

Warsaw, October 6, 2017

**A response to a multiple petition regarding a case by Republic of Poland to European Tribunal of Justice against European Parliament Directive 91/477/EEC on the control of the acquisition and possession of weapons**

Taking into consideration that the main goal of 91/477/EEC Directive on the control of the acquisition and possession of weapons should be pursuance of improvement of function of the internal EU firearms market, with simultaneous guarantee of safety of EU citizens and in order to achieve this goal, creation of comprehensive legal framework, Republic of Poland actively participated in the negotiations and expressed opinions on particular laws.

Republic of Poland opinions *motion on EU Parliament and European Council to amend Directive 91/477/EEC on the control of the acquisition and possession of weapons* was proceeded based on the wrong assumptions and lacking the proper factual and bona fide justification showing that there is a significant dependency between legal market and legal possession, by the EU citizens, specific kinds of firearms, and illegal market, which is connected with criminal activities. As the result, the new solutions are excessive, too harsh and not always rational.

Taking into consideration the above and also impact assessment and the consequences of the new regulations from the Directive, the Government of Republic of Poland's position was to reject the Directive 91/477/EEC.

The Government position was accepted by the Senate Commission on the EU on January 22, 2016 and again by the same commission on January 27, 2016.

The Directive was accepted by the European Parliament on March 14, 2017. The vote within the Council of European Union was taken during the General Affairs Committee (GAC) on April 25, 2017. The vote was accepted by qualified majority, with objections from Poland, Czech Republic and Luxembourg.

On May 17, 2017, the European Parliament and the Council of European Union Directive 2017/853 from May 17, 2017 *amending the Directive 91/477/EEC on the control of the acquisition and possession of weapons* was signed by Presidents of the Council of European Union and the European Parliament, and on May 24, 2017 was published in Official Journal of the EU and entered into force on the 20<sup>th</sup> day after publication date.

August 9, 2017 the Government of the Czech Republic submitted a case to European Tribunal of Justice, to nullify the European parliament and the Council of European Union Directive 2017/853 of May 17, 2017 to change Directive 91/477/EEC on the control of the acquisition and possession of weapons. The case was registered as C-482/17. On the same day the Czech Republic submitted a motion for a provisional measure to stop implementation of the said Directive till the final sentence of the ETS (C-482/17 R).

Taking into consideration that implementation of the Directive 2017/853 into the Polish legal system will create essential social-economical side effects for the entrepreneurs acting at the field of firearms production and trade, for the owners of weapons affected by the before mentioned Directive, and also large increase of obligations for the administrative bodies, Minister of Interiors and Administration initiated the procedure, by the Polish Government Plenipotentiary, to address the European Tribunal of Justice to admit Poland to participate in the motion for a provisional measure to stop implementation of the said Directive till the final sentence of the ETS (C-482/17 R).

The next step to be taken by the Minister of Interiors and Administration will be to join to the main case – to nullify the Directive 2017/853 of May 17, 2017 r. (C-482/17).

Affiliation with the cases C-482/17 and C-482/17 R as an intervener will be realized based on the Rules of the Official Journal of the EU (OJ EU L 265.1 of September 29, 2012). According with the article 130 par. 1 of the Rules, the motion to join the case as an intervener is to be submitted within 6 weeks from the date of the case publication in the OJ EU. The publication is performed based on the article 21 par. 4 of the Rules.

As of October 5, 2017 the case of Czech Republic was not published in the OJ EU.

Edited by: Authorizations and Concessions Department of the Ministry of Interior and Administration/Office of the Minister