



Association Européenne de Commerce d'Armes Civiles  
The European Association of the Civil Commerce of Weapons

## **AECAC COMMENTS**

*COUNCIL DIRECTIVE 91/477/EEC on control  
of the acquisition and possession of weapons*

*and*

*DIRECTIVE 2008/.../EC OF THE EUROPEAN  
PARLIAMENT  
AND OF THE COUNCIL  
of  
amending Council Directive 91/477/EEC*

March, 2008

**Explanatory:**

- Political amendments: new or replacement text is marked in *italics* and *written in red*.
- Technical corrections and adaptations by the Linguist- Service of the EP are underlined.
- AECAC Comments to the amendments of the Gun Directive are marked in **blue** in footnotes.

**COUNCIL DIRECTIVE of 18 June  
1991 on control of the acquisition and  
possession of weapons (91/477/EEC)**

**DIRECTIVE 2008/.../EC OF THE  
EUROPEAN PARLIAMENT  
AND OF THE COUNCIL  
of  
amending Council Directive  
91/477/EEC  
on control of the acquisition and  
possession of weapons**

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

THE EUROPEAN PARLIAMENT AND  
THE COUNCIL OF THE EUROPEAN  
UNION,

Having regard to the Treaty establishing  
the European Economic Community, and  
in particular Article 100a thereof,

Having regard to the Treaty establishing  
the European Community, and in  
particular Article 95(1) thereof,

Having regard to the proposal from the  
Commission (1),

Having regard to the proposal from the  
Commission,

In cooperation with the European  
Parliament (2),

Having regard to the opinion of the  
Economic and Social Committee (3),

Having regard to the opinion of the  
European Economic and Social  
Committee,

Acting in accordance with the procedure  
laid down in Article 251 of the Treaty,

Whereas Article 8a of the Treaty provides  
that the internal market must be established  
by not later than 31 December 1992;  
whereas the internal market comprises an  
area without internal frontiers in which the  
free movement of goods, persons, services

Whereas:

*(1) Directive 91/477/EEC established an  
accompanying measure for the internal  
market. It creates a balance between on*

and capital is ensured, in accordance with the provisions of the Treaty;

Whereas, at its meeting in Fontainebleau on 25 and 26 June 1984, the European Council expressly set the objective of abolishing all police and customs formalities at intra-Community frontiers;

Whereas the total abolition of controls and formalities at intra-Community frontiers entails the fulfilment of certain fundamental conditions; whereas in its white paper 'Completing the internal market' the Commission stated that the abolition of controls on the safety of objects transported and on persons entails, among other things, the approximation of weapons legislation;

Whereas abolition of controls on the possession of weapons at intra-Community frontiers necessitates the adoption of effective rules enabling controls to be carried out within Member States on the acquisition and possession of firearms and on their transfer to another Member State; whereas systematic controls must therefore be abolished at intra-Community frontiers;

Whereas the mutual confidence in the field of the protection of the safety of persons which these rules will generate between Member States will be the greater if they are underpinned by partially harmonized legislation; whereas it would therefore be useful to determine category of firearms whose acquisition and possession by private persons are to be prohibited, or subject to authorization, or subject to declaration;

Whereas passing from one Member State to another while in possession of a weapon should, in principle, be prohibited; whereas a derogation therefrom is acceptable only if

*the one hand the undertaking to ensure a certain freedom of movement for some firearms within the Community, and on the other the need to control this freedom using security guarantees suited to this type of product.*

*(2) In accordance with Council Decision 2001/748/EC of 16 October 2001 concerning the signing on behalf of the European Community of the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, annexed to the Convention against transnational organized crime, the Commission signed that Protocol (hereinafter referred to as "the Protocol") on behalf of the Community on 16 January 2002.*

*(3) The accession of the Community to the Protocol requires amendments to certain provisions of Directive 91/477/EEC. Indeed, it is important to ensure the coherent, effective and rapid application of the international commitments affecting that Directive. Furthermore, it is necessary to take the opportunity of this revision in order to improve that Directive by addressing certain issues, in particular those that were identified in the report of the Commission to the European Parliament and the Council of 15 December 2000 on the implementation of Directive 91/477/EEC.*

*(4) Police intelligence evidence shows an increase in the use of converted weapons within the Community. It is therefore essential to ensure that such convertible weapons are brought within the definition of a firearm for the purposes of Directive 91/477/EEC.*

*(5) Firearms, their parts and ammunition,*

a procedure is adopted that enables Member States to be notified that a firearm is to be brought into their territory;

Whereas, however, more flexible rules should be adopted in respect of hunting and target shooting in order to avoid impeding the free movement of persons more than is necessary;

Whereas the Directive does not affect the right of Member States to take measures to prevent illegal trade in weapons,

HAS ADOPTED THIS DIRECTIVE:  
CHAPTER 1 Scope

*when imported from third countries, are subject to Community legislation and, accordingly, to the requirements of Directive 91/477/EEC.*

*(6) The notions of illicit manufacturing and trafficking of firearms, their parts and ammunition, as well as the notion of tracing, should therefore be defined for the purposes of Directive 91/477/EEC.*

*(7) Furthermore, the Protocol establishes an obligation to mark weapons at the time of manufacture and at the time of transfer from government stocks to permanent civilian use, whereas Directive 91/477/EEC refers only indirectly to the marking obligation. In order to facilitate the tracing of weapons, it is necessary to use alphanumeric codes and to include in the marking the year of manufacture of the weapon (if not part of the serial number). **The Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms should, to the greatest extent possible, be used as a reference for the marking system in the Community as a whole\***.*

\* In the Kallenbach **Draft Report** there was no mention of the CIP. AECAC proposed, jointly with other organizations, the application of the CIP and **tabled officially this amendment in the LIBE Committee** through some friendly MEP's. Finally the compromise reached, provides the possibility and support to use the CIP, but not a strict and obligatory application thereof.

*(8) Moreover, **while the Protocol provides that** the period during which **registers** containing information on weapons are to be kept must be increased to at least ten years, **it is necessary, in view of the dangerous nature and durability of weapons, to extend this period up to a minimum of 20 years\*** in order to allow the proper tracing of firearms.*

\* The registry obligation passes from 5 to 20 years. The UN protocol provides the maintenance of information “for not less than ten years”, so that, with the argument of the very long lifespan of firearms and their “**dangerous nature**” (such “ideological” expression is one of the successes of Kallenbach), the 20-years-regulation was found. Notwithstanding, it is a **governmental obligation** and not of the gun traders.

*It is also necessary that Member States keep a computerised data filing system, either a centralised system or a decentralised system which guarantees access to authorised authorities to the data filing systems in which the necessary information regarding each firearm is recorded. Access by police, judicial and other authorised authorities to the information contained in the computerised data filing system must be subject to compliance with Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.*

*(9) In addition, the brokering activities referred to in Article 15 of the Protocol should be defined for the purposes of Directive 91/477/EEC.*

*(10) In some serious cases, compliance with Articles 5 and 6 of the Protocol requires the application of criminal sanctions and the confiscation of weapons.*

*(11) With regard to the deactivation of firearms, point (a) of part III of Annex I to Directive 91/477/EEC simply refers to national legislation. **The Protocol sets out more explicit general principles for the deactivation of weapons. Annex I to Directive 91/477/EEC should therefore be adapted.***

*(12) Due to the special nature of the activity of **dealers**, it is necessary that Member States exercise a **strict control** over this activity, in particular by verifying the professional integrity and **abilities** of*

*dealers\*.*

\* The requirement of “abilities” presents a new restriction over the gun traders. AECAC tried to introduce a change by adding “**or** experience”, but it did not prosper. The **Draft Report** of Mrs Kallenbach provided also a reference to the “*origin of their financial means*”, luckily such control has been erased.

*(13) The acquisition of firearms by private individuals by means of distance communications, for example via the internet should, where authorised, be subject to the rules laid down in Directive 91/477/EEC and, as a general rule, the acquisition of firearms by persons convicted by a final court judgment of certain serious criminal offences should be prohibited.*

*(14) **The European firearms pass** functions in a satisfactory way on the whole and should be regarded as the **main\*** document needed by hunters and marksmen for the possession of a firearm during a journey to another Member State. Member States should not make the acceptance of the European firearms pass conditional upon the **payment of any fee or charge.***

\* Initially, the Kallenbach Draft Report provided that the European firearms pass should be the “**only**” document needed by hunters etc. for a journey to another Member State. In this respect the Kallenbach draft report was positive. The **UK Government** did not accept such regulation proposed by Ms Kallenbach and supported by AECAC and the rest of associations.

*(15) In order to facilitate the tracing of firearms and efficiently to combat the illicit trafficking and manufacturing of firearms, their parts and ammunition, it is necessary to improve the exchange of information between Member States.*

*(16) The processing of information is subject to compliance with Directive 95/46/EC of the European Parliament and*

*of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and does not prejudice the level of protection of individuals with regard to the processing of personal data under Community and national law, and in particular does not alter the obligations and rights set out in Directive 95/46/EC.*

*(17) The measures necessary for the implementation of Directive 91/477/EEC should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.*

*(18) Several Member States have simplified the way they classify firearms by switching from four categories to the following two: prohibited firearms and firearms subject to authorisation. **Member States should fall into line with this simplified classification**, although Member States which divide firearms into a further set of categories may, in accordance with the principle of subsidiarity, **maintain their existing classification systems**\*.*

\* Main issue in the AECAC negotiations in successful collaboration with ESSF, FACE and the French Gun Traders Union, to maintain the existing classification system. Such a change would have negatively affected many countries. Directly: **France** and **Austria**. But also **Spain** (the shotgun ammunition is not subject to any formality), **Lithuania** (Existing a D category), **UK** (Has a two licensing system: Firearms Certificate and Shotguns certificate, the second one giving the option to purchase several shotguns without further single authorization for each gun) **Germany** (Category C and D, do not need a single authorization, but a general one).

*(19) Authorisations for the acquisition and possession of firearms should, **as far as possible**, involve a **single administrative procedure**\*.*

\* A single administrative procedure: **Hunting or sport shooting license**, etc.... Also, it is not a real obligation: “**as far as possible**”.

*(20) Article 2(2) of Directive 91/477/EEC*

*among other things excludes from the scope of application of that Directive the acquisition or possession of weapons and ammunition in accordance with national law by collectors\* and bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established.*

\*The Draft Report Kallenbach proposed that the collectors would be regulated by the Directive. Finally this did not happen as **the Council** rejected strongly such option.

*(21) In accordance with point 34 of the Interinstitutional Agreement on better law-making, Member States should draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and make them public.*

*(22) Directive 91/477/EEC should therefore be amended accordingly,*

**HAVE ADOPTED THIS DIRECTIVE:**

## **Article 1**

1. For the purposes of this Directive 'weapons' and 'firearms' shall have the meanings ascribed to them in Annex I. Firearms are classified and defined in section II of that Annex.

\* The definition of firearms and essential parts is the exact one of the UN Protocol, and therefore should not be changed. Also, technically **“explosive”** is not the same as **“combustive propellant”**.

## **Article 1**

*1. For the purposes of this Directive, "firearm" shall mean any portable barrelled weapon that expels, is designed to expel or may be converted to expel one or more projectiles by the action of a **combustible propellant**, or an essential component of such a weapon\*, unless it is excluded for one of the reasons listed in part III of Annex I. Firearms are classified in part II of Annex I.*

*For the purposes of this Directive, an*

*object shall be considered as capable of being converted to expel one or more projectiles by the action of a combustible propellant if:*

- it has the appearance of a firearm, and*
- as a result of its construction or the material from which it is made, it can be so converted.*

*1a. For the purposes of this Directive, "part" shall mean 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, and any device designed or adapted to diminish the sound caused by firing a firearm.*

*1b. For the purposes of this Directive, "essential component" shall mean the **breach-closing mechanism, the chamber and/or the barrel** of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.\**

\* The linguistic proposal includes again the definition of “**essential component**”. Technically, this is not necessary, as the previous paragraph 1.a contains a clear definition of “parts of firearms”, providing that such are any “**element essential to its operation**”. AECAC has presented a claim against such modification as we consider that the inclusion of another definition of essential component could cause confusions.

*1c. For the purposes of this Directive, "ammunition" shall mean the complete round or the components thereof, including cartridge cases, primers, propellant powder, or projectiles, \* that are used in a firearm, provided that those components are themselves subject to authorisation in the relevant Member State.*

\* The voted text contained "projectile" as well as "bullet".

2. 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.

*1d. For the purposes of this Directive, "tracing" shall mean the systematic tracking of firearms and, where possible, their parts and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and illicit trafficking.*

*1e. For the purposes of this Directive, "broker" shall mean any natural or legal person, other than a dealer, whose trade or business consists wholly or partly in the buying, selling or arranging the transfer of weapons.*

*2. 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, parts and ammunition.*

*2a. For the purposes of this Directive, "illicit manufacturing" shall mean the manufacturing or assembly of firearms, their parts and ammunition:*

*(i) from any essential component of such firearms illicitly trafficked;*

*(ii) without an authorisation issued in accordance with Article 4 by a competent authority of the Member State where the manufacture or assembly takes place; or*

*(iii) without marking the assembled firearms at the time of manufacture in accordance with Article 4(1).*

*2b. For the purposes of this Directive, "illicit trafficking" shall mean the acquisition, sale, delivery, movement or transfer of firearms, their parts or*

*ammunition from or across the territory of one Member State to that of another Member State if any one of the Member States concerned does not authorise it in accordance with the terms of this Directive or if the assembled firearms are not marked in accordance with Article 4(1).\**

\*Initially, even in the Commission proposal, the consequence of the illicit was always a criminal offence. AECAC, and the rest of the concerned associations pointed out that it could be misunderstood, as some mistakes or minor infringements could be punished as criminal offences. In the last version, the punishments can be penal or administrative.

3. For the purposes of this Directive, a person shall be deemed to be a resident of the country indicated by the address appearing on a document establishing his place of residence, such as a passport or an identity card, which, on a check on possession or on acquisition, is submitted to the authorities of a Member State or to a dealer.

3. For the purposes of this Directive, a person shall be deemed to be a resident of the country indicated by the address appearing on a document establishing his place of residence, such as a passport or an identity card, which, on a check on possession or on acquisition, is submitted to the authorities of a Member State or to a dealer.

4. The 'European firearms pass' is a document which is issued on request by the authorities of a Member State to a person lawfully entering into possession of and using a firearm. It shall be valid for a maximum period of five years. The period of validity may be extended. Where only firearms classified in category D appear on the pass, the maximum period of validity thereof shall be ten years. It shall contain the information set out in Annex II. The 'European firearms pass' is a non-transferable document, on which shall be entered the firearm or firearms possessed and used by the holder of the pass. The pass must always be in the possession of the person using the firearm. Changes in the possession or characteristics of the firearms shall be indicated on the pass, as well as the loss or theft of the firearm.

*4. A "European firearms pass" shall be issued on request by the authorities of a Member State to a person lawfully entering into possession of and using a firearm. It shall be valid for a **maximum period of five years**, which may be extended, and shall contain the information set out in Annex II. It shall be non-transferable and shall record the firearm or firearms possessed and used by the holder of the pass in connection therewith. It must **always be in the possession of the person using the firearm** and any change in the possession or characteristics of the firearm, as well as the loss or theft thereof, shall be indicated on the pass.\**

\* The drafting is a little bit confusing as it could be understood as obligation of the possessor of a gun to carry along always the European firearms pass and not only in the case of a journey to

another Member State.

## **Article 2**

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

2. This 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 Member State in whose territory they are established. Nor shall it apply to commercial transfers of weapons and ammunition of war.

## **Article 3**

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 (2). CHAPTER 2 Harmonization of legislation concerning firearms

## **Article 4**

At least in respect of categories A and B, each Member State shall make the pursuit of the activity of dealer within its territory conditional upon authorization on the basis of at least a check on the private and professional integrity of the dealer. In the case of a legal person, the check shall be

## **Article 2**

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## **Article 3**

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## **Article 4**

*1. Member States shall ensure either that any firearm or part placed on the market has been marked and registered in compliance with this Directive, or that it has been deactivated.*

on the person who directs the undertaking. In respect of categories C and D, each Member State which does not make the pursuit of the activity of dealer conditional upon authorization shall make such activity subject to a declaration.

Each dealer shall be required to keep a register in which information concerning all firearms classified in category A, B or C received or disposed of by him shall be recorded, including such particulars as enable the weapon to be identified, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the supplier and the person acquiring the weapon. The Member States shall regularly check dealers' compliance with this obligation. The dealer shall conserve the register for a period of five years, even after he has ceased his activity.

\* See Explanation on page 3.

*2. For the purpose of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm, require either:*

*(a) a unique marking, including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture (if not part of the serial number). This shall be without prejudice to the affixing of the manufacturer's trade mark. For these purposes, the Member States **may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms\***; or*

*(b) an alternative unique user-friendly marking with a number or alphanumeric code, permitting ready identification by all States of the country of manufacture.*

*The marking shall be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable\*.*

\* Technically it could cause problems and wrong interpretations as it could be understood that all essential parts should be marked.

*Member States shall ensure that **each elementary package of complete ammunition** is marked with the name of the manufacturer, the identification batch*

*(lot) number, the calibre and the type of ammunition. For these purposes Member States may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms.\**

\* Initially, Kallenbach`s draft report provided: “marking of every smallest unit of ammunition package”. No reference to the CIP was made. The new wording is clearer and, by applying the CIP, leaves things in its place.

*Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by States of the transferring country.*

*3. Member States shall make the pursuit of the activity of dealer within their territory conditional upon authorisation on the basis of at least a check of the private and professional integrity and of the abilities of the dealer\*. In the case of a legal person, the check shall be on the person who directs the undertaking.*

\* Originally, Mrs Kallenbach proposed a reference to the “**financial means**” of every gun dealer. AECAC succeed in this respect, but could not reach to change “ability” into “ability **or experience**”, which is more appropriate in our opinion.

*4. Member States shall, by 31 December 2014, ensure the establishment and maintenance of a computerised data filing system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data filing systems in which each firearm subject to this Directive shall be recorded. This filing system shall record and maintain for not less than **20 years**\* each firearm's type, make, model, calibre and serial number, as well as the names and*

*addresses of the supplier and the person acquiring or possessing the firearm.*

\* See page number 4.

*Throughout their period of activity, dealers shall be required to maintain a register in which all firearms subject to this Directive and which are received or disposed of by them shall be recorded, together with such particulars as enable the firearm to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the persons supplying and acquiring it. **Upon the cessation of his activities, the dealer shall deliver the register to the national authority responsible for the filing system provided for in subparagraph 1.**\**

\* It is important as currently some countries oblige to keep the register after the cessation of the activities of the dealer.

5. Member States shall ensure that all firearms may be **linked to their owner** at any moment. However, as regards firearms classified in **category D**, Member States shall, as from ...\*, put into place appropriate tracing measures, including, as from 31 December 2014, measures enabling linking at any moment to the owner of firearms placed on the market after ... (The date referred to in Article 2 (1) of this Directive). \*

\* The Directive provides a compromise until 2014 to maintain the existing system. This regulation does not apply to all guns in category D, but only to those newly “placed on the market”; so, it does not apply to the nowadays existing Category D guns.

#### **Article 4a**

*Without prejudice to Article 3, Member*

*States shall allow the acquisition and possession of firearms only by persons who have been granted a licence or, with respect to categories C or D, who are specifically permitted to acquire and possess such firearms **in accordance with national law.**\**

\* This issue presents one of the main “struggles”. The current text corresponds to the final compromise keeping the four Categories. “***In accordance with national law***” leaves the door open to any system.

#### ***Article 4b***

*Member States shall consider establishing a system for the regulation of the activities of brokers. Such a system might include one or more measures such as:*

- (a) requiring the registration of brokers operating within their territory;*
- (b) requiring the licensing or authorisation of the activity of brokering.\**

\* This would be a new regulation, it could cause problems to many companies and brokers, but should not necessarily be negative to the currently authorised gun traders.

## Article 5

Without prejudice to Article 3, Member States shall allow the acquisition and possession of firearms classified in category B only by persons who have good cause and who:

(a) are 18 years old or more, except for hunting or target shooting;

## Article 5

*Without prejudice to Article 3, Member States shall permit the acquisition and possession of firearms only by persons who have good cause and who:*

*(a) are at least **18 years** of age, except in relation to the acquisition, **other than through purchase**, and possession of firearms **for hunting and target shooting**, provided that in that case persons of less than 18 years of age have parental permission **and\*** are under parental guidance, **are under** the guidance of an adult with a valid firearms or hunting license, or are within a licensed or otherwise approved training centre; **and***

\* Mrs Kallenbach intended to restrict the age limit to **18 years**. Finally the compromise was that young hunters and sport shooters could acquire guns as presents or inheritance (not buy them in a shop), and could use them with an adult.

Now, there is a linguistic problem: The Linguistic Office has changed the word “**or**” into “**and**”. The proposal of the linguistic services is absolutely unacceptable. It changes completely the meaning of the compromised and widely voted text. Young hunters or sport shooters can practise their sport if they are under parental guidance or have their permissions or are under the guidance of another adult not being their parent but holding a valid gun holder authorisation. By changing “or” by “and”, children from not hunters or sport shooters could not practise their sport without their parents. **This is a main change absolutely against the compromised text.**

(b) are not likely to be a danger to themselves, to public order or to public safety.

*(b) are not likely to be a danger to themselves, to public order or to public safety. Having been convicted of a **violent intentional crime** shall be considered as indicative of such danger.\**

\* Being “convicted of a violent intentional crime” is an important charge. Mrs Kallenbach had proposed “**any criminal offence**”.

Without prejudice to Article 3, Member States shall allow the possession of firearms classified in categories C and D only by persons satisfying the conditions in point (a) of the first paragraph.

Member States may withdraw authorization for possession of the firearm if any of the conditions in point (b) of the first paragraph is no longer satisfied.

Member States may not prohibit persons resident within their territories from possessing a weapon acquired in another Member State unless they prohibit the acquisition of the same weapon within their own territories.

## Article 6

Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A. In special cases, the competent authorities may grant authorizations for such firearms and ammunition where this is not contrary to public security or public order.

*Member States may withdraw authorisation for possession of a firearm if any of the conditions on the basis of which it was granted are no longer satisfied.*

*Member States may not prohibit persons resident within their territory from possessing a weapon acquired in another Member State unless they prohibit the acquisition of the same weapon within their own territory.*

## Article 6

Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms and ammunition classified in category A. In special cases, the competent authorities may grant authorizations for such firearms and ammunition where this is not contrary to public security or public order.

*Member States shall ensure that, except with respect to dealers, the acquisition of firearms and their parts and ammunition by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts\*, shall, where authorised, be strictly controlled.\**

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\* OJ L 144, 4.6.1997, p. 19. Directive as last amended by Directive 2005/29/EC (OJ L 149, 11.6.2005, p. 22).

\* The Directive keeps the possibility of trading guns trough distance communication and provides that such trade should be **strictly controlled**. Mrs Kallenbach intended to band this

trading modality. She also tried to establish a “cooling of” period of 15 working days to avoid compulsive purchase of fire guns.

#### **Article 7**

1. No one may acquire a firearm classified in category B within the territory of a Member State unless that Member State has so authorized him.

No such authorization may be given to a resident of another Member State without the latter's prior agreement.

2. No one may be in possession of a firearm classified in category B within the territory of a Member State unless that Member State has so authorized him. If he is a resident of another Member State, that other Member State shall be informed accordingly.

3. An authorization to acquire and an authorization to possess a firearm classified in category B may take the form of a single administrative decision.

#### **Article 7**

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No such authorization may be given to a resident of another Member State without the latter's prior agreement.

2. No one may be in possession of a firearm classified in category B within the territory of a Member State unless that Member State has so authorized him. If he is a resident of another Member State, that other Member State shall be informed accordingly.

3. An authorization to acquire and an authorization to possess a firearm classified in category B may take the form of a single administrative decision.

*4. Member States may consider granting persons who satisfy the conditions for the granting of an authorisation for a firearm a multiannual license for the acquisition and possession of all firearms subject to authorisation, without prejudice to:*

*(a) the obligation to notify the competent authorities of transfers;*

*(b) the periodic verification that those persons continue to satisfy the conditions; and*

*(c) the maximum limits for possession laid*

*down in national law.*

*5. Member States shall adopt rules to ensure that persons holding authorisations for firearms of category B in force under national law as at ... (The date of entry into force of this Directive) do not need to apply for a licence or permit regarding firearms they hold in categories C or D due to the entry into force of Directive 2008/.../EC of the European Parliament and of the Council of... (Number, date and OJ reference of this Directive). However, any subsequent transfer of firearms of categories C or D shall be subject to the transferee obtaining or having a licence or being specifically permitted to possess those firearms in accordance with national law.\**

\* This paragraph was the last discussion remaining from the original proposal of Mrs Kallenbach tending to change the categories system. The drafting is not perfect, but is enough to allow someone holding a hunting or sport shooting licence to purchase a fire gun as far as this is correct according “**with national law**”.

#### **Article 8**

1. No one may be in possession of a firearm classified in category C unless he has declared it to the authorities of the Member State in which that firearm is held.

The Member States shall provide for the compulsory declaration of all firearms classified in category C at present held within their territories but not previously declared within one year of the entry into force of the national provisions transposing this Directive.

2. Every seller, dealer or private person shall inform the authorities of the Member State in which it takes place of every transfer or

handing over of a firearm classified in category C, giving the particulars by which

#### **Article 8**

1. No one may be in possession of a firearm classified in category C unless he has declared it to the authorities of the Member State in which that firearm is held.

The Member States shall provide for the compulsory declaration of all firearms classified in category C at present held within their territories but not previously declared within one year of the entry into force of the national provisions transposing this Directive.

2. Every seller, dealer or private person shall inform the authorities of the Member State in which it takes place of every transfer or handing over of a firearm classified in category C, giving the

particulars by which the firearm and the person acquiring it may be identified. If

the firearm and the person acquiring it may be identified. If the person acquiring such a firearm is a resident of another Member State, that other Member State shall be informed of the acquisition by the Member State in which it took place and by the person acquiring the firearm.

3. If a Member State prohibits or makes subject to authorization the acquisition and possession within its territory of a firearm classified in category B, C or D, it shall so inform the other Member States, which shall expressly include a statement to that effect on any European firearms pass they issue for such a firearm, pursuant to Article 12 (2).

#### **Article 9**

1. The handing over of a firearm classified in category A, B or C to a person who is not resident in the Member State in question shall be permitted, subject to compliance with the obligations laid down in Articles 6, 7 and 8:

- where the person acquiring it has been authorized in accordance with Article 11 himself to effect a transfer to his country of residence,

- where the person acquiring it submits a written declaration testifying to and justifying his intention to be in possession of the firearm in the Member State of acquisition, provided that he fulfils the legal conditions for possession in that Member State.

2. Member States may authorize the temporary handing over of firearms in

the person acquiring such a firearm is a resident of another Member State, that other Member State shall be informed of the acquisition by the Member State in which it took place and by the person acquiring the firearm.

3. If a Member State prohibits or makes subject to authorization the acquisition and possession within its territory of a firearm classified in category B, C or D, it shall so inform the other Member States, which shall expressly include a statement to that effect on any European firearms pass they issue for such a firearm, pursuant to Article 12 (2).

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- where the person acquiring it submits a written declaration testifying to and justifying his intention to be in possession of the firearm in the Member State of acquisition, provided that he fulfils the legal conditions for possession in that Member State.

2. Member States may authorize the temporary handing over of firearms in

accordance with procedures which they shall lay down.

### **Article 10**

The arrangements for the acquisition and possession of ammunition shall be the same as those for the possession of the firearms for which the ammunition is intended. CHAPTER 3 Formalities for the movement of weapons within the Community.

### **Article 11**

1. Firearms may, without prejudice to Article 12, be transferred from one Member State to another only in accordance with the procedure laid down in the following paragraphs. These provisions shall also apply to transfers of firearms following a mail order sale.

2. Where a firearm is to be transferred to another Member State, the person concerned shall, before it is taken there, supply the following particulars to the Member State in which such firearm is situated:

- the names and addresses of the person selling or disposing of the firearm and of the person purchasing or acquiring it or, where appropriate, of the owner,

- the address to which the firearm is to be consigned or transported,

- the number of firearms to be consigned or transported,

- the particulars enabling the firearm to be identified and also an indication that the firearm has undergone a check in

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- the address to which the firearm is to be consigned or transported,

- the number of firearms to be consigned or transported,

- the particulars enabling the firearm to be identified and also an indication that the firearm has undergone a check in

accordance with the Convention of 1 July 1969 on the Reciprocal Recognition of Proofmarks on Small Arms,

- the means of transfer,
- the date of departure and the estimated date of arrival.

The information referred to in the last two indents need not be supplied where the transfer takes place between dealers.

The Member State shall examine the conditions under which the transfer is to be carried out, in particular with regard to security.

Where the Member State authorizes such transfer, it shall issue a licence incorporating all the particulars referred to in the first subparagraph. Such licence shall accompany the firearm until it reaches its destination; it shall be produced whenever so required by the authorities of the Member States.

3. In the case of transfer of the firearms, other than weapons of war, excluded from the scope of this Directive pursuant to Article 2 (2), each Member State may grant dealers the right to effect transfers of firearms from its territory to a dealer established in another Member State without the prior authorization referred to in paragraph 2. To that end it shall issue an authorization valid for no more than three years, which may at any time be suspended or cancelled by reasoned decision. A document referring to that authorization must accompany the firearm until it reaches its destination; it must be produced whenever so required by the authorities of the Member States.

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accordance with the Convention of 1 July 1969 on the Reciprocal Recognition of Proofmarks on Small Arms,

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*Prior to the date of transfer, the dealer*

dealer shall communicate to the authorities of the Member State from which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2.

*shall communicate to the authorities of the Member State from which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2. Those authorities shall carry out inspections, where appropriate on the spot, to verify the correspondence between the information communicated by the dealer and the actual characteristics of the transfer. The information shall be communicated by the dealer within a period allowing sufficient time for those inspections to be carried out.\**

\* Initially, it was provided that the communication had to be carried out **5 days in advance**. Now, the wording “**prior to the date of transfer**” is acceptable, although the interpretation of “**sufficient time**” gives too much space to interpretation of the national or local authorities.

4. Each Member State shall supply the other Member States with a list of firearms the transfer of which to its territory may not be authorized without its prior consent.

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Such lists of firearms shall be communicated to dealers who have obtained approval for transferring firearms without prior authorization under the procedure laid down in paragraph 3.

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## **Article 12**

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1. If the procedure provided for in Article 11 is not employed, the possession of a firearm during a journey through two or more Member States shall not be permitted unless the person concerned has obtained the authorization of each of those Member States.

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Member States may grant such authorization for one or more journeys for a maximum period of one year, subject to

renewal. Such authorizations shall be entered on the European firearms pass, which the traveller must produce whenever so required by the authorities of the Member States.

2. Notwithstanding paragraph 1, hunters, in respect of categories C and D, and marksmen, in respect of category B, C and D, may without prior authorization be in possession of one or more firearms classified in these categories during a journey through two or more Member States with a view to engaging in their activities, provided that they are in possession of a European firearms pass listing such firearm or firearms and provided that they are able to substantiate the reasons for their journey, in particular by producing an invitation.

\* According to this, **hand guns and semi-automatic long rifles holding or able to hold, more than three rounds**, and the rest of guns in the B category will need a special authorization of the national authority. This limitation is acceptable, it was proposed by the UK government. The reason is mainly the fact that some EU countries allow hunters to use short guns for hunting.

renewal. Such authorizations shall be entered on the European firearms pass, which the traveller must produce whenever so required by the authorities of the Member States.

*2. Notwithstanding paragraph 1, hunters, in respect of categories C and D, and marksmen, in respect of categories B, C and D\*, may, without prior authorisation, be in possession of one or more firearms during a journey through two or more Member States with a view to engaging in their activities, provided that they are in possession of a European firearms pass listing such firearm or firearms and provided that they are able to substantiate the reasons for their journey, in particular by producing an invitation or other proof of their hunting or target shooting activities in the Member State of destination.*

*Member States may not make acceptance of a European firearms pass conditional upon the payment of any fee or charge.\**

\*This is a very positive regulation, although it could be misunderstood, as it is different to accept the EU pass than to grant the gun licence provided in the UK legislation. Lets see how do the

facts develop.

However, this derogation shall not apply to journeys to a Member State which prohibits the acquisition and possession of the firearm in question or which, pursuant to Article 8 (3), makes it subject to authorization; in that case, an express statement to that effect shall be entered on the European firearms pass.

In the context of the report referred to in Article 17, the Commission in consultation with the Member States, will also consider the effects of applying the second subparagraph, particularly as regards its impact on public order and public security.

3. Under agreements for the mutual recognition of national documents, two or more Member States may provide for arrangements more flexible than those prescribed in this Article for movement with firearms within their territories.

### **Article 13**

1. Each Member State shall communicate all useful information at its disposal concerning definitive transfers of firearms to the Member State to the territory of which such a transfer has been effected.

2. All information that Member States receive by way of the procedures laid down in Article 11 for transfers of firearms and in Article 7 (2) and Article 8 (2) for the acquisition and possession of firearms by non-residents shall be communicated, not later than the time of the relevant transfers, to the Member States of destination and, where appropriate, not later than the time of transfer to the Member States of transit.

3. Member States shall set up, by 1 January

However, this derogation shall not apply to journeys to a Member State which prohibits the acquisition and possession of the firearm in question or which, pursuant to Article 8 (3), makes it subject to authorization; in that case, an express statement to that effect shall be entered on the European firearms pass.

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3. *For the purposes of the efficient*

1993 at the latest, networks for the exchange of information for the purposes of applying this Article. They shall inform the other Member States and the Commission of the national authorities responsible for transmitting and receiving information and for applying the formalities referred to in Article 11 (4).

*application of this Directive, Member States shall exchange information on a regular basis. To this end, the Commission shall set up, by ... (One year from the date of entry into force of this Directive), a contact group for the exchange of information for the purposes of applying this Article. Member States shall inform each other and the Commission of the national authorities responsible for transmitting and receiving information and for complying with the obligations set out in Article 11(4).*

### **Article 13 a**

*1. The Commission shall be assisted by a committee.*

*2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission shall apply, having regard to the provisions of Article 8 thereof.*

*The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.;*

#### **Article 14**

Member States shall adopt all relevant provisions prohibiting entry into their territory:

- of a firearm except in the cases defined in Articles 11 and 12 and provided the conditions laid down therein are met,

- of a weapon other than a firearm provided that the national provisions of the Member State in question so permit. CHAPTER 4 Final provisions

#### **Article 15**

1. Member States shall intensify controls on the possession of weapons at external Community frontiers. They shall in particular ensure that travellers from third countries who intend to proceed to another Member State comply with Article 12.

2. This Directive shall not preclude the carrying out of controls by Member States or by the carrier at the time of boarding of a means of transport.

3. Member States shall inform the Commission of the manner in which the controls referred to in paragraphs 1 and 2 are carried out. The Commission shall collate this information and make it available to all Member States.

4. Member States shall notify the Commission of their national provisions, including changes relating to the acquisition and possession of weapons, where the national law is more stringent than the minimum standard they are required to adopt.

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4. Member States shall notify the Commission of their national provisions, including changes relating to the acquisition and possession of weapons, where the national law is more stringent than the minimum standard they are required to adopt.

The Commission shall pass on such information to the other Member States.

#### **Article 16**

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 17**

Within five years from the date of transposition of this Directive into national law, the Commission shall submit a report to the European Parliament and to the Council on the situation resulting from the application of this Directive, accompanied, if appropriate, by proposals.

The Commission shall pass on such information to the other Member States.

#### **Article 16**

*Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. **The penalties provided for must be effective, proportionate and dissuasive.***

#### **Article 17**

*The Commission shall, by...(Five years from the date referred to in Article 2(1) of this Directive.), submit a report to the European Parliament and the Council on the situation resulting from the application of this Directive, accompanied, if appropriate, by proposals.*

*The Commission shall, by ...(Four years from the date of entry into force of this Directive.), carry out research and submit a report to the European Parliament and the 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 for the products in question by means of possible simplification.*

*The Commission shall, by ...(Two years from the date of entry into force of this Directive.), submit a report to the European Parliament and the Council presenting the conclusions of a study of 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 this Directive*

*is possible and desirable.*

### **Article 18**

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive in good time so that the measures provided for by this Directive may be put into effect not later than 1 January 1993. They shall forthwith inform the Commission and the other Member States of the measures taken.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

### **Article 19**

This Directive is addressed to the Member States. Done at Luxembourg, 18 June 1991. For the Council

The President

G. WOHLFART

(1) OJ No C 235, 1. 9. 1987, p. 8 and OJ No C 299, 28. 11. 1989, p. 6. (2) OJ No C 231, 17. 9. 1990, p. 69 and OJ No C 158, 17. 6. 1991, p. 89. (3) OJ No C 35, 8. 2. 1988, p. 5.

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When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

### **Article 19**

This Directive is addressed to the Member States. Done at Luxembourg, 18 June 1991. For the Council

*Transposition of the new directive*

*1. Member States shall, by ... (Two years from the date of entry into force of this Directive)\*, bring into force the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those measures.*

*When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such references are to be made.*

*2. Member States shall communicate to the Commission the text of the main provisions of national law, which they adopt in the field covered by this Directive.*

\* The transposition term is the very “deadline” for the transposition of the Directive into national law. The Member States can transpose the Directive before the expiration of the time limit.

#### *Entry into force of the new Directive*

*This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.*

#### *Addressees*

*This Directive is addressed to the Member States.*

*Done at*

*For the European Parliament*

*The President*

*For the Council*

*The President*

## ANNEX I

I. For the purposes of this Directive, 'weapon' means:

- any firearm as defined in section II of this Annex,
- weapons other than firearms as defined in national legislation.

II. For the purposes of this Directive, 'firearm' means:

A. Any object which falls into one of the following categories, unless it meets the definition but is excluded for one of the reasons listed in section III.

### Category A - Prohibited firearms

1. Explosive military missiles and launchers.
2. Automatic firearms.
3. Firearms disguised as other objects.
4. Ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition.
5. Pistol and revolver ammunition with expanding projectiles and the projectiles for such ammunition, except in the case of weapons for hunting or for target shooting, for persons entitled to use them.

Category B - Firearms subject to

## ANNEX I {see (7) of Explanatory }

I. For the purposes of this Directive, 'weapon' means:

*- any firearm as defined in Article 1 of the Directive,*

- weapons other than firearms as defined in national legislation.

*II. For the purposes of this Directive, firearms are classified as follows:*

### Category A - Prohibited firearms

1. Explosive military missiles and launchers.
2. Automatic firearms.
3. Firearms disguised as other objects.
4. Ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition.
5. Pistol and revolver ammunition with expanding projectiles and the projectiles for such ammunition, except in the case of weapons for hunting or for target shooting, for persons entitled to use them.

Category B - Firearms subject to

authorization

1. Semi-automatic or repeating short firearms.
2. Single-shot short firearms with centre-fire percussion.
3. Single-shot short firearms with rimfire percussion whose overall length is less than 28 cm.
4. Semi-automatic long firearms whose magazine and chamber can together hold more than three rounds.
5. Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose magazine and chamber can together hold more than three rounds.
6. Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length.
7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms.

Category C - Firearms subject to declaration

1. Repeating long firearms other than those listed in category B, point 6.
2. Long firearms with single-shot rifled barrels.
3. Semi-automatic long firearms other than those in category B, points 4 to 7.

authorization

1. Semi-automatic or repeating short firearms.
2. Single-shot short firearms with centre-fire percussion.
3. Single-shot short firearms with rimfire percussion whose overall length is less than 28 cm.
4. Semi-automatic long firearms whose magazine and chamber can together hold more than three rounds.
5. Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose magazine and chamber can together hold more than three rounds.
6. Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length.
7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms.

Category C - Firearms subject to declaration

1. Repeating long firearms other than those listed in category B, point 6.
2. Long firearms with single-shot rifled barrels.
3. Semi-automatic long firearms other than those in category B, points 4 to 7.

4. Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm.

Category D - Other firearms

Single-shot long firearms with smooth-bore barrels.

B. Any essential component of such firearms:

The breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.

III. For the purposes of this Annex objects which correspond to the definition of a 'firearm' shall not be included in that definition if they:

(a) have been rendered permanently unfit for use by the application of technical procedures which are guaranteed by an official body or recognized by such a body;

\* New regime: “**all essential parts**” will have to be destructed and “**incapable of removal**”. This is the result of the problems in many countries caused by reactivated guns. AECAC believes it is good to unify and enforce the control over all European deactivation systems, although the interpretation of “**incapable of removal**” could cause problems if it is applied strictly.

(b) are designed for alarm, signalling, life-

Category D - Other firearms

Single-shot long firearms with smooth-bore barrels.

III. For the purposes of this Annex objects which correspond to the definition of a 'firearm' shall not be included in that definition if they:

(a) *have been rendered permanently unfit for use by deactivation, ensuring that **all essential parts**\* of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way;*

(b) are designed for alarm, signalling, life

saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only;

(c) are regarded as antique weapons or reproductions of such where these have not been included in the previous categories and are subject to national laws.

Pending coordination throughout the Community, Member States may apply their national laws to the firearms listed in this Section.

aving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only;

(c) are regarded as antique weapons or reproductions of such where these have not been included in the previous categories and are subject to national laws.

Pending coordination throughout the Community, Member States may apply their national laws to the firearms listed in this Section.

*Member States shall make arrangements for the deactivation measures referred to in point (a) to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of this verification, provide for the issuance of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm. The Commission shall, acting in accordance with the procedure referred to in Article 13a(2) of the Directive, issue common guidelines on deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable.*

IV. For the purposes of this Annex:

(a) 'short firearm' means a firearm with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres;

(b) 'long firearm' means any firearm other than a short firearm;

IV. For the purposes of this Annex:

(a) 'short firearm' means a firearm with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres;

(b) 'long firearm' means any firearm other than a short firearm;

(c) 'automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull on the trigger;

(d) 'semi-automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire only one round with one pull on the trigger;

(e) 'repeating firearm' means a firearm which after a round has been fired is designed to be reloaded from a magazine or cylinder by means of a manually-operated

(f) 'single-shot firearm' means a firearm with no magazine which is loaded before each shot by the manual insertion of a round into the chamber or a loading recess at the breech of the barrel;

(g) 'ammunition with penetrating projectiles' means ammunition for military use where the projectile is jacketed and has a penetrating hard core;

(h) 'ammunition with explosive projectiles' means ammunition for military use where the projectile contains a charge which explodes on impact;

(i) 'ammunition with incendiary projectiles' means ammunition for military use where the projectile contains a chemical mixture which bursts into flame on contact with the air or on impact.

(c) 'automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull on the trigger;

(d) 'semi-automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire only one round with one pull on the trigger;

(e) 'repeating firearm' means a firearm which after a round has been fired is designed to be reloaded from a magazine or cylinder by means of a manually-operated action;

(f) 'single-shot firearm' means a firearm with no magazine which is loaded before each shot by the manual insertion of a round into the chamber or a loading recess at the breech of the barrel;

(g) 'ammunition with penetrating projectiles' means ammunition for military use where the projectile is jacketed and has a penetrating hard core;

(h) 'ammunition with explosive projectiles' means ammunition for military use where the projectile contains a charge which explodes on impact;

(i) 'ammunition with incendiary projectiles' means ammunition for military use where the projectile contains a chemical mixture which bursts into flame on contact with the air or on impact.

## ANNEX II

### EUROPEAN FIREARMS PASS

The pass must include the following sections:

- (a) identity of the holder;
- (b) identification of the weapon or firearm, including a reference to the category within the meaning of the Directive;
- (c) period of validity of the pass;
- (d) section for use by the Member State issuing the pass (type and references of authorizations, etc.);
- (e) section for entries by other Member States (authorizations to enter their territory,
- (f) the statements:

'The right to travel to another Member State with one or more of the firearms in categories B, C or D mentioned in this pass shall be subject to one or more prior corresponding authorizations from the Member State visited. This or these authorizations may be recorded on the pass.

The prior authorization referred to above is not in principle necessary in order to travel with a firearm in categories C or D with a view to engaging in hunting or with a firearm in categories B, C or D for the purpose of taking part in target shooting, on condition that the traveller is in possession of the firearms pass and can establish the reason for the journey.'

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- (a) identity of the holder;
- (b) identification of the weapon or firearm, including a reference to the category within the meaning of the Directive;
- (c) period of validity of the pass;
- (d) section for use by the Member State issuing the pass (type and references of authorizations, etc.);
- e) section for entries by other Member States (authorizations to enter their territory, etc.);
- (f) the statements:

'The right to travel to another Member State with one or more of the firearms in categories **B, C or D** mentioned in this pass shall be subject to one or more prior corresponding authorizations from the Member State visited. This or these authorizations may be recorded on the pass.

The prior authorization referred to above is not in principle necessary in order to travel with a firearm in **categories C or D\*** with a view to engaging in hunting or with a firearm in categories B, C or D for the purpose of taking part in target shooting, on condition that the traveller is in possession of the firearms pass and can establish the reason for the journey.'

- See page number 24.

Where a Member State has informed the other Member States, in accordance with Article 8 (3), that the possession of certain firearms in categories B, C or D is prohibited or subject to authorization, one of the following statements shall be added:

'A journey to . . . (State(s) concerned) with the firearm . . . (identification) shall be prohibited.'

'A journey to . . . (State(s) concerned) with the firearm . . . (identification) shall be subject to authorization.'

Where a Member State has informed the other Member States, in accordance with Article 8 (3), that the possession of certain firearms in categories B, C or D is prohibited or subject to authorization, one of the following statements shall be added:

'A journey to . . . (State(s) concerned) with the firearm . . . (identification) shall be prohibited.'

'A journey to . . . (State(s) concerned) with the firearm . . . (identification) shall be subject to authorization.'