



***Report about the AECAC  
activity in 2008***

**March 2009**





## *AECAC activities 2008*

1. The last AECAC **GENERAL ASSEMBLY** was held in Nuremberg on the **14<sup>th</sup> of March 2008**. Attached as **Annex I**, minutes of the General Assembly.
2. **Fulfilment of tax obligations** before the Belgian authorities. We should thank the Belgian association which representative, **Mr. Nico Demeyere** (Belgian Lawyer), has prepared and fulfilled all tax declarations before the Belgian authorities without any charge.  
It is necessary to remind once again the inputs system: the partners do not pay fees but make **contributions** depending on the Association's needs. Such payments are not obligatory, nor regular, but agreed yearly.

### **3. AMENDMENT OF THE EUROPEAN FIRE GUNS DIRECTIVE**

As you remember that was our main issue during 2007. The Fire Guns Directive was approved including most of our postulates.

In 2008 AECAC has been invited to participate in a meeting concerning the open issues of the Directive. As **Annex II** we include the draft agenda of the meeting that took place in November 2008 in Brussels.

The main issues to come concerning the Directive are the following:

- **TRANSPOSITION BY MEMBER STATES:** All EU states shall adapt their legislation to the new directive by **July 2010**. AECAC shall advise all national associations concerning the transposition of the Directive on each member state.
- **REPLICAS:** Article 12 of the new fire arms directive 2008/51/EC states that the Commission shall, by **28 July 2010**, submit a report to the European Parliament and the Council presenting the conclusions of a study on the issue of the placing on the market of **replica firearms**, in order to determine whether the inclusion of such products within the scope of such Directive is possible and desirable. As **Annex III** you will find the proposal of the European Collectors Association (FESAC) concerning the treatment to be given to the Replicas.
- **CATEGORIES:** By **July 2012**, the Commission should issue a report to the EU Parliament and the EU Council on the possible advantages and disadvantages of a reduction to two categories of firearms (prohibited or authorised) with a view to the better functioning of the internal market by means of possible simplification.

The current regulation allows member states to keep the 4 categories system (prohibited, subject to authorisation, subject to declaration and others – no formalities or regulations needed - ), but provides that from **July 2010** **all fireguns from category D will have to be able to be “linked” to their owner**. From a practical point of view this means that a sort of declaration or inscription



will be obligatory. So in fact the 4<sup>th</sup> category (D) will disappear. According to this, it is possible that the Commissions report proposes to reduce the categories system from 4 to 3.

- **DEACTIVATION:** Annex I part III of the Directive, states for the purposes of deactivation, “all essential parts of the firearm have been rendered permanently inoperable and incapable of removal”. The same Annex provides that the Commission shall issue **common guidelines** on deactivation standards. Comitology will be leading this issue.
- **GENERAL SITUATION OF THE APPLICATION:** By **July 2015**, the Commission should issue a report to the EU Parliament on the situation regarding the application of the Directive. This report might cause a further amendment of the Directive, so we should be very attentive on it.

#### 4. OTHER COMMISSION INITIATIVES

During the same meeting with the Commission that took place in November we were informed of other two initiatives of the Commission:

- **Directive on Simplifying Terms and Conditions of Transfers of Defence-related products within the Community.**
  - Tends to implement global licensing systems for authorised companies within the EU.
  - Harmonisation at a EU level of the definitions of military and defence products.
  - Common recognition of defence companies for all the EU.
  - Pretends to promote European products in the EU

#### 5. IMPLEMENTATION OF ARTICLE 10 OF THE UN FIREARMS PROTOCOL

This has been the most important activity of the AECAC during 2008.

**The Directorate General (DG) for Justice, Freedom and Security** of the European Commission, led by **Mr. Jacques Barrot** (France), started one year ago a new initiative to implement article 10 of the UN Protocol into European Legislation.

The origin of this process is the ***United Nations Convention Against Transnational Organized Crime***, adopted by the UN General Assembly resolution 55/25 of 15 November 2000, which is the main international instrument in the fight against transnational organized crime.

The Convention is further developed by **three Protocols** which target specific areas and manifestations of organized crime: (1) *the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*; (2) *the Protocol against the Smuggling of Migrants by Land, Sea and Air*; and (3) **the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition**.

**Article 10 of the UN Firearms Protocol** provides the following:



*“1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.*

*2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:*

*(a) That the importing States have issued import licences or authorizations; and*

*(b) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.*

*3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.*

*4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.*

*5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.*

*6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.”*

The experience shows that the implementation of this article will be an excuse to increase restrictions and bureaucracy on **civil** fire guns trade. Any new regulation always causes more restrictions that normally affect mostly small companies.

The ***Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition*** was adopted by General Assembly resolution 55/255 of 31 May 2001. It entered into force on **3<sup>rd</sup> of July 2005**

The European Union signed the Protocol on **16 January of 2002** as **one signing party**.

Actually, 52 states have signed this protocol, thereby it is to underline that the **USA did not signed it**.

The Commissions initiative tends to implement the Protocol directly into EU legislation (not directly state by state as normally would be the case) by a “**Regulation**”. As the promoters of



this initiative have the opinion that the European Union is able to implement the article of the UN Protocol because it (the EC) signed the UN Protocol as one signing party. AECAC does not agree with this point of view.

A **Regulation** is a legislative act of the European Community which becomes immediately enforceable as law in all member states simultaneously. Regulations can be distinguished from **Directives** which, at least in principle, need to be transposed into national law.

It is important to fight the initiative as soon as possible as currently it will need the **unanimity** of all member states to be approved, but in the near future a simple majority could be enough:

The Treaty of Maastricht, which established the European Union, divided EU policies into three main areas called the “**three pillars**”.

- The **first** or “**Community**” **pillar** concerns economic, social and environmental policies.
- The **second** or “**Common Foreign and Security Policy**” (CFSP) **pillar** concerns foreign policy and military matters.
- The **third** or “**Police and Judicial Co-operation in Criminal Matters**” (PJCC) **pillar** concerns co-operation in the fight against crime. **This is the case of this initiative. The implementation of the Protocol would fall into the subjects of the third pillar.**

In the **CFSP** and **PJCC pillars** the powers of the European Parliament, the Commission and European Court of Justice with respect to the Council are significantly limited.

From the point of view of some member states the topics of the **second** and **third pillars** are too sensitive to national sovereignty for the community method to be used. These matters were handled intergovernmentally.

Currently all decisions and framework decisions concerning the third pillar are adopted by the Council of the European Union unanimously on the initiative of the Commission or a Member State.

It is to consider, that the previous **third pillar (PJCC)** will be transferred into the supranational **first pillar (EC)** by passing the Treaty of Lisbon in 2009 – basically comparable with Title IV of the Third Part of the EC-Treaty (article 61 ff.) how it is in force today. In order to that the **third pillar (PJCC)** can be treated basically as communalized, in which case unanimity will no longer be required.

This means that if the treaty of Lissabon enters into force in 2009, this initiative will have more possibilities to succeed than today.

AECAC has been fighting against this initiative during all this months. Enclosed as **Annex IV, V and VI** you will find questionnaire including the AECAC answers to the study that was engaged to support the initiative, our memorandum sent to the Commission and the answer of the Commissions President Mr. Durao Barroso.



Recently AECAC's President Mr. Gollety had a meeting with Mr. Barrot, head of the DG in which he explained the position of our association before this initiative. Our current strategy is based on claiming that such initiative fulfils all the guaranties stated by the EU Small Business Act, and specially that before any new regulation is approved the Commission should complete an Impact Assessment to avoid unnecessary damages on Small Enterprises.

## **6. COLLABORATION WITH FACE (Federation of Associations for Hunting and Conservation of the E.U.).**

As you might remember AECAC joined FACE as voting member last year. We pay an annual contribution of **4.000 €**, and we participate actively. Our official siege in Brussels is the FACE HQ. The collaboration with FACE during 2008 has been very rich and the results very important.

During 2009, thanks to our membership in FACE, AECAC has been invited to the **Intergroupe Chasse** of the European Parliament.

AECAC participated in the last General Assembly that took place in Brussels in September 2008, the minutes of such assembly will be sent per e mail, including reports of the FACE President and Secretary General and the Communication team rendered during the last General Assembly held in September.

## **7. ESSF (European Sport Shooting Forum) meetings.**

AECAC has participated actively in several meetings this year:

- **Meeting Nuremberg March 2008**
- **Meeting Brussels of June 2008**
- **Meeting Brussels of December 2008**

If you wish to receive the minutes of those meetings please do not hesitate to ask for them to AECAC's General Secretary, Víctor Fabregat. They are not included in this document as they are confidential and only for internal use. The ESSF allows all sectors at European Level to coordinate themselves in different issues. Matters as the avian influenza, the Fireguns Directive, the initiative concerning the implementation of the UN Protocol or the general situation in the European Institutions are debated in the Forum.

The ESSF is a "think tank" of the hunting and shooting sector. Its approach to all issues is very technical.

**Next meeting** will be held in Nuremberg on the **Saturday 14<sup>th</sup> of March 09.**

## **8. WORLD FORUM OF THE FUTURE OF SPORT SHOOTING ACTIVITIES (WFSA)**

AECAC is voting member of the WFSA, we take part in some of the WFSA meetings and have contributed with **3.000 €**, in 2008.

The WFSA has organized a *Symposium on the Ecologic and Economic Benefits of Hunting* in Namibia in February 2009.



Enclosed as **Annex VII** the following documents:

- Executive Committee Minutes. Suhl (Germany) September 2008.
- Legislative Subcommittee meeting minutes. Suhl (Germany) September 2008.
- Image Subcommittee meeting minutes. Suhl (Germany)
- General Assembly. Nuremberg, March 2007
- Image Subcommittee Meeting. Berlin, September 2007
- Statistics Subcommittee Meeting. Berlin, September 2007

## **9. AECAC PROMOTION**

Thanks to our FACE membership we have contacted many new possible members (f.i. Albania, Austria, Bosnia-Herzegovina, Bulgaria, and many other countries). Enclosed as **Annex VIII**, communication sent by FACE to all the European Hunting federations.

## **10. Seal product trade band**

AECAC has supported the FACE position, specially leaded by the Swedish hunting federation, against the Commissions initiative to band trading of seal products.

AECAC's President has done several contacts with the French government to try to avoid such initiative.

## **11. Support to Ms. Veronique Mathieu**

AECAC has a very good support on the European Deputy Ms. Veronique Mathieu from the EPP. Ms. Mathieu introduced several amendments proposed by our association during the negotiation of the European Directive. She has been vital during such dossier.

Currently she is supporting our positions in other maters as the Commission's initiative to implement article 10 of the UN PROTOCOL or the initiative to band seals products.

AECAC sent recently a letter to the French Popular Party to support Ms. Mathieu's candidature to be in the list of the next E. Parliament elections.

## **12. ACCOUNTS AND BUDGET**

Attached as **Annex IX** 2008 accounts.

Brussels, March 2009

