



PRESS RELEASE

FACE: EUROPEAN FEDERATION OF ASSOCIATIONS FOR HUNTING & CONSERVATION

FIGHT AGAINST ILLEGAL TRAFFICKING IN FIREARMS: EUROPEAN COMMISSION AIMS AT WRONG TARGET

Instead of focusing on illegal activities with firearms and making full use of existing EU rules on legal firearms, the European Commission plans a full review of these rules. The Commission argues that this change is needed since *“legally owned weapons in the EU continue to feed the illegal market”* and attempts to substantiate this claim by using obscure and altered data, misleading public opinion and passing over its own failure to enforce EU laws.

10 February 2014, Brussels – The Commission recently issued the Communication “Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking”. In addition to laying out several actions to specifically deal with illegal activities (which FACE welcomes), the document announces the plan of the Commission to completely change the EU rules on the legal acquisition and possession of civilian firearms.

The Commission argues that legal firearms are lost or stolen due to the absence of EU common standards on their storage, but only relies on obscure and misquoted figures to justify that claim.

The Commission argues that criminals may seek to acquire firearms in Member States with “flexible” rules and misrepresents the existing EU rules on legal firearms (laid down in the Firearms Directive) omitting to mention that the sale and possession of firearms, such as hunting rifles and shotguns, are subject to a strict set of formalities and thorough background checks, barring criminals – and any person who is “likely to be a threat to public security” – from acquiring and possessing firearms.

Finally, according to the Commission, deactivated firearms are being reactivated. In this case, rather than overhauling the Firearms Directive, the Commission should more simply fulfil its obligations and ensure that Member States comply with the legally-binding existing provisions.

In preparation for its Communication, in 2013 the Commission conducted a public consultation about the possibility of introducing (further) EU common standards on legal firearms. However, the Commission decided to disregard the results that gathered responses from 81 000 EU citizens,



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mostly opposed to further EU action, and subsequently conducted a Eurobarometer survey, with aptly worded questions, leading to more favourable results for the Commission.

As a reaction to all these initiatives from the Commission, FACE is issuing a **detailed response** (see attachment for Executive Summary and link below for full document).

FACE Secretary General Filippo Segato underlined the flaws of the Commission's plans: *“Acquiring and owning firearms is already strictly regulated at EU level. Legal firearms owners such as hunters undergo a number of tight controls and do not feed the illegal market in firearms. If Commissioner Malmström wants to tackle illicit trafficking and improve our security, she should focus on fighting criminal organisations instead of diverting public resources to make life harder for legal owners, who are not the problem. The Commission is simply aiming at the wrong target. Furthermore, the methods used by the Commission in this process are very questionable from a democratic point of view and are bound to provoke serious open debate whether the Commission is playing by the EU rules or just playing politics.”*

***** ENDS *****

NOTES TO EDITORS

Read the full FACE response at:

http://www.face.eu/sites/default/files/attachments/face_response_to_ec_communication_on_firearms_10022014.pdf

Read the Executive Summary at:

http://www.face.eu/sites/default/files/attachments/executive_summary_-_face_response_to_ec_communication_on_firearms.pdf

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FACE (Federation of Associations for Hunting and Conservation of the EU) represents and promotes the interests of over 7 million European hunters in accordance with sustainable use of wildlife. FACE is therefore the largest group of law-abiding users of civilian firearms in the EU. FACE, which is not a “gun-rights” organisation, supports an adequate control of firearms in order to meet public security demands in the EU and globally. FACE is in favour of a set of evidence-based EU rules on legal civilian firearms that complements national legislation. It is an international non-profit making NGO, whose Members are the national hunters' associations within 36 states of the Council of Europe, including the EU28, as well as 3 Associate Members. www.face.eu





FACE'S RESPONSE TO THE EUROPEAN COMMISSION'S COMMUNICATION ON FIREARMS AIMING AT THE WRONG TARGET

10TH FEBRUARY 2014

Executive Summary

FACE, the European Federation for Hunting and Conservation, represents the interests of Europe's 7 million hunters and therefore the largest group of law-abiding users of civilian firearms in the EU. FACE, which is not a "gun-rights" organisation, supports an adequate control of firearms in order to meet public security demands in the EU and globally. FACE is in favour of a set of evidence-based EU rules on legal civilian firearms that complements national legislation.

At EU level, the Firearms Directive, which is an instrument of the internal market, currently provides a coherent framework on legal civilian firearms. It creates mutual confidence amongst Member States whilst both respecting differing national sensibilities and allowing the introduction of stricter measures. The Directive was adopted in 1991 and thoroughly amended, with a broad political agreement, in 2008. FACE does not see at this stage the need for tabling a legislative proposal to amend the Directive but considers in any event that the final decision whether or not to amend the Directive should only be taken by the European Commission following due process, after a proper assessment of the situation on the basis of facts and transparent data.

Unfortunately, through a number of initiatives that FACE considers very questionable from a democratic point of view, the Commission seems to hold the predetermined view that the Directive needs to be rewritten. The basis for this amendment would be the **Commission's unsubstantiated claim that legal firearms feed the illegal market.**

In its Communication "Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking", presented by Commissioner Malmström in October 2013, the Commission lists a number of priorities and tasks at EU level that concern both legal and illegal firearms. FACE welcomes the initiatives laid down in the Communication that pertain to illicit activities. **FACE, however, contests the method of mixing up throughout the Communication legal and illegal activities and, above all, the arguments and altered data put forward by the Commission to establish a link between the two.**

The Commission claims that differences in national legislation on firearms are exploited by criminals, as these "*may seek to acquire firearms where national procedures are regarded as most flexible*". **However, the Commission does not provide any evidence to substantiate this claim.** Furthermore, under the Directive, criminal record checks are already part of the conditions to acquire any firearm, so criminals are already barred from acquiring them.

The Commission suggests a number of changes in the Directive, including the classification of firearms in different categories, which is the Directive's cornerstone as regards harmonisation of national legislation. In doing so, **the Commission gives the wrong impression that, under current EU rules, many types of firearms can be sold over the counter or with very little formalities, makes technical mistakes and dismisses (and even misquotes) a 2012 Commission Report on the same topic.**

However, under the Directive, the acquisition and possession of *any* firearm (including the typical hunting rifle and shotgun) is at least subject to a number of controls, with the possibility for Member States to introduce stricter measures. Firearms are registered and "*linked to their owner at any moment*" and Member

States can only permit the acquisition and possession of firearms to persons who have “*good cause*”, are at least 18 years of age and “*are not likely to be a danger to themselves, to public order or to public safety*”.

The Commission does not only fail to substantiate the need for further and large harmonisation of national legislation. The plans laid out in the Communication also impinge unnecessarily on **the competences of the Member States and the principles of subsidiary and proportionality**, as already pointed out by the German *Bundesrat*.

The Communication also alters statistics on legal ownership, homicide and suicide, incorrectly listing, as the percentage of legally-held firearms, the estimated percentage of *both* legal and illegal firearms.

Furthermore, **the Commission uses obscure data about stolen and lost firearms** in an attempt to justify the introduction of EU common standards on the home storage of firearms. The Commission resorts to a figure with the broadest scope and does not even allow the possibility to break it down and have a peer review. Paradoxically, even in the hypothetical situation that all the unsubstantiated figures and estimations invoked by the Commission were true, the percentage of legally-held firearms that were stolen or lost would still be insignificant and would only represent an extremely low percentage of the illegal market. As a worrying sign of its misrepresentation of figures, **the Commission provides one single example** of the exact number of firearms stolen in a given period in one Member State (the UK) **and**, by making a selective reading of the national source, **multiplies by almost four the real figure**.

According to the Commission, firearms that have been deactivated are being illegally reactivated and diverted to criminals. However, the Directive already lays down precise and strict requirements concerning the deactivation of firearms, including that deactivated firearms be “*rendered permanently unfit for use*”. The Commission has even failed to issue common guidelines on deactivation, as required by the Directive. Similarly, **the Commission argues that items such as air weapons and blank-firing pistols are being converted into firearms.** However, the Directive also contains specific provisions to deal with potential problems with convertible weapons and requires that Member States treat them as firearms. If there is a problem with deactivated firearms and convertible weapons, **the Commission should fulfil its obligation by ensuring that Member States correctly implement the Directive, instead of advocating additional regulation.**

Finally, **the Commission conducted in 2013 a misleading process to gather public opinion** about firearms. The Commission first launched a public consultation which received an overwhelming response from EU citizens (over 81 000) against further EU action on legal firearms. The Commission, however, dismissed the results of that consultation and subsequently conducted a Eurobarometer survey with completely misleading questions that induced respondents to believe that there are not already EU common standards on legal firearms. On the basis of the results of this survey, Commissioner Malmström argued that “*there is a clear need for EU action, and encouragingly, most Europeans agree that something needs to be done*”. **FACE considers that the Commission has misused public opinion in this process.**

Despite having being excluded, without explanation, from the recently created Firearms Expert Group, FACE is eager to engage constructively in an open debate on legal civilian firearms.

Nevertheless, **FACE is convinced that the Commission is aiming at the wrong target, since legal firearms owners are not the problem. The EU should not divert public resources from actions specifically aimed at fighting illegal activities.**

Decisions should be based on evidence, respect the principle of subsidiary and not serve as an excuse for failures to enforce existing rules. Unfortunately, the Commission’s initiatives do not fulfil any of these criteria.

FOR FURTHER INFORMATION

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