



A PROPOSAL FOR A REVISED DIRECTIVE - THE COLLECTORS' PERSPECTIVE

Informal Stakeholders' Meeting, European Parliament, 29th February, 2016

INTRODUCTION

The Foundation for European Societies of Arms Collectors was set up in 1993 by national collector organisations that together represent thousands of serious collectors, researchers and conservators of firearms in Europe. FESAC and its members enjoy close collaboration with firearm museums.

The IMCO working document asks whether there should be any differentiation between "authorised bodies" such as museums, and "collectors". An informed opinion would result in an unequivocal 'No' since Museums and Collectors are two sides of the same coin. Both have the same objective which is acquiring, preserving and studying artefacts for the ultimate benefit of society.

Whilst museums that are open to the public serve to educate visitors that typically have a generic interest in the topic, it is private collectors who are mainly responsible for the wider dissemination of scientific study through online and printed publications. Indeed, browsing the internet or visiting bookstores would confirm that over 90% of scientific firearm studies are written by collectors. Reference works authored by collectors are to be found on the shelves of every firearm museum library and are essential for these institutions in identifying and cataloguing their collections.

Private collections are comparable to museum reserve collections or specialised accumulations such the National Firearm Collection in Leeds. Although these collections are not accessible to the general public, students of history, researchers, authors and members of the police and armed forces are welcome to visit and examine their inventory and carry out study.

The quantity and quality of important and historical firearms in private collections by far exceeds that of Museum inventories. Indeed some private collections are even larger and more important than national museums. Over the centuries quite a few private collections have developed into museums, such as the Leeds armoury.



THE COMMISSION'S PROPOSAL

FESAC's objective is to help you understand that the preservation of our common heritage in firearms may only be achieved through exempting both museums and collectors from the Directive.

If you were shocked by the Commission's absurd proposal to force museums to destroy important firearms that they curate and to stop such institutions from adding more artefacts to their collections then you should be able to appreciate why collectors and the important pieces and knowledge that they possess must also be protected from the Commission's ill-conceived proposal.

The Commission has stated that "Collectors have been identified as a possible source of traffic of firearms by the evaluation carried out" (Explanatory Memorandum, 18 November 2015). Thus, on this basis, the Commission proposes to end the exemption that was granted to Collectors in 1991 and reconfirmed in 2008 and is willing to sacrifice the irreplaceable heritage which they possess.

Article 2(2) of Directive 91/477/EEC (which remained unchanged in 2008/51/EC) states that "This Directive shall not apply to 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 recognized as such by the Member State in whose territory they are established." In its current form, the Directive clearly obliges MS to recognise as Collectors only those persons or bodies which are "concerned with the cultural and historical aspects of weapons", permitting them to acquire and possess firearms and ammunition provided that this is "in accordance with national law".

It therefore follows that since recognised collectors may only acquire and keep firearms in accordance with national law, then all category A, B and C firearms in their possession must be authorised, licensed or registered by the MS. This is in fact the basis of 'Collector Licences' issued in those MS which have faithfully transposed the Firearms Directive into national law.

So how could collectors as defined above have been identified as "a possible source of traffic of firearms" in the Commission's evaluation when all the Category A, B & C firearms that they possess must be licensed or registered by their respective MS? That would imply that the legally-held firearms that are, assumedly, diverted to the black-market by Collectors are disappearing off their official permits.



In fact they are not. The Commission's evaluation could be referring to firearms such as gas-alarm guns or deactivated firearms that do not require registration. Or it could be referring to illegal unregistered/unlicensed Category A, B or C firearms that typically attract criminal interest. It is certain that persons who possess such firearms illegally are never recognised as collector by the government of their MS.

Whatever the case, there exists no justification in blaming recognised Collectors for the unlicensed/unregistered/free firearms that may find their way into the black market. The Commission's understanding of the term 'collector' is evidently at fault.

THE SOLUTION – FESAC'S PROPOSAL

FESAC agrees with the Rapporteur when she states in the working document that the word "collector" is used but not defined. It is precisely this lack of a definition of a Collector which has led the Commission to propose drastic measures against EU citizens that are not part of the problem. Indeed FESAC is proposing the introduction of a definition of a Collector in the Directive as well as vetting procedures that should be adopted by Member States in granting recognition to persons who qualify as Collectors under this definition.

Article 1

For the purpose of this Directive "museums" and "collectors" shall mean legal or natural persons 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.

Article 2.2

This Directive shall not apply to:

- a) commercial transfers of firearms and ammunition of war;
- b) the acquisition or possession of firearms and ammunition by the armed forces, the police and the public authorities;
- c) the acquisition or possession of those firearms and ammunition which are subject to registration or declaration in accordance with national law, by museums and collectors that are recognised as such by the Member State in whose territory they are established.



Our proposal is based on legislative models that are working well in a number of Member States. Let us consider some key points that guarantee security whilst allowing serious collectors to get on with their legitimate activity.

- 1) MS legislation includes a provision for issuing Collector Licences based on the definition of a collector as established in the Directive;
- 2) MS recognise properly-constituted collector organisations or independent experts in their territory as partners in the process of vetting and qualifying suitable persons as collectors and in recommending such persons for a Collector Licence;
- 3) MS authorities consider applications for Collector Licences provided that such applications are accompanied by a recommendation from a collector organisation or independent expert that are recognised by the MS;
- 4) Persons issued with Collector Licences are exempted from the provisions of the Directive and permitted to acquire and keep firearms from all categories of the Directive provided that this activity is carried out in accordance with national law;
- 5) Licensed Collectors are subject to obligations concerning record keeping and secure storage of their collections.

FESAC is in a position to advise the EU Institutions and MS governments in achieving an appropriate level of due diligence in granting Collector Licences.

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