COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 8 November 1989

Amended Proposal for a

COUNCIL DIRECTIVE

on control of the acquisition and possession of weapons

(submitted by the Commission pursuant to

Article 149(3) of the EEC Treaty)

EXPLANATORY MEMORANDUM

I. INTRODUCTION

1. On 6 August 1987 the Commission submitted to the Council a proposal for a Directive on the control of the acquisition and possession of weapons.[1] This proposal formed part of the work on the abolition of internal Community frontiers, in particular the work on the proposals whereby, in 1992, a stage will be reached when police checks on the identity of individuals and the safety of articles transported by them will be abolished at borders between EEC Member States.

It may be worth pointing out that on 27 June 1989 the European Council meeting in Madrid endorsed the "Palma document" (the report on the free movement of persons drawn up by the Coordinators Group established by the European Council in Rhodes on 5 December 1988); among the essential steps listed in the Palma document, that is to say the steps which the Coordinators felt should have the highest priority under Article 8a, were measures relating to goods transported by travellers, and weapons in particular.

The objective of the Commission's proposal was to afford the Member States the requisite guarantees for them to agree to abstain from police checks on the possession of weapons when internal Community frontiers are crossed. The Commission proposed a set of procedural rules under which the possession of weapons when passing from one Member State to another would be prohibited, except when the procedure for a definitive transfer of a firearm, or when the appropriate procedure for the possession of a firearm travelling within the Community, was being applied. The procedures to be followed in these cases were intended to make it possible for the Member States to be informed of every arrival of weapons on their territory, and in certain cases even to make the arrival of a weapon contingent on their prior consent. The procedures would thus enable the Member States to apply their laws to persons coming from another Member State and to the weapons they might possess.

2. The Economic and Social Committee delivered its Opinion on 17 December 1987.[2] The European Parliament and the Council began consideration of the proposal in 1988. As discussion progressed it became clear that the initial proposal could usefully be expanded by the addition on the one hand of provisions intended partially to harmonize national legislation and on the other hand of provisions to facilitate travel by sportsmen and marksmen, two categories where public security is not as pressing a consideration, on the basis of a harmonized document.

Parliament hoped that the Commission could amend its proposal so that these additional provisions could be considered at the first reading in the cooperation procedure, and the Commission has decided not to await Parliament's Opinion before altering its proposal under Article 149(3) of the EEC Treaty to incorporate provision for a partial harmonization of national legislation and for the introduction of a European firearms certificate.

The new proposal also changes some other provisions of the original proposal in order to make it clearer, particularly as regards its scope.

II. BRIEF OUTLINE OF THE AMENDMENTS

3. In the course of debate in Parliament and the Council the wish was expressed that the Directive should provide for a measure of harmonization and for more flexible arrangements for sportsmen and marksmen. The Commission has decided to accept this approach. Confidence in the safeguards provided by the authorization and information procedures will be greater if those procedures are anchored in laws with a common basis. It is clear, too, that the movement of sportsmen and marksmen within the Community should not become more difficult after the abolition of internal Community borders than it was beforehand.

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2 OJ No C 35, 8.2.1988, p. 25.

The harmonization measures proposed here will require certain Member States to tighten their laws, but will not oblige Member States which already have strict legislation to change it; thus various classes of weapon which were previously on free sale in certain Member States will at least have to be subject to compulsory declaration to the public authorities. Adoption of the proposal will therefore help to improve security in the Community.

(a) Harmonization of legislation

4. The twelve Member States all have legislation governing the possession of weapons by private persons. Apart from the technical differences between these bodies of legislation there are also appreciable differences of substance. In certain Member States possession of a firearm always requires authorization or a licence; in others certain firearms, notably sporting guns, are on free sale. Complete harmonization here would appear to be very difficult and politically unrealistic. But that does not rule out any harmonization at all. This approach was followed in Recommendation No R(84)23 on the harmonization of national legislations relating to firearms, which was adopted by the Committee of Ministers of the Council of Europe on 7 December 1984, and by the convention on arms and ammunition signed by the three Benelux countries on 9 December 1970. The same approach was taken by the five Member States (Belgium, Germany, France, Luxembourg and the Netherlands) who signed an agreement at Schengen on 14 June 1985 with the same objective as that being pursued here in the context of the Twelve, namely the abolition of border controls. Under Article 19 of the Schengen Agreement those five Member States have begun discussing the harmonization of their firearms legislation.

5. The harmonization provisions in the amended proposal are based on the progress made at those intergovernmental talks. The text is complex and detailed, but the general approach is simple. Firstly, the degree of harmonization envisaged is partial only. The laws of the Member States must impose at least the requirements laid down. Member States are free to impose more stringent requirements. Firearms are classified into three categories subject to standardized arrangements, namely:

- prohibited firearms, whose acquisition and possession by private persons is prohibited; these are mainly military weapons and [illegible] firearms;

- firearms subject to authorization, whose acquisition and possession by private persons requires prior authorization by the authorities; these are essentially defensive weapons;

- firearms subject to declaration; basically these may be acquired and possessed freely by private persons, but must be declared to the authorities; they are mainly sporting guns.

Certain types of firearm (in particular long single-shot smooth-bore guns) are not covered, and states can consequently allow these to be bought and held freely.

(b) Travel within the Community

6. In its initial proposal the Commission suggested procedures for the definitive transfer of firearms from one Member State to another (covering purchase abroad and removals) and temporary transfer of firearms to the territory of another Member State (covering travel). The rules proposed were based on the principle that the Member State of departure was to be responsible for vetting and authorizing the transfer; the Member State of destination was to be informed, and could in certain cases prevent transfer without its prior agreement. For sportsmen and marksmen a more flexible system was provided for, based on a declaration to be issued by their Member State of residence each time they wished to take a firearm to another Member State.

In the debate in Parliament the suggestion was put forward that a uniform document should be established which would allow travellers, and particularly sportsmen and marksmen, to move more easily.

7. The Commission has accepted this idea, and proposes that a European firearms certificate should be introduced. This would be a sort of identity document for the weapon and its holder. Its introduction would not, however, settle the question of the circumstances in which a person carrying a firearm may travel within the Community and the authorizations he may need.

At present any authorization to bring a firearm into a Member State is governed by the legislation of that Member State. A traveller must obtain the necessary authorizations beforehand from all the countries he proposes to visit.

In the initial proposal an arrangement was to be introduced whereby authorization by the country of departure would be sufficient, subject to further authorization by the country visited in certain cases. The idea of a European firearms certificate has led the Commission to propose a scheme which is closer to the existing practice, while taking advantage of the possibilities opened up by a uniform document.

In principle a traveller other than a sportsman or marksman will have to obtain authorization from each Member State visited in order to enter that country in possession of a firearm. But this will be made easier by the fact that he holds a European firearms certificate, which represents proof acceptable to all national administrations that the traveller is lawfully in possession of the firearm in question in his country of origin. Decisions concerning the movement of the weapon will also be recorded on the certificate.

Sportsmen and marksmen, however, will be entitled to travel to other Member States, with their weapons, on condition that they possess a European firearms certificate and that they can establish the purpose of their journey (game-shooting, competition, etc.) if called upon to do so in the country visited.

(c) Clarification of scope

8. The Commission felt that some clarification of the scope of the Directive would be useful.

It is now stated that the Directive does not affect national rules on the carrying of weapons (such as rules banning the carrying of weapons, even those lawfully in the bearer's possession, in certain places, on certain occasions or without a lawful reason) and regulating game-shooting (particularly regarding shooting seasons, licences, etc.) or target-shooting (notably the question whether minors may take part). Neither does the Directive apply to the acquisition and possession of weapons by the armed forces, the police and public services.

9. The Directive would not apply only to firearms (Annex I, section 1). For weapons other than firearms, however, the proposal confines itself to abolishing border controls, and leaves it to national legislation to regulate lawful possession on the territory of the Member States (Articles 14 and 15).

III. COMMENTARY ON THE ARTICLES

This section analyses the changes made. An analysis of the provisions which have not been amended can be found in the explanatory memorandum to the initial proposal (COM(87)383 final).

Article 1

This Article specifies that firearms are classified in categories, which are referred to later in Articles 5 to 8.

Paragraph 4 makes provision for a European firearms certificate (see points 6 and 7 above).

Article 2

Article 2 clarifies the scope of the Directive.

Article 4

Article 4 now clarifies the nature of the examination to be made of a dealer's application, and makes it clear that Member States are to supervise dealers' activities.

Article 5

Article 5 lays down the basic requirements for the acquisition and possession of a weapon classified in category B and for the possession of a weapon classified in category C. Of course Member States are not obliged to authorize acquisition and possession by a person satisfying these minimum requirements: they remain free to impose further conditions (Article 3).

Article 5 prohibits the possession of firearms classified in categories B and C by minors; this does not mean that they may not be authorized to carry and use a firearm for game-shooting or in a marksmanship competition, under the responsibility of the lawful holder of the firearm (application of Article 2(1)).

The condition that the person concerned must not be likely to be a danger to public order or public safety clearly requires the relevant authority to check whether he has ever been convicted of a crime, particularly a crime involving the use of a weapon.

The last paragraph reproduces the second paragraph of Article 2 of the original proposal.

Article 6

Article 6 lays down the principle that private persons may not acquire or possess weapons classified in category A.

Article 7

Member States may prohibit the acquisition and possession of firearms classified in category B within their territory (Article 3). If not, they must at least make both acquisition and possession subject to authorization.

If the person concerned is resident in the Member State in which he acquires the weapon, authorization will depend on the decision of that Member State alone. If he is resident in another Member State, authorization to acquire the weapon will depend on the consent of both states.

Authorization to possess a weapon will be a matter entirely for the Member State in which the weapon is possessed, even if the person concerned is resident in another Member State (where the weapon is held in a holiday home, for example); but the other Member State must in any event be informed.

Article 8

The Member States may prohibit the acquisition and possession of firearms classified in category C (Article 3). Otherwise they must at least require the holder to declare the weapon to the authorities.

Where the weapon is acquired from a dealer, the declaration is to be made automatically by the dealer; where the weapon is acquired from another private person, the new holder will have to make the declaration himself. For category C firearms already held before the Directive is applied, where the holder may not yet be known to the authorities, a period of one year is allowed for the declaration.

The Member State of residence is to be informed through the information exchange network (Article 13) whenever one of its residents purchases a category C firearm in another Member State. This will enable a Member State to apply its own law within its own territory both to the weapon and to its holder.

Paragraph 3 deals with the case where a Member State applies much more stringent rules to category C and D firearms, as it is entitled to do under Article 3. To cover the problem of the entry in good faith of holders of firearms prohibited in the Member State being entered it is provided that an express statement is to be included on the European firearms certificate limiting the right to travel with that firearm.

Article 9

The handing over of a firearm by a dealer or anyone else to a person resident in the same Member State is to be regulated by domestic law alone.

Where the person to whom the weapon is to be handed over is not resident in that state, the operation is in principle forbidden: it is permitted only once the procedure laid down in Article 11 has been completed. There are two exceptions to the rule: the weapon may be handed over if the person is authorized himself to transfer the firearm to his country of residence in accordance with that procedure (he is then in the position of a person transporting it under Article 11), or if the person concerned plans to hold the weapon in the Member State of acquisition, and not in his country of residence (in that case only the first Member State decides the question of possession; the second one is informed - Article 7(2) and Article 8(2)).

Article 10

It is proposed to deal with the problem of the sale of ammunition to persons who are not resident on the territory of the Member State of sale by requiring them to produce the European firearms certificate which a traveller must posses (Article 12). This will establish that the person concerned is authorized to hold a firearm, and consequently to obtain ammunition.

Article 11

Article 11, which lays down the procedure to be followed for definitive transfer of firearms of whatever category, corresponds to Article 6 in the original proposal. However, the pivotal role given to the dealer has been abandoned, and the role of the Member State of departure clarified: that Member State is to be responsible for examining the security of the proposed transfer. As is clear from Article 9, the definitive transfer

may be carried out by the acquirer or owner himself if the Member State is satisfied that the security requirements are met.

The transport of firearms from one Member State to another in the course of commercial transactions between dealers does not fall outside the scope of the Directive. Thus controls at internal Community borders are to be abolished regardless of the nature of the transaction. However, the procedure laid down in Article 11 is designed primarily for the definitive transfer of firearms by or to private persons, and is not necessarily suitable for certain commercial operations.

The Commission therefore proposes that Member States should be entitled to grant their dealers general licences to transfer weapons to other dealers.

Article 12

The changes to the proposal regarding the procedure to be followed for travel within the Community has been explained in point 7 above: a journey can take place on the basis of a European firearms certificate, on which the prior authorization to be granted by the Member States visited will be entered. Sportsmen and marksmen will not require prior authorization provided they can establish the purpose of their journey.

More flexible arrangements may be made by agreement between two or more Member States, on the basis of straightforward mutual recognition of national documents, in which case a traveller would not need to obtain a European firearms certificate.

Article 13

The exchange of information on the transfer of weapons which was already implicitly provided for in Article 6 of the original proposal is now explicitly described in a separate Article. It is to take place in the framework of an information exchange network which the Member States are to set up under paragraph 3.

Paragraph 1 requires Member States to communicate to the Member State of destination all useful information on definitive transfers of firearms, whether the transfer is a lawful or an unlawful one.

Paragraph 2 recalls the information which Member States are required to pass on to one another under Articles 7, 8 and 11.

Article 14

The first paragraph contains the prohibition on crossing internal Community borders with firearms which was imposed by Article 8 of the initial proposal.

The second paragraph clarifies the position of weapons other than firearms with regard to the crossing of internal Community borders. They may not be brought into Member States where their possession is forbidden.

Article 15

The Commission feels it would be useful to make it clear that the controls on travellers carried out by Member States at the Community's external borders are to be conducted on behalf of all the Member States; this is done in paragraph 2.

Annex I

Bows and crossbows have been added to the list of weapons other than firearms.

The definition of firearms and the classification into categories A to D are very largely based on the progress made at the intergovernmental talks on the subject (see point 4 above).

Amended proposal for a
COUNCIL DIRECTIVE

on control of the acquisition and possession of weapons

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,[1]

In cooperation with the European Parliament,[2]

Having regard to the Opinion of the Economic and Social Committee,[3]

Whereas Article 8a of the Treaty provides that the Community is to adopt measures with the aim of progressively establishing the internal market, which is to comprise an area without internal frontiers in which the free movement of goods and persons is ensured;

Whereas, at its meeting in Fontainebleau on 25 and 26 June 1984, the European Council expressly approved the objective of abolishing all police and customs formalities at internal Community frontiers;

Whereas the total abolition of controls and formalities at internal Community frontiers entails the fulfilment of certain fundamental conditions; whereas in its White Paper "Completing the internal market" the Commission stated that the abolition of controls on the safety of objects transported and on persons entails, among other things, the approximation of weapons legislation;

Whereas abolition of controls on the possession of weapons at internal Community frontiers necessitates the adoption of rules enabling controls to be carried out within Member States on the acquisition and possession of firearms, and on their transfer into another Member State;

Whereas the mutual confidence in the field of the protection of the safety of persons which these rules will generate between Member States will be the greater if they are underpinned by partially harmonized legislation; whereas it would therefore be useful to determine categories of firearms whose acquisition and possession by private persons are to be prohibited, or subject to authorization, or subject to declaration;

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1 OJ No C, 235, 1.9.1987, p. 8.
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3 OJ No C 35, 8.2.1988, p. 5.

Whereas passing from one Member State to another while in possession a weapon should, in principle, be prohibited; whereas a derogation therefrom is acceptable only if a procedure is adopted that enables Member States to be notified that a firearm is to be brought into their territory;

Whereas, however, more flexible rules should be adopted in respect of game-shooting and target shooting in order to avoid impeding the free movement of persons more than is necessary;

Whereas the Directive is intended only to abolish all controls on the possession of weapons when passing from Member State to another, and does not affect the right of Member States to take measures to prevent illegal trade in weapons,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I - [illegible]

Article 1

1. For the purposes of this Directive "weapons" and "firearms" shall have the meanings ascribed to them in *Annex I. Firearms shall be classified in the four categories defined in section 2 of Annex I.*

2. For the purposes of this Directive "dealer" shall mean any natural or legal person whose trade or business consists wholly or partly in the manufacture, sale, purchase, exchange, hiring out, repair or conversion of *firearms.*

3. For the purposes of this Directive a person shall be deemed to be a resident of the country *indicated by the address appearing on a document establishing his place of residence, such as a passport or an identity card, which, on a check on possession or on acquisition, is submitted to the authorities of a Member State or to a dealer.*

4. The "European firearms certificate" is a document which is issued on request to a person lawfully in possession of a firearm or to a person contemplating the acquisition of a firearm by the authorities of a Member State. It shall contain the sections set out in Annex II. Where more than one person may possess the same firearm, more than one certificate shall be issued.

Article 2
[new]

1. This Directive is without prejudice to the application of national provisions concerning either the carrying of weapons or game-shooting or target-shooting competitions.

2. This Directive shall not apply to the acquisition or possession of weapons by the armed forces, the police or the public authorities.

Article 3
[old Article 2]

Without prejudice to the rights conferred on residents of the Member States by Article 12(2), and subject to Article 15(1), Member States may adopt in their weapons legislation provisions which are more stringent than those provided for in this Directive.

CHAPTER 2 - HARMONIZATION OF LEGISLATION CONCERNING FIREARMS

Article 4
[old Article 3]

Each Member State shall make the pursuit of the *activity* of dealer within its territory conditional upon authorization. *Examination of an application shall involve at least a check on the good character and professional competence of the dealer or, in the case of a legal person, of the person who directs the undertaking.*

Each dealer must be required to keep a register in which information concerning all firearms classified in categories A, B or C received or disposed of by him shall be recorded, including such particulars as enable the weapon to be identified, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the supplier and the person acquiring the weapon. *The Member States shall regularly check dealers' compliance with this obligation.*

Article 5
[new]

Without prejudice to Article 3, Member States shall allow the acquisition and possession of firearms classified in category B only by persons who have good cause and who:

(a) *are 18 years old or more;*

(b) *have the necessary mental and physical capacity;*

(c) *are not likely to be a danger to public order or public safety.*

Without prejudice to Article 3, Member States shall allow the possession of firearms classified in category C only by persons satisfying the tests in points (a), (b) and (c) of the first paragraph.

Member States may not prohibit persons resident within their territories from possessing a weapon purchased or acquired in another Member State unless they prohibit the purchase or acquisition of the same weapon within their own territories.

Article 6
[new]

Member States shall take all appropriate steps to prohibit the acquisition and the possession of the firearms classified in category A.

Article 7
[new]

1. No one may acquire a firearm classified in category B within the territory of a Member State unless that Member State has so authorized him.

No such authorization may be given to a resident of another Member State without the latter's prior agreement; such agreement may be indicated by a statement to that effect on a European firearms certificate.

2. No one may be in possession of a firearm classified in category B within the territory of a Member State unless that Member State has so authorized him. If he is a resident of another Member State that other Member State shall be informed accordingly.

3. An authorization to acquire and an authorization to possess a firearm classified in category B may take the form of a single administrative decision.

Article 8
[new]

1. No one may be in possession in a Member State of a firearm classified in category C which that Member State has not made subject to authorization unless he has declared it to the authorities of that Member State.

The Member States shall provide for the compulsory declaration of all firearms classified in category C at present held within their territories but not previously declared within one year of the entry into force of the national provisions transposing this Directive.

2. Dealers shall inform the Member State in which it takes place of every acquisition of a firearm classified in category C except where that firearm is subject to authorization. If the person acquiring such a firearm is a resident of another Member State, that other Member State shall be informed of the acquisition by the Member State in which it took place.

3. If a Member State prohibits the acquisition and possession within its territory of a firearm classified in category C or D, it shall so inform the other Member States, who shall expressly include a statement to that effect on any European firearms certificate they issue for such a firearm, with a view to the application of Article 12(2).

Article 9
[old Article 5]

1. Every Member State shall prohibit the handing over of firearms classified in categories A, B or C within its territory, by a dealer or by any other person, to any person who is not a resident of that Member State.

2. Notwithstanding paragraph 1 the handing over of a firearm to a person who is not resident in the Member State in question shall be permitted:

- *where the person acquiring it has been authorized in accordance with Article 11 himself to effect a transfer to his country of residence;*
- *where the person acquiring it plans to be in possession of the firearm in the Member State of acquisition, provided that he fulfils the legal conditions for possession in that Member State.*

Article 10
[old Article 5]

No ammunition for a firearm may be handed over in a Member State to a person who is not a resident of that Member State unless that person establishes by producing a European firearms certificate that he lawfully possesses a weapon of a type for which that ammunition is intended.

CHAPTER 3 - FORMALITIES FOR THE MOVEMENT OF ARMS WITHIN THE COMMUNITY

Article 11
[old Article 6]

1. Firearms may, without prejudice to Article 12, be transferred from one Member State to another, or to or from a third country, only in accordance with the procedure laid down in paragraphs 2 to 4 hereinafter.

2. Where a firearm is to be transferred to another Member State or to a third country, *the person concerned or his authorized agent* shall before it is taken there supply the following particulars to the Member State in which such firearm is situated:

- the names and addresses of the person selling or disposing of the firearm and of the person purchasing or acquiring it or, where appropriate, of the owner;
- the address to which the firearm is to be consigned or transported;
- the number of firearms to be consigned or transported;
- the particulars enabling the firearm to be identified;
- the means of transfer;
- the date of departure and the estimated date of arrival.

The Member State shall examine the conditions under which the transfer is to be carried out, in particular with regard to security.

Where the Member State authorizes such transfer, it shall issue a licence incorporating all the particulars referred to in the first subparagraph. Such licence shall accompany the firearm until it reaches its destination; it shall be produced whenever so required by the authorities of the Member States.

3. Each Member State may grant dealers the right to effect transfers of firearms from its territory to another Member State or to a third country without the prior authorization referred to in paragraph 2. To that end it shall issue a licence, a certified copy of which must accompany the firearm until it reaches its destination; that document must be produced whenever so required by the authorities of the Member States.

This procedure may be used for transfer to a Member State only if the recipient is a dealer.

Before transfer the dealer shall communicate to the authorities of the Member State from which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2.

4. Each Member State may supply the other Member States with a list of firearms whose transfer to its territory may not be authorized without its prior consent.

Such lists of firearms shall be communicated to dealers who have obtained licences to transfer firearms without prior authorization under the procedure laid down in paragraph 3; these dealers shall effect the transfers referred to in paragraph 3 only after obtaining the prior agreement of the Member State of destination.

5. Where a firearm is to be imported from a third country, *the person concerned or his authorized agent* shall supply the Member State of importation with all the particulars referred to in the first subparagraph of paragraph 2. Where it authorizes importation, the Member State of importation shall issue an import licence. The import licence must accompany the firearm until it reaches its destination; it must be produced whenever so required by the authorities of the Member States.

Article 12
[old Article 7]

1. If the procedure provided for in Article 11 is not employed the possession of a firearm during a journey through two or more Member States shall not be permitted unless the person concerned has obtained the authorization of each of those Member States.

Member States may grant such authorization for one or more journeys, for a specified or unspecified period. Such authorizations shall be entered on the European firearms certificate which the traveller must produce whenever so required by the authorities of the Member States.

2. Notwithstanding paragraph 1, sportsmen and marksmen may without prior authorization be in possession of one or more firearms classified in categories C and D during a journey through two or more Member States with a view to engaging in game-shooting or taking part in a marksmanship competition provided that for each firearm they possess a European firearms certificate and that they are able to substantiate the reasons for their journey, in particular by producing an invitation.

However, this shall not apply to journeys to a Member State which prohibits the acquisition and possession of the firearm in question; in that case an express statement to that effect shall be entered on the European firearms certificate pursuant to Article 8(3).

3. Under agreements for the mutual recognition of national documents two or more Member States may provide for arrangements more flexible than those prescribed in this Article for movement with firearms within their territories.

Article 13
[new]

1. Each Member State shall communicate all useful information at its disposal concerning definitive transfers of weapons to the Member State to the territory of which such a transfer has been effected.

2. All information that Member States receive by way of the procedures laid down in Article 11 for transfers of firearms and in Article 7(2) and Article 8(2) for the acquisition and possession of firearms by non-residents shall be communicated, before the relevant transfers begin, to the Member States of destination and, where appropriate, to the Member States of transit.

3. Member States shall set up a network for the exchange of information for purposes of the application of this Article. They shall inform the other Member States and the Commission of the national authorities responsible for transmitting and receiving information and for applying the formalities referred to in Article 11(4).

Article 14
[old Article 8]

Entry into the territory of a Member State with a firearm shall be prohibited except in the cases defined in Articles 11 and 12 and provided the conditions laid down therein are met.

Entry into the territory of a Member State with a weapon other than a firearm shall be prohibited unless the national provisions of the Member State in question are complied with.

CHAPTER 4 - FINAL PROVISIONS

Article 15
[old Article 9]

1. Member States shall, without prejudice to paragraphs 3 and 4, abstain from carrying out controls on the possession of weapons at internal Community frontiers from 31 December 1992 at the latest.

2. Member States shall intensify controls on the possession of weapons at external Community frontiers.

They shall in particular ensure that travellers from third countries who intend to proceed to another Member State comply with Article 12.

3. This Directive shall not preclude the carrying out of controls by Member States or by the carrier at the time of boarding of a means of transport.

4. Member States shall inform the Commission of the manner in which the controls referred to in paragraphs 2 and 3 are carried out. The Commission shall collate this information and make it available to all Member States.

Article 16
[old Article 10]

Member States shall render failure to comply with the provisions of this Directive subject to the same criminal *and administrative* sanctions as failure to comply with comparable national provisions.

Article 17
[old Article 11]

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1991. They shall forthwith inform the Commission and the other Member States of the measures taken.

The provisions adopted pursuant to the first paragraph shall make express reference to this Directive.

Article 18
[old Article 12]

This Directive is addressed to the Member States.

Done at Brussels

For the Council

ANNEX I

(1) *For the purposes of this Directive "weapon" means:*

- *any firearm within the meaning of section 2 of this Annex;*
- *any object listed in section 3 of this Annex;*
- *ammunition for firearms unless it is included in the definition of a firearm;*
- *any weapon with a gas propellent mechanism, any weapon with a compressed air propellent mechanism and any weapon propelling projectiles by means of springs only;*
- *any bow or crossbow;*
- any *cutting or stabbing weapon* whose blade has more than one cutting edge, any bayonet, stiletto, dagger, flick-knife, or swordstick;
- any mace, club, truncheon, knuckleduster, cosh, sling *or catapult*.

(2) *For the purposes of this Directive "firearm" means:*

- *any object which falls into one of the following categories* excluding those which meet the definition but which are excluded for one of the reasons listed in section 3 of this Annex:

CATEGORY A - PROHIBITED FIREARMS

1. *Firearms usually used as military weapons;*

2. *Automatic firearms, even those which are not military weapons;*

3. *Firearms disguised as other objects;*

4. *Ammunition with penetrating, explosive and incendiary projectiles, and the projectiles for such ammunition;*

5. *Pistol and revolver ammunition with soft-nosed or hollow projectiles, and the projectiles for such ammunition.*

CATEGORY B - FIREARMS SUBJECT TO AUTHORIZATION

1. *Short firearms with semi-automatic or repeating mechanisms;*

2. *Short firearms with single-shot mechanisms and centre-fire percussion;*

3. *Short firearms with single-shot mechanisms and rimfire percussion whose overall length is less than 28 cm;*

4. *Long firearms with semi-automatic mechanisms whose magazine and chamber can together hold more than three rounds;*

5. *Long firearms with semi-automatic mechanisms whose magazine and chamber cannot together hold more than three rounds, where the magazine is removable or where it is not certain that the weapon cannot using tools ordinarily available be converted into a weapon whose magazine and chamber can together hold more than three rounds;*

6. *Long firearms with repeating and semi-automatic mechanisms and smooth-bore barrels, the barrel not exceeding 60 cm in length;*

7. *Firearms with semi-automatic mechanisms for civilian use which resemble military weapons with automatic mechanisms.*

CATEGORY C - FIREARMS SUBJECT TO DECLARATION

1. *Long firearms with repeating mechanisms;*

2. *Long firearms with single-shot mechanisms and rifled barrels;*

3. *Long firearms with semi-automatic mechanisms other than those in category B, points 4 to 7;*

4. *Short firearms with single-shot mechanisms and rimfire percussion whose overall length exceeds 28 cm.*

CATEGORY D - OTHER FIREARMS

Long firearms with single-shot mechanisms and smooth-bore barrel.

- *and any component of any such firearms.*

The breach-closing mechanism, the magazine and the barrel of a firearm as separate objects are included in the category in which the firearm to which they belong are classified.

(3) For the purposes of this Annex objects which correspond to the definition of a "firearm" shall not be included in that definition if they:

(a) have been rendered permanently unfit for use;

(b) are designed for alarm, signalling, life-saving, animal slaughtering, harpoon-hunting or -fishing or industrial or technical purposes provided that they can be used for the stated purpose only;

(c) were manufactured before 1 January 1870 or to a design dating from before 1 January 1870 provided they cannot fire ammunition intended for prohibited weapons or weapons subject to authorization.

(4) For the purposes of this Annex:

(a) a "short firearm" means a firearm with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres;

(b) a "long firearm" means any firearm other than a short firearm;

(c) an "automatic mechanism" means a mechanism which returns automatically to a ready-to-fire position each time a round is fired and can fire more than one round from the same barrel each time the trigger is operated;

(d) a "semi-automatic mechanism" means a mechanism which returns automatically to a ready-to-fire position each time a round is fired, and can fire only one round from the same barrel each time the trigger is operated;

(e) a "repeating mechanism" means a mechanism which after a round has been fired is designed to be reloaded from a magazine by means of a manually-operated action;

(f) a "single-shot mechanism" means a mechanism which is designed to be loaded manually by the insertion of ammunition into the chamber or a loading recess before each shot.

ANNEX II - EUROPEAN FIREARMS CERTIFICATE

The certificate must include the following sections:

(a) identity of the holder

(b) identification of the firearm

(c) period of validity of the certificate

(d) section for use by the Member State issuing the certificate (type and references of authorizations, etc.)

(e) section for entries by other Member States (authorizations to enter their territory, etc.)

(f) - for firearms classified in category B, the following statement:

"This certificate confers no entitlement to travel to another Member State with the firearm here referred to without the authorization of the authorities of that Member State. Such authorization may be recorded on this certificate."

- for firearms in categories C and D, the following statement:

"This certificate confers no entitlement to travel to another Member State with the firearm here referred to without the authorization of the authorities of that Member State. Such authorization may be recorded on this certificate.

However, prior authorization is not required for a journey with a view to engaging in game-shooting or taking part in a marksmanship competition, on condition that the reason for the journey can be established at the request of any authority in the Member State visited."

Where a Member State has informed the other Member States in accordance with Article 8(3) that the possession of certain firearms in categories C or D is prohibited within its territory, the following statement shall be added:

"The firearm here referred to may not be taken to [name of Member State]."