

## The Position of the Visegrad Group on the Draft Directive Amending the Firearms Directive

In general, V4 countries welcome most of the proposed changes to the Firearms Directive. The V4 countries strongly support the enhancement in information exchange or stricter rules on certain types of acoustic or salute firearms. The current rapidly worsening security environment and existing threats facing Europe demand swift and decisive action from the EU, which must be done in concert with the Member States and which must focus, and be seen to focus, on solving the actual security problems. However, from the point of view of the V4 countries some other aspects of the Draft Directive do not meet these principles.

The proposals for a ban on some semi-automatic firearms are rather ambiguous in terms of their rationale as well as their scope. V4 countries want to avoid unjustifiable consequences such as squeezing out many currently legally owned firearms to illegality and out of any possible control of Member States. Therefore the current wording of the proposal as well as bans based on only approximate or arbitrary criteria (magazine capacity, so-called military calibres and so on) could paradoxically bring about deterioration of security of the citizens of the EU.

However, the V4 countries are open to discussion about possible restrictions on firearms of high-powered calibres (12,7x99, 12,7x108 or 14,5x114), and on open-bolt submachine guns or belt fed firearms that were converted into semi-automatic firearms. The latter are also examples of firearms that can be easily converted to automatic firearms. The V4 countries are also open to exploring ways of stricter regulation circumstances related to the possession of such firearms, such as conditions of storage.

The competence of a Member State to grant exceptional authorization for acquisition and possession of category A firearms should be maintained. This authorization should be conditional upon assessment of eventual risks to security, public order or national defence. The discussion about exceptional authorisations cannot be reduced to the issue of collectors and museums. The V4 countries emphasize that in reality there are many different situations when an exceptional authorization would be permissible and legitimate. It would be probably impossible not to omit any of such practical situations in the text of the Directive. However, the legal status of private collectors and of museums should be differentiated and sufficiently defined.

The issues of semi-automatic firearms (both the proposed A6 and A7 category) and exceptional authorizations are of key significance for the V4 countries. Currently, we also feel that there is an urgent need to put more effort on finding commonly acceptable solution.

In our opinion, the issue of alarm, signal, acoustic and salute weapons, deactivated firearms and replicas should be structured better and in more detail in the Directive. A definition should be given separately for each of the terms. Some of these weapons can cause serious harm or can be easily converted to fire live ammunition, but some of them are only harmless objects. The V4 countries acknowledge that salute and acoustic weapons, specifically converted from automatic firearms, represent a real security risk and should stay in the original category even after conversion to blank firing firearms.

However, deactivated firearms compliant with Commission Regulation 2015/2403, as well as alarm weapons compliant with the anticipated technical specification adopted by the Commission can be classified as category D firearms. If these objects continue to be abused for reactivation or conversion, tightening of the technical standards should be considered in the first place. The amended Directive shall not apply to any alarm weapon or deactivated firearm placed on the internal market before it entered into force. Re-deactivation would cause enormous workload and significant indemnification for current owners.

Under the currently proposed definition the so-called replicas are (*ex definitione*) completely harmless objects and should stay out of the scope of the Directive. The sole fact that an object could be used for intimidation does not justify the inclusion into the Directive, because the opposite approach would lead to potentially unlimited interpretation.

It is very important to include in the final draft the derogation clause for Member States regarding Article 6 in view of the high priority film makers and sport shooters mean to national economies. Adding a derogation clause for keeping firearms for cultural and historical purposes is also supported by the V4 countries. The 12 months given to Member States for implementation, to comply with the new Directive is barely sufficient to alter or introduce all the regulations, laws and decrees needed. The proposed changes of the Directive are far-reaching, so the V4 countries consider the 24 months period as realistic minimum.

Although it is now apparent that it is already late for a regular impact assessment, financial costs of the proposed modifications and prohibitions must be quantified and their coverage has to be discussed.

Finally, the V4 countries reiterate that the Firearms Directive defines the common minimal legal baseline. Each Member State can provide for stricter regulation in its national law and in practice, many Member States use this option.