**Adoption of EU common guidelines on deactivation standards and techniques for ensuring that deactivated firearms.**

Commission implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable was published on the *Official Journal of the European Union* (L 333/62 of 19 December 2015).

Commission implementing Regulation 2015/2403 establishes common guidelines on deactivation standards and techniques for deactivation of firearms belonging to categories A (prohibited firearms), B (firearms subject to authorization), C (firearms subject to declaration) or D as defined in Annex I to Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (*Official Journal of the European Union* L 256/51 of 13 September 1991).

The Firearms Directive 91/477/EEC of 18 June 1991 regulates the acquisition, possession, and the commercial exchange within the EU of civil firearms (e.g. firearms used for sport shooting and hunting). It sets common minimum standards, which Member States have to transpose in their national weapon laws, and aims at balancing internal market objectives (i.e. cross border movement of firearms) and security policy objectives (i.e. high level of security and protection against criminal acts and illicit trafficking) within the EU.

Directive 91/477/EEC originally constituted an accompanying measure for the completion of the internal market. The abolition of controls on the possession of weapons at intra-Community frontiers made it necessary to adopt effective rules enabling controls to be carried out within the Member States. To this end the Directive contains rules on the acquisition and possession of firearms and on the transfers of the firearms between Member States.[[1]](#footnote-1)

The **main elements** introduced by Commission implementing Regulation 2015/2403 are:

* The establishment of **national** competent **authorities** as verifying entities;
* The establishment of **common** **standards** and **procedures** to deactivate firearms;
* The establishment of common **unique marking** attesting the deactivation of firearms;
* The issuing of a **deactivation certificate** by the verifying entity;
* The imposition of a **record-keeping** of the certificates issued for deactivated firearms for a period of at least 20 years;
* **Common conditions** regulating the **transfers** of firearms within the Union.

**Common standards and procedures** to deactivate firearms are set out in Annex I to Commission implementing Regulation 2015/2403, containing technical specifications on how to deactivate firearms.

Article 5 sets out conditions for **marking of deactivated firearms**:

* Deactivated firearms shall be marked with a common unique marking affixed by the verifying entity (in accordance with the template set out in Annex II to Commission implementing Regulation 2015/2403).

The verifying entity shall issue a **deactivation certificate** to the owner of the firearm, as set out in Article 3 (in accordance to the template set out in Annex III to Commission implementing Regulation 2015/2403).

Member States shall ensure that a **record** is kept of the certificates issued for deactivated firearms for a period of at least **20 years**. The record must include an indication of the date of deactivation and the certificate number.

Article 7 sets out conditions regulating the **transfer of deactivated** firearms within the Union. According to Article 7, deactivated firearms may only be transferred to another Member State if they bear the common unique marking and are accompanied by a deactivation certificate.

Member States remaining free to establish further deactivation measures, as stated by Article 6, in case of transfer to a Member State having addition measures in place, the exporting Member State shall comply with these additional measures.

Commission implementing Regulation 2015/2403, which establishes also a notification mechanism to the Commission on any measure adopted by Member States (Article 8), will apply from **8 April 2016**.

1. On 18 November 2015, the Commission proposed a new Directive amending the existing Firearms Directive 91/477/EEC as amended by Directive 2008/51/EC (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, Brussels, 18 November 2015, COM(2015) 750 final).

   The objective is to strengthen the legal framework in the field of possession and trade in firearms across the EU, especially following terrorist attacks in August and November 2015 on the EU territory. The principle at the basis is to overcome, as much as possible, Member States’ differences in national rules on the possession and trade in firearms and to improve the cross-border exchange of information. [↑](#footnote-ref-1)