


**Council Directive
91/477/EEC of 18 June 1991
on control of the acquisition
and possession of weapons**





Contains two important annexes:

- ANNEX I: Classification of weapons into four categories, A, B, C, D
- ANNEX II: Mains specifications for the European firearms Pass (EFP)
- Three Recommendations already issued for the EFP (1993, 1996, 2005)



Aim of Directive on firearms

The Directive introduces a system of circulation of certain firearms inside the intra-community territory with due precautions.

It derives from the idea that firearms are not ordinary goods entirely free to circulate inside EU territory.

Directive does not apply to circulation of weapons with third countries.



A Directive setting minimum standards

"Member States may adopt in their legislation provisions which are more stringent than those provided for in this Directive, subject to the rights conferred on residents of the Member States by Article 12" (article 3)



Definition of a "dealer"

"For the purposes of this Directive "dealer" shall mean any natural or legal person whose trade or business consists wholly or partly in the manufacture, trade, exchange, hiring out, repair or conversion of firearms" (article 1, para 2)



Definition of the "European firearms pass"

"The EFP is a document which is issued on request by the authorities of a MS to a person lawfully entering into possession of and using a firearm (...).

It shall contain the information set out in Annex II" (article 1, para 4)



Directive versus national provisions'

"Directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting"

(article 2, para 1)



Directive and governmental forces or bodies

"Directive shall not apply to the acquisition or possession of weapons and ammunition, in accordance with national law, by the armed forces, the police, the public authorities or by collectors and bodies concerned with the cultural and historical aspects of weapons and recognized as such by the MS in whose territory they are established "

(article 2, para 2)



Traceability of weapons

Directive obliges the dealers to keep a register with information about firearms for a minimum of 5 years.

It obliges also MS to check dealers' compliance with this obligation. (art.4)



Minimum conditions for acquisition and possession of weapons

One should be 18 years old or more and not likely to be a danger for himself, to public order or to public safety

(article 5)



Firearms transferred from a MS to another MS

The Article 11 provides for a system of information/authorization with minima standards



Travelling inside the EU for hunters and marksmen

The Article 12 provides for a specific facility for hunters and marksmen, the European Firearms Pass, under certain conditions.



Information between MS

"Each MS shall communicate all useful information at its disposal concerning definitive transfers of firearms to the MS to the territory of which such a transfer has been effected" (article 13, para 1)

Networks for the exchange of information should be set up.



Controls

Intensifying controls on the possession of weapons at external Community frontiers (article 15)



Sanctions to be introduced

"Member States shall introduce penalties for failure to comply with the provisions adopted pursuant to this Directive. Such penalties must be sufficient to promote compliance with such provisions".

(article 16)



Future of the Directive

Some directions already in the report mentioned in the article 17.

Possible changes to be introduced following the signature of the UN Protocol against illegal manufacturing and trafficking of weapons.



More information

http://europa.eu.int/comm/enterprise/regulation/inst_sp/dir91477_en.htm