ten years, in conformity with the provisions of the Directive, which are verified by local police. Additionally, hunters' associations transfer their members' records to the central arms registry.

Marking and tracing. Manufacturers mark weapons and their key parts. Imported weapons are also marked. A uniform marking system foresees a serial number and allows the identification of the country of origin, manufacturer and the importer. Poland is not a CIP member.

Classification of firearms. Poland disposes of a national system of classification of firearms, which is however equivalent to the one of the Directive, and includes all four categories (A, B, C and D) of weapons. There are equivalent categories for C and D firearms.

Special Provisions regarding acquisition. The Head of Police of the Vojevodship (provincial level) issues the permit for the acquisition of a weapon: the permit is valid for unlimited time under the condition that the weapon is acquired within three months. Once acquired, the weapon has to be registered within five days, as explained above. The applicant must motivate the reason for acquiring a weapon (self-defence, hunting, sports, collection, museum, training). The legislation is in line with the general provisions regarding acquisition.

The European Firearms Pass. The EFP is issued by the local police upon application. The Commander in Chief of Police maintains a register of the foreigners who enter Poland with a weapon and a valid EFP. EU citizens need to have an invitation from a hunting or shooting association. The legislation is in line with the Directive's guidelines on the general application of the EFP.

Brokers. Brokers are covered in the national firearms legislation under the definition of dealers. Dealers must obtain an authorisation from the Ministry of Interior and Administration in order to trade in weapons of all categories. They must prove their knowledge of the legislation and their technical expertise.

Deactivation. Manufacturers or dealers that possess the necessary qualifications may carry out the deactivation of weapons, which must then be expressly certified. Officially recognised Proof Houses verify and confirm the deactivation of a weapon.

2.8 Slovenia

The legal framework for the acquisition and possession of firearms is established by the Weapons Act of 2005 in its consolidated version (Official Gazette RS, no. 23/05).

Registration. A central registry is held by the Ministry of Interior. The local government authorities (Administrative Units) maintain the data on weapons and their owners. Local police verify the dealers' registers and transfer the data to local government. The dealers keep a register for at least five years, in conformity with the provisions of the Directive.

Marking and tracing. All the weapons which are manufactured or imported in Slovenia are marked following a uniform system for marking. Slovenia is not a CIP member.

Classification of firearms. The Slovenian legislation on firearms has adopted the same classification as provided by Directive 91/477/EEC.

Special Provisions regarding acquisition. A licence to buy firearms is issued by the local authorities (administrative units). Permits for hunting and sports weapons are issued for ten years. Permits for weapons for security purposes are issued for five years. The legislation is in line with the general conditions regarding acquisition.

The European Firearms Pass. The legislation is in line with the Directive's guidelines on the general application of the EFP. The Administrative Units issue EFP's. EU citizens must be able to prove the reason of their journey at all times. Before travelling to Slovenia, visitors must apply for a licence with the Slovenian police authorities.

Brokers. Brokers are implicitly covered in the national firearms legislation under the definition of dealers. Dealers must obtain an authorisation from the Ministry of Interior in order to trade in weapons of all categories. They must prove their knowledge of the legislation and their technical expertise.

Deactivation. Authorised manufacturers are responsible for permanently deactivating firearms. A special commission from the Ministry of the Interior verifies the deactivation and issues a certificate attesting the deactivation of the weapon.

2.9 Sweden

Sweden transposed Directive 91/477/EEC by introducing a new Law on Weapons on 8 February 1996, following its accession to the EU in 1995. This law contains very strict registration measures, thereby ensuring a high traceability of weapons.

Registration. The National Police Board is responsible for updating the central weapons register. The task of collecting the records is delegated to the local police. Dealers must keep a register in conformity with the Directive, for at least ten years.¹¹ The local police check the registers of all the dealers in their area at least once a year.

Marking and tracing. Any weapons manufactured or imported in Sweden must be marked by the manufacturer. There is no uniform system of marking and Sweden is not a CIP member.

Classification of firearms. Sweden has adopted the same classification scheme as provided in the Annex of Directive 91/477/EEC.

Special provisions regarding acquisition. The buyer must apply with the police for a licence granting the right to buy a particular weapon, after which the dealer confirms and forwards the details of the weapon and the prospective buyer to the police. Finally, the police send the authorisation to buy that particular weapon to the applicant by mail. Only then, the applicant can acquire the weapon. The licence issued by the police is valid for five years. The legislation is in line with the general provisions regarding acquisition.

The European Firearms Pass. The local police issue EFPs. EU citizens require the approval of the National Police Board and a valid EFP, as well as an invitation from a hunting or sports club. The legislation is in line with the Directive's guidelines on the general application of the EFP.

Brokers. Brokers are covered in the national firearms legislation under the definition of dealers. Dealers must obtain an authorisation from the local police in order to trade in weapons of all categories. They must prove their knowledge of the legislation and their technical expertise.

Deactivation. All weapons destined for deactivation are handed over to local police, who transfer the weapon to the National Laboratory of Forensic Science, which deactivates the weapons and issues a certificate.

¹¹ As in the case of France, when a dealer ceases his activities the register is handed over to the police for safekeeping.

2.10 United Kingdom

The firearms legislation in the UK is based on the framework law of 1968 (the Firearms Act). The latest substantial modifications were introduced with the Firearms (Amendment) Act of 1997, after the Dunblane massacre. Acquisition of weapons and the registration as a dealer are subject to stricter provisions than those foreseen by the Directive.

Registration. A National Firearms Licensing Management System, required by section 39 of the Firearms (Amendment) Act 1997 is still not available. Meanwhile, the local police issue licences, keep records and verify the dealers' registers. The dealers keep registers, in conformity with the Directive, for five years. The Chief Officer of Police (local police) is notified by the dealer within seven days of a sale.

Marking and tracing. All weapons manufactured or imported into the UK must undergo proofing (compulsory testing) and marking by one of the two recognised Proof Houses. The weapons are also marked by the manufacturer with a serial number. The UK is a CIP member.

Classification of firearms. Firearms are classified into two categories: prohibited weapons and other weapons requiring a certificate. For a certain type of shotguns (so-called Section 2 shotguns) a special type of certificate is issued. The UK classification merges categories B and C of the classification provided in Directive 91/477/EEC, whilst at the same time providing a special regime for category D weapons.

Special provisions regarding acquisition. The Chief Officer of the UK Police issues the certificate which details the particular use of the weapon: in most cases, either hunting or target shooting. The police verify if the designated hunting grounds are appropriate or if the applicant is member of a shooting club. Certificates are never issued for purposes of self-defence. The legislation is in line with the general provisions regarding acquisition.

The European firearms Pass. Applications for an EFP are directed towards the Firearms Licensing Department of the local police. EU citizens require the approval of the Chief Officer of Police when entering the UK with a valid EFP, as well as an invitation from a hunting or sports club. The legislation is in line with the Directive's guidelines on the general application of the EFP.

Brokers. Brokers are covered in the national firearms legislation under the definition of dealers. Dealers must obtain an authorisation from the Chief Officer of Police in order to trade in weapons of all categories. They must prove their knowledge of the legislation and their technical expertise.

Deactivation. Weapons are deactivated when they fail the compulsory quality check at the Proof House or when they are submitted for the purpose of deactivation. The Proof House deactivates weapons and attests their deactivation with a certificate.

3 Conclusion

All EU member states under scrutiny are compliant with the provisions on the selected issues of the Directive and all have made use of article 3 of the Directive granting the member states the right to adopt more stringent measures than the Directive foresees.

With respect to registration, the Directive introduces an obligation upon dealers to keep detailed records for at least five years. In some member states (FR, DE, LT, PL and SE) dealers must keep records for as many as ten years. National authorities verify the dealers' compliance. All surveyed member states have established a central weapons registry, with the exception of France and the UK. However, only two states ascribe a national registration number to each registered weapon (BE and IT).

Marking and tracing are not directly addressed by the Directive. All analysed member states but Sweden introduced a uniform marking system. Some states are also members of the CIP (BE, FR, DE, HU, IT and UK) and recognise each other's marking. Member states also ensure traceability of registered weapons by imposing multiple registration requirements for weapons (e.g., dealers, local and national police, Proof House).

The EU four-category firearms classification system has been adopted by five countries (i.e. HU, IT, LT, SI and SE), whereas others have a national classification system (i.e., BE, FR, DE, PL and UK). Belgium and Germany group category B, C and D weapons together. The UK has merged categories B and C, but has a separate category D. Three states (BE, FR and DE) have a category for weapons which can be sold freely. Poland's classification system is equivalent to the Directive's classification.

Basic requirements for the acquisition of firearms are similar in all the ten member states (see footnote 14 in Table 1) and conform to article 5 of the Directive. Six of the states analysed (BE, FR, DE, HU, PL, UK) impose additional requirements, especially in relation to the purpose for which a weapon is being purchased (i.e. the completion of a hunting course). In certain states the acquisition of weapons for the purpose of self-defence is discouraged (FR and HU) or prohibited (UK).

The European Firearms Pass (EFP) is functioning properly in all states analysed. All states issue a permit in addition to verifying the EFP in order to approve the entry of EU nationals with their weapons. In addition, as regards EFP holders travelling to other EU countries, six of the ten member states (FR, HU, LT, PL, SE, UK) require that an invitation be presented together with the EFP when entering their territory.

Brokers are covered by the national firearms legislation in all states under study by the provisions on trade in weapons by dealers. In all the states, dealers require an authorisation for trade in weapons of all categories (except in FR and LT). In France, dealers require an authorisation for trade in prohibited weapons, but only need to submit a declaration for trade in category B, C and D weapons. In Lithuania, trade in prohibited weapons is carried out solely by the Weaponry Fund or the Ministry of defence

For the deactivation of weapons, states generally delegate the task to a Proof House (BE, FR, HU, LT, UK) or to manufacturers, dealers and officially recognised weapons experts (DE, IT, PL, SI). In Sweden, the National Laboratory of Forensic Science (a state institution) handles deactivations. All states issue a certificate attesting the deactivation.

Table 1 – The state of transposition of Directive 91/477/EEC – summary table

	BE	FR	DE	HU	IT	LT	PL	SI	SE	UK
1. REGISTRATION										
Is registration in line with Directive?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Is there a central weapons registry?	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Authority that keeps database?	General Service for Police Support (national)	Préfecture (local police)	Federal Criminal Service (national)	National Police HQ	National Police HQ	Weaponry Fund (Government) & Licence Unit (Police)	Commander in Chief of Police (national)	Ministry of Interior	National Police Board	Local Police
National identification number?	Yes	No	No	No	Yes	No	No	No	No	No
Dealers' register in line with Directive's provisions?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Dealers' register kept for (years)	5	10	10	5	5	10	10	5	10	5
Verification of dealer register by police?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2. MARKING and TRACING										
Member of the CIP? ¹²	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes
All manuf. or imported weapons are marked?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Are there uniform marking system?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
How is tracing ensured?	Unique ID number, central register, dealer register	Prefect database, dealer register	Register of Bundeskriminalamt, Länder, manuf. & dealer	National Police and dealers' register	National Police and dealers' register	Weaponry Fund register, national police, local police, dealer	Register of National Police, dealers & hunter associations	Ministry of Interior database	Register of National Police; local police; dealers	Register of local police and dealers

¹² The Commission Internationale Permanente has introduced international standards for marking which are applied and mutually recognized by its members. Other EU member states are: Austria, the Czech Republic, Finland, Slovakia and Spain. Russia and Chili are also members.

	BE	FR	DE	HU	IT	LT	PL	SI	SE	UK
3. CLASSIFICATION										
Has adopted the EU firearms classification system?	No	No	No	Yes	Yes	Yes	No	Yes	Yes	No
Do categories C and D exist in classification?	No, grouped with cat. B weapons	Yes	No, grouped with cat. B weapons	Yes	Yes	Yes	Yes	Yes	Yes	Yes for D; Cat. B & C merged
4. ACQUISITION (SPECIAL PROVISIONS)										
Authority that issues the permit/licence?	Provincial Governor	Prefect	Länder police	Local Police	Provincial Police	Local Police	Provincial Police	Local Police	Local Police	Local Police
Acquisition ¹³ upon ...	Authorization & freely sold	Authorization, declaration & freely sold	Authorization & freely sold	Authorization, declaration & freely sold	Authorization, declaration & freely sold	Authorization, declaration & freely sold	Authorization, declaration & freely sold	Authorization, declaration & freely sold	Authorization, declaration & freely sold	Authorization & freely sold
Validity of permit/licence (years)	5	5	Unspecified	Unspecified	5	Unspecified	Unlimited	5 to 10	5	Unspecified
In line with generally applied provisions for acquisition ¹⁴	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
More stringent conditions?	Yes: Acquisition by post or internet prohibited	Yes: Permits not issued for self-defence purpose	Yes: Membership of illegal organisation; insurance policy	Yes: permits seldom issued for sport-shooting and self-defence	No	Yes: acquisition must happen within six months of receiving permit	Yes: acquisition must happen within three months of receiving permit	No	No	Yes: police verify hunting grounds or membership of shooting club; no permits for self-defence
5. EUROPEAN FIREARMS PASS (EFP)										
Are national provisions in line with the Directive?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Which is the issuing authority?	General Service for Police Support	Prefect	Länder	Local Police	Provincial Police	National Police	Local Police	Local Police	Local Police	Local Police
Invitation necessary?	No	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes

¹³ In EU member states that adopted the EU classification system of firearms provided by the Directive 91/477/EEC, weapons can either be bought upon authorization, upon declaration or are sold freely. In those EU member states that have adopted their own system of classification different provisions with regard to acquisition exist.

¹⁴ The following general conditions are always applied in all countries under study: minimum age of acquisition (18 + with some exceptions); necessity to prove good mental and physical condition; police carry out a check on criminal antecedents; there must be a valid reason for the acquisition (hunting, sport, self-defence, etc.); proof of knowledge on firearms legislation in force and/or handling of weapon.

Prove purpose of stay?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Authority approving stay ¹⁵ :	Ministry of Justice	Ministry of Interior	Federal Ministry of Interior	Customs and Finance Guard	Ministry of Interior	Ministry of Interior	Commander in Chief of Police	National Police	National Police Board	Chief Officer of Police

6. BROKERS

Are brokers covered in national law?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Is trade in weapons subject to authorisation?	Yes for all categories of weapons	Yes, for prohibited weapons, but only declaration for category B, C and D	Yes for all categories of weapons	Yes for all categories of weapons	Yes for all categories of weapons	Yes for category B, C and D. Prohibited weapons can only be traded by Weaponry Fund or Min. of Defence	Yes for all categories of weapons	Yes for all categories of weapons	Yes for all categories of weapons	Yes for all categories of weapons
Which authority issues authorisation?	Provincial Governor	Prefect (for B, C and D weapons); Ministry of Defence for prohibited weapons	Länder	Trade Licensing Office (Ministry of Economy and Transport)	Questor (local police)	National Police	Ministry of Interior and Administration	Ministry of Interior	Local Police	Chief Police Officer
Proof of knowledge/expertise?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

¹⁵ In addition to a valid European Firearms Pass, EU nationals require a preliminary authorisation from the national authorities prior to entering another EU member state with their weapons. EU nationals who are registered hunters and marksmen are exempt from such an authorisation.

	BE	FR	DE	HU	IT	LT	PL	SI	SE	UK
7. DEACTIVATION										
Which is the deactivating authority?	Proof House or appointed experts	Proof House or appointed experts	Manuf.	Proof House	Appointed experts	Proof House	Manuf. or dealer	Manuf.	National Laboratory of Forensic Science	Proof House
Who verifies the deactivation?	Proof House	Military administration	Local Police	Proof House	Police	Proof House	Proof House	Ministry of Interior	Police	Proof House
Is a certificate issued?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Table 2 – The state of ratification of UN Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

	Signed	Ratified
Belgium	Yes	Yes
France	No	No
Germany	Yes	No
Hungary	No	No
Italy	Yes	Yes
Lithuania	Yes	Yes
Poland	Yes	Yes
Slovenia	Yes	Yes
Sweden	Yes	No
United Kingdom	Yes	No

Source: United Nations Office on Drugs and Crime,
http://www.unodc.org/unodc/en/crime_cicp_signatures_firearms.html

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