



## **PROPOSED CHANGES TO THE EU ARMS DIRECTIVE**

### **FESAC POSITION PAPER**

**30th November, 2015**

The proposals for the strengthening of firearm controls put forward by the Commission in document COM(2015)0750 are an affront to law-abiding recognised arms collectors and museums in Europe. Such measures would not control illicit trafficking but they would certainly cause considerable collateral damage.

The bulldozer technique being used to rush these changes through without a proper impact assessment is nothing short of a cynical attempt to implement an unpopular agenda by riding on the tide of human emotion following the Paris attacks. The proposals were drawn up over several months by the so-called "Firearms Experts Group" set up by former DG Home Commissioner Cecilia Malmström and headed by Fabio Marini who has ignored stake holders' advice and the feedback received from EU-commissioned surveys.

Neither FESAC nor ICOMAM (which represents military museums and collections in the world) were ever consulted directly about the proposed changes that irreversibly and negatively effect our common European heritage of arms. The effect of firearms on society is comparable with that of the wheel, the printing press or the computer, and the historical evidence must be preserved.

A serious impact assessment would undoubtedly reveal that the changes are an enormous threat to this heritage just as it is to the lives and livelihoods of the thousands of people who contribute to its study and conservation. Moreover the sheer financial burden on Member States that would have to offer monetary compensation to the innocent victims of these measures should be a sufficient deterrent to proceeding with this madness.

Serious collectors take particular offence to the wording of the following unsupported allegation that aims to create a pretext to destroy the bona-fide activity of collectors.

"In Article 2 the proposal newly includes collectors within the scope of the directive. Collectors have been identified as a possible source of traffic of firearms by the evaluation carried out."

This maliciously misleading allegation sharply contrasts with what was stated by former Rapporteur Gisela Kallenbach at the conclusion of the discussions to amend the Directive in 2008 when she acknowledged that collectors are not part of the problem.



The current version of the Directive contains measures which apparently not all Member States have implemented. Had this been done the Paris terrorists may have been prevented from acquiring their converted blank-firing rifles. The EU should have ensured that all Member States adhered to the Directive.

FESAC is responsible enough to support sensible and effective measures that ensure citizens' safety and security while targeting illicit arms trafficking which is the source for organised crime and terrorism. However FESAC cannot in any way accept the Commission's misguided reaction to punish law-abiding owners of legal firearms and destroy artefacts in private collections and museums through what is being proposed in Article 6:

"Member States may authorise bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established to keep in their possession firearms classified in category A acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with the provisions that implement Article 10(b)."

Thus the Commission is proposing to ban the further acquisition of category A firearms by museums and the deactivation of all category A firearms possessed by them up to the date of entry into force of the revisions to the Directive. Moreover it is ready to deny recognised collectors ownership of category A firearms (as defined in the new classification), even if deactivated, with the result that these firearms would either have to be destroyed or shipped outside the EU. The Commission has yet to acknowledge what a wealth of technological and historical heritage it proposes to destroy with the stroke of a pen.

The proposals do not establish criteria by which a semi-automatic firearm is considered to resemble a full auto firearm. This is wide open to interpretation when transposed into national laws, resulting in prosecution and retroactive application, a practice that runs contrary to Article 7 of the ECHR.

The destruction that is being proposed is not limited to what is currently in safe-keeping by recognised collectors and museums. It extends to arms that they would seek to acquire in the future, effectively killing the very scope of building and conserving a collection.

Such measures would herald the most heinous act of institutionalised vandalism ever attempted in the civilised world as thousands of safely-kept historical firearms in private collections and museums would be destroyed. Mankind has recently witnessed the senseless destruction of world heritage sites by the barbarian hordes of ISIL. What is being proposed by the contrastingly well-dressed and culturally-articulate Brussels officials responsible for drafting these proposals is not any different and will neither be forgotten nor forgiven by future generations who would have been deprived of a part of their history.



The senseless destruction, the persecution of legal owners and the huge costs that every Member State would have to bear will not cause a dent in the trafficking of illegal arms which will carry on unabated. On the contrary it would lead to an escalation in crime and a lucrative trade in illicit firearms. Law enforcement resources that are badly-needed to tackle illicit arms trafficking would be diverted to a useless and destructive cause.

This style of governance flies in the face of the very principles that the European Union was founded upon. It constitutes a proposal to deprive naturally law-abiding EU citizens of treasured possessions, without good reason, and will alienate good citizens who should be among the EU's natural supporters at a time when the Union is at its most vulnerable. It is an assault on the rights of EU citizens who want go about their lives within reasonable legal parameters.

**FESAC's official position is that:**

- 1. The proposed changes should be withdrawn and redrafted by a newly appointed team of experts that includes representatives of all stake-holding sectors;**
- 2. Recognised collectors and museums and the arms that are of interest to them should remain exempt from the provisions of the Directive.**
- 3. The following definition of a Collector should be included in the Directive:  
"A collector of arms is any legal or natural person dedicated to the gathering, study and conservation of arms and associated artefacts for historical, cultural, scientific, technical, educational, aesthetic or heritage purposes."**

Collectors and museums are subject to the national legislation of the Member States. This practice works well as the licensing of recognised collectors is embedded in their legal and administrative system. Moreover all types of firearms that are defined as such by the Directive will always be recorded in the national register when possessed by collectors. These collectors are further obliged by national law to provide safe-storage. This is all it takes to ensure that recognised collectors may pursue their interests without endangering the safety and security of other citizens.

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*The Foundation for European Societies of Arms Collectors was set up in 1993 and is registered in the Netherlands. FESAC is composed of member organisations that collectively represent thousands of serious collectors, researchers and conservators of arms in nineteen European nations.*