

The British Shooting Sports Council



Proposed changes to the EU Directive on Weapons Control:

BSSC Position Paper

Changes to the proposed new Directive are expected as a result of the parliamentary process. When necessary the BSSC will issue updated versions of this position paper.

“You cannot stop terrorism by restricting legal gun ownership”

- A. The BSSC is fully supportive of the fight against terrorism. However the measures proposed by the EU should be relevant, cost-effective and practicable. They are not. The terrorist weapon of choice is the fully-automatic assault rifle (illegally trafficked), not sporting, target or collectors’ firearms. No evidence has been presented that legal ownership of civilian firearms is in any way linked to terrorist attacks.
- B. The EU Commission has published a Proposal for a ‘Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons’. This may be viewed on: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2015%3A750%3AFIN>
- C. BSSC is very concerned that some of the proposed measures have been too hastily prepared without full consideration of all the consequences and without the impact assessment which normally accompanies such proposed changes. These proposals would have seriously adverse consequences on the shooting sports, hunting, vermin/pest control, the gun trade and collecting. BSSC is equally concerned that the Proposals would have minimal effect on terrorism, and they amount to no more than gesture politics at best and an opportunistic attempt to impose unjustified restrictions at worst. The proposed measures in total would use up resources that would be better expended on expanding the existing EU programme of direct intervention aimed at reducing the number of stockpiled ex-military small arms, sometimes inadequately secured, from which we understand many terrorist arms are sourced. On 15th December a Commission representative admitted that the draft Proposal ‘is not focusing on the illegal traffic of arms’.

The BSSC does strongly support the proposed improvements to international communications between national security agencies to tackle terrorism.

- D. There are about 12 million legitimate firearms users in the EU, supporting 600,000 employees and a trade turnover of more than 20 billion Euros.

E. The BSSC makes the following key specific points which may be used as a basis to draft notes to MEPs. If at all possible such notes should be handed over at a face-to-face meeting which has much more impact than an email.

1. Proposed ban on (some) semi-automatic firearms. The BSSC neither suggests nor supports an EU ban on any form of semi-automatic firearm. There are two strands to the proposed ban on some semi-automatics:

- The British Government has been calling for an EU ban on ‘high-powered semi-automatic firearms’ in an obvious attempt to bring the EU Directive into line with English law. ‘High-powered’ is not a term easily or incontrovertibly defined. **Any discussion with MEPs should stress that semi-automatic centre-fire rifles are widely and safely used for target shooting and for hunting large and dangerous game in other EU member states and no evidence of any problem has been presented.**
- The EU’s intention is to ban those semi-automatic firearms which are easily convertible to fully-automatic fire, and those which ‘resemble’ fully-automatic firearms. The appearance of a firearm does not make it any more or less lethal. ‘Resemblance’ is an imprecise term, so no doubt falls foul of Article 7 of the European Convention on Human Rights, The resemblance of a firearm to a fully-automatic firearm is subjective and very much dependent on the person who has to make this judgement. Decisions will mostly be made after an event and with hindsight. Article 7 says 'No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed.' ‘Resemblance’ is too subjective a test on which to decide whether an offence has been committed. It is more accurate to say that semi-automatic and fully automatic rifles may *share* characteristics, rather than semi-automatics *resemble* fully-automatics.

In the UK .22 rim-fire rifles are widely and safely used for ‘Practical’ and ‘Gallery’ rifle courses of fire and for pest control, particularly rabbits. .22 rim-fire semi-automatic rifles have been on the market for over 100 years and there are an estimated 80,000 in Britain. As is the case with all rifles, .22 rim-fire semi-automatics are very rarely criminally misused and the BSSC sees no good case for prohibiting them. Nor is their appearance immutable, since many popular types may very easily be fitted with after-market furniture (this may be as simple as turning a screw). Semi-automatic shotguns are also widely and safely used for ‘Practical’ and ‘Target Shotgun’ shooting as well as for shooting game, wildfowl and pests, particularly wood pigeon. So far as the UK is concerned, **BSSC seeks to maintain the *status quo* so any reference to .22 rim-fire self-loaders and/or semi-automatic shotguns when engaging MEPs should stress their widespread and non-controversial use and the need to maintain the *status quo* as far as Great Britain is concerned.**

2. ‘Collectors’ are not defined in either the current Directive or the Regulations and remain outside the Directive, along with museums. So far as BSSC is aware, no evidence has been adduced to demonstrate that the exclusion of collectors from the Directive has caused any problems, terrorism-related or not. We do not consider it proper to legislate merely on the possibility that collecting *might* cause a problem.

If there is evidence we would wish to see it. **BSSC supports the continuing exemption of collectors from the Directive and the continuing ability to collect firearms subject to authorisation or declaration. Collectors are, and would continue to be, controlled by national legislation. The following paragraph should be added to Article 2:**

‘The Directive shall not apply to legal or natural persons dedicated to the gathering, study and conservation of arms and associated artefacts for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes and recognised as such by the Member State in whose territory they are established.’

An arms collector is any legal or natural person dedicated to the gathering and conservation of arms and associated artefacts for their heritage, historical, cultural, technical, scientific, aesthetic or educational value and/or for display and/or for their use in academic or practical research or study.

3. Ban on possession (by other than authorised museums) of deactivated fully automatic and semi-automatic firearms to be placed in the prohibited EU Category A. This is disproportionate and shows every sign of being a last-minute addition, since so much effort had been put into the new very rigorous EU Deactivation Regulations which come into force in April. BSSC understands that the two so-called ‘deactivated’ rifles used at the time of the Charlie Hebdo shootings were not true deactivations but simple conversions of functional fully-automatic rifles into acoustic blank firers by placing steel pins in the bore. That is not deactivation by any normal definition and is certainly insufficient basis for an EU wide ban on deactivations done to a high standard. The real problem would seem to lie with Slovakian domestic legislation. The figures used at the recent English Law Commission symposium were that an estimated 230,000 firearms had been deactivated in the UK since 1988. This number will have increased. Probably half of these are for fully- or semi-automatic firearms in the hands of collectors, with no information as to where most of them are now. **You may wish to ask your MEP whether it would be a good use of scarce police resources to attempt recovery of these non-functional, non-lethal objects which are not firearms in English law? Deactivated firearms are now very unlikely to be used in crime and it is very difficult or impossible to reactivate recent specification deactivated arms, so how serious is the problem? Any prohibition emanating from the Directive would trigger claims for substantial compensation, possibly payable by the British Government.**

4. Deactivation of EU Category A prohibited weapons held by museums: Our major museum arms collections have been very concerned by the proposals that their collections of Category A prohibited weapons would have to be deactivated and they would be unable to add Category A prohibited firearms to their collections. These proposals if enacted would be devastating to the heritage. To carry out their role and responsibility to future generations of researchers and the public, museums must be able to acquire ‘live’ small arms, or it will become impossible for researchers to study the technical aspects of firearms after ca.1920 or to display new small arms taken into service by our armed forces. **Museums are already fully engaged in negotiations, so input from third parties should be limited to an expression of concern about the major threat to the heritage.**

5. Control of deactivated firearms: Possession by private individuals of deactivated firearms in Category A would be forbidden, while the remaining deacts would be subject to declaration. This would represent a major additional workload for the police and a very significant loss for collectors. Any attempt at registering deactivated firearms, the numbers and locations of which are unknown, is doomed to be at best partial and to consume already scarce firearms licensing resources on logging an object which in English law is definitively not a firearm and is not lethal. The question is the real level of risk. Firearms deactivated to the new EU or present UK specification are virtually impossible to reactivate. The proposed controls are neither proportionate nor supported by statistical evidence. **The BSSC's stance is that, with respect to firearms deactivated to the existing UK specification, the level of risk of reactivation is so small that regulation of deactivated small arms is neither proportionate nor required in the UK.** Category A firearms that have been deactivated should not be prohibited from public ownership or sale. Further, as a 'non-gun', no deactivated firearm should be re-classified as a Category C firearm, subject to declaration. These new proposals seek to group current, safe UK deactivated guns in with those from other member states that are deactivated to an inadequate standard. This is grossly unfair.

6. Certificates to be of a maximum five years duration: The argument for a ten year certificate and the benefits it can bring to the police has been well worked through in Britain and has the strong support of Chief Constable Andy Marsh, current chair of the NPCC's Firearms & Explosives Licensing Working Group. **BSSC strongly supports a ten year certificate which is consistent with current levels of 24/7 monitoring of certificate holders and which minimises wastage of valuable police time and resources.** We do understand that the duration of a licence should remain a matter for national competence. **Any statement to MEPs should stress the benefit to the police of intelligence-led policing and a ten year certificate and police support for such a certificate.**

7. Sound moderators: The proposal that sound moderators be controlled as an 'essential component' (Article 1 (a) 1b) is retrograde. As in GB, they would be 'included in the category of the firearms on which they are, or are intended to be mounted.' It is illogical to class moderators as 'essential' since a firearm will operate without one. Presumably moderators for air weapons will remain uncontrolled, and the grey area of moderators usable on air weapons and .22 rim-fires will remain. **The BSSC considers that the use of sound moderators should be encouraged for health and safety reasons and they should become uncontrolled.**

8. Shooters under the age of 18: The 2008 Firearms Directive's Article 5 (a) permitted "... the acquisition, other than through purchase, and possession of firearms for hunting and target shooting" by under 18s, subject to parental permission or guidance, or guidance by an adult with a valid hunting or firearms licence or within an approved training centre. The 2015 draft, however has removed the phrase '...acquisition, other than through purchase, and...' from the 2008 text. How can one 'possess' without acquisition? BSSC is unaware of any problems involving young shooters and the reason for this excision is unclear but could adversely affect the entry of young persons into the sport. **The BSSC's stance is that the 2008 wording of Article 5 be retained.**

9. Marking and tracing The proposals appear to require that dealers' registers be not only computerised but linked to NFLMS (the National Firearms Licensing Management System) or its successor, although this is disputed. **In BSSC's view this would be a very significant burden on both dealers and the police for which no evidence has been produced that would justify such a change.** The marking and numbering of sound moderators will be required in future, presumably by manufacturers. There is an issue over the retrospective marking of collectors' firearms if they are to cross borders, since these anachronistic markings affects their value. **BSSC's stance is that these proposals represent a major increase in bureaucracy, particularly where fast-moving dealer's stock is concerned, for minimal benefit, since the data is searched after an event involving a firearm has come to the notice of authorities. It has little preventative value. Nor should those identified as 'collector's arms' or 'antiques' be marked.**

10. Standard Medical Test: The BSSC does not support a proposed Standard Medical Test across the 28 Member States. This would be burdensome, inappropriate and unjustifiable. **The Council does however support an increased level of medical involvement of the medical profession in firearms licensing and is working towards a resolution of this matter within the UK.**

DJP 27/1/2016