

Firearms Directive Proposals

Certificates to be for a maximum duration of 5 years

It is up to member states to determine who should possess firearms and it should remain within their competency to determine the duration of certificates. The arbitrary selection of a maximum period of 5 years for certification has no discernible logic or rationale. It is constant and effective monitoring and risk assessment by the relevant authorities that actually delivers public safety. In the UK, shooting associations and the police have already agreed, in principle, that a 10 year certificate length would reduce the burden on the police without increasing risk to public safety. There is no evidence that restricting the certificate to 5 years will reduce criminal or terrorist activity.

Acquisition by young shooters

The Commission has proposed to ban young people from acquiring firearms by gift, for hunting and sport shooting within the constraints of appropriate parental permission or supervision.

Current legislation prohibits young persons from purchasing firearms and ammunition, and there is no reason to change the present framework. To do so would prevent young people from participating in shooting and learning about the use of firearms in the most supervised, responsible and structured way. The proposal is unjustified by any evidence and has no correlation upon the Commission's objective to bear down on terrorism.

Reclassification of Category B7 firearms into Category A

The Commission proposes to move the poorly defined category B7 "semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms", to category A. This measure would retrospectively prohibit a whole sub category of firearms that had been obtained and registered in full compliance with the law. In the UK, it would affect the possession and use of .22 rimfire semi-automatic rifles. The .22 semi-automatic rifle is used in the UK for pest control (mostly rabbit shooting) and for target sports. These rifles have been on the market for over 100 years and there are an estimated 80,000 in Britain with little evidence of their use to date in crime.

Resemblance is not a suitable criterion for prohibition, since it has no bearing upon a firearm's technical capability. Any rifle can be fitted with after-market furniture, thus changing their appearance. Should the Commission succeed in banning semi-automatics there is no indication of any payment of compensation being made to lawful owners who would be deprived of their property and it seems likely that the cost of this burden would fall upon individual member states.

Although centrefire semi-automatic rifles are not in use in the UK, they are widely used elsewhere in Europe for hunting dangerous game like wild boar, or for target sports.

Standard medical checks

The proposals will require Member States to provide standard medical tests for both issuing and renewing certificates. While FACE UK believes that medical checks are important in the licensing process, a standard test across 28 EU member states is neither proportionate nor achievable. Member States must be able to determine the correct approach based on existing and proposed medical processes combined with constant and effective monitoring within wider risk management procedures.

Deactivated firearms

Firearms that have been deactivated to current UK standards are not capable of being fired or of being reconverted to a useable condition. By exempting them from its scope, the current (2008) Directive recognises that they are no risk to the public. The proposed requirement for collectors to register the large number of deactivated firearms in circulation will not improve public safety, but will occupy a disproportionate amount of valuable police time and resources. The proposal to prohibit deactivated automatic weapons, other than those held by certain museums, will lead to a significant loss of heritage items presently held by private collectors.

Distance Selling

The introduction of a ban on distance selling, as defined by European legislation, would prevent the use of local magazine advertising, telephone, email, and the internet, by lawful owners of firearms wishing to sell to potential purchasers. This represents a significant infringement on the right of property of EU citizens. Provided that both seller and buyer verifiably certify that the correct documentation is processed (in the UK by way of a face-to-face transfer) and that the appropriate authorities are informed, then the process of arranging a transaction by distance selling creates no risk to the public.

Sound Moderators

The Commission proposes to treat sound moderators as 'essential components' which are subject to the same authorisation procedure as the firearm to which they are fitted. The Addition of sound moderators to the Directive is in compliance with the UN Firearms Protocol; however the Commission appears to have made a mistake. Regulation 258/2012/EU (Article 2 para. 2 and 3) distinguishes between "parts" and "essential components". Sound Moderators should not be described as "essential components". The correct interpretation can be found as follows:

- (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.