

Mr. Frans Timmermans
First Vice-President
Better Regulation, Interinstitutional Relations, Rule of Law, Charter of Fundamental Rights

EU Firearms Directive

Dear Mr Timmermans,

My organisation - Firearms United – is writing to you about the proposed amendment of the Firearms Directive about which we have grave concerns.

Firearms United is a Europe-wide organisation representing organisations and individuals who are interested in shooting for hunting and sports purposes as well as collectors of arms.

We represent legitimate interests in these sectors and we favour responsible use of firearms for these purposes, and these purposes only. We are also in favour of the updating of the existing firearms acquis to the extent that it serves the legitimate interests of our affiliates across the Union and serves to prevent the unauthorised use of sports, hunting or collectable firearms.

We welcome the amendments designed to close off loopholes in the existing legislation in such areas as the marking of weapons and the permanent deactivation of firearms. These are sensible amendments designed to aid the identification of weapons and the prevention of illicit re-use of deactivated armaments.

Nonetheless, we have major concerns about other amendments that entirely miss the originally stated target of the proposal, namely to prevent and counter terrorism and organised crime. You will recall that the proposal emerged in haste as a so-called immediate response to the devastating Paris attacks of last year.

Unfortunately, the European Commission has not produced a shred of evidence that the draft as proposed would actually address terrorism, organised crime, weapon trafficking and the like. If it had been really intended to address these extremely grave issues, then its target should not have been an attack on the legitimate interests of the law-abiding hunting, recreational or competitive sport shooters and collector community in Europe.

What is proposed is nothing short of an unjustified and unmotivated attack on fundamental freedoms, the right of association and the right to disassociate.

In terms of process and procedure there are considerable flaws in the way this proposal emerged.

Firstly, there was no Impact Assessment (IM) – a fundamental requirement for all but emergency legislative measures. Not only is there any evidence that the proposed amendment to the Firearms Directive is urgently required, the evidence points in the opposite direction, particularly as the Commission had constantly delayed making proposals in this area despite mounting signs that the

original legislation was out of date and unfit for purpose. In the absence of a Commission IM, we commissioned our own IM which we are happy to share with you (enclosure). No doubt while we could be accused of serving our own interests, you will see that it is a considerable piece of work that we believe should enrich the decision-making process, in the absence of an independently commissioned IM by the Commission.

Secondly, there was no public consultation on the proposed amendments – such a consultation, coupled with a forensic IM, would have elicited the considerable views of our sector as well as other interests in the firearms arena. And just two days ago the European Parliament has voted in overhaul on Rules of Procedures, to increase the transparency. It is a regretful situation that the said rules seem not to apply to proceedings of the Firearms Directive.

Thirdly, it is clear that the principles of subsidiarity and proportionately have been completely disregarded in the interests of getting a fig leaf proposal on the table and subsequently on the statute book.

The original proposal, and even as it stands, the proposed compromise from the European Parliament's IMCO, do not address in any way the substantive terrorist threat that Europe faces.

The proposals disadvantage genuine hunters, recreational or competitive sport shooters and collectors.

They introduce disproportionate costs and administrative burdens.

They introduce legal uncertainty and are practically unworkable. They give considerable scope to Member States to introduce even more draconian measures, and are an invitation to "gold plating". All of these combined would be likely to give rise to considerable domestic litigation in the Member States, and probably right up the European Court of Justice and European Court of Human Rights.

They are contrary to the better regulation agenda championed by Commission President Juncker and First Vice-President Timmermans. This agenda was part of Mr Juncker's ten-point political plan for Europe which was endorsed explicitly by both the Parliament and the Council.

They are also highly likely to give rise to the diversion of scarce police resources to policing an area that does not need more policing. As we have said, we represent legitimate hunters, shooters and collectors who want to uphold the law, and actively seek sensible amendments to the existing acquis to bring it up to date. These citizens of the Union should not be de facto criminalised by the consequences of a badly thought out proposal. Nor should scarce police resources be diverted from where they are so badly needed, namely addressing terrorism, organised crime, weapons' trafficking and other such heinous activities.

In summary, my organisation and our affiliates across the EU have major concerns about the following aspects of the emerging amended proposal:

Moving certain firearms from Category B to Category A (which is essentially a military category)

Magazine capacity restrictions

Regular medical and psychological tests

The renewal regime for licences

Mandatory membership of federations and allied provisions.

We are very happy to work closely with the Parliament, Council and Commission to work out really practical solutions to these matters. We have a wealth of real expertise at our disposal which we believe no other single organisation in Europe has. Therefore, we are uniquely placed to assist in devising optimal solutions for the sector, while fully respecting the substantive need to underline compliance with legal requirements that are proportionate and non-discriminatory.

We would also like to underline that we favour the introduction of tough new anti-terrorism legislation as well as measures that would undermine organised gun crime and weapons' trafficking. We have ideas that we can share with you in this regard, and we are happy to assist your work in this area.

We are especially happy to see the Council Conclusions of 14 November 2016 (CFSP/PESC 906; 14149/16) which address "preventing and countering of terrorism and radicalisation" as well as "countering arms trafficking and organised crime". We firmly believe that there is an urgent need to address these issues urgently.

We would like to meet you in person to have a discussion about the case we are making and to have an exchange of views. I will be in Brussels on 10th of January and would be delighted if you could make time available in your busy diary to this end. Of course, if you could suggest another date in the first 3 weeks of January, I would make travel arrangements to go to Brussels. We firmly believe that this proposal is not ripe for decision making at this time without major further amendments.

Yours sincerely,



Tomasz W. Stepień
Firearms United
President & CEO