



2022 FESAC Annual meeting

A French perspective

The year that passed hasn't been a walk in the park for legal owners of firearms in France. I'll keep this short.

Classification of antique arms

In France, since 2013, the principle for classifying antique firearms has been simple: firearms made before 1900 are free of licensing regs. But where things get complicated is finding out whether a firearm modified after 1900 remains in collection or not.

For the last year we have been involved in a “friendly” debate with the authorities and we agreed on the following principles:

- Year of manufacturing

In order for a handgun to remain in collection, it has to have been manufactured before 1916 and before 1946 for a long gun. This allows us to distinguish modern fabrications from antique ones.

- Modifications after 1900

It was also necessary to rule on the modifications that weapons whose model pre-dates this, could undergo after 1900. Are these modifications suitable to upgrade the weapon or do they have no incidence on this? The principle of whether minor or major modifications were made, would have to be used here.

- Minor modifications do not affect classification. This can include modifying the caliber (if this was in practice before 1916 or 1946), length, sights, feeding system, status or markings.
- Major modifications will impact a firearm's prohibition: long guns converted into handguns, weapons modified by a private shop for firing ammunition not originally planned or rechambered weaponry.

- Exceptions

There's an excessively high number of certain firearms in circulation, such as some smoothbore hunting rifles or ones that are too modern. What happens is that regulatory authorities add them to an exceptions list; those weapons are not classified as antiques.

You'll notice that classification is done either within a technical or a quantitative purview, but never within that of the lens of history. And so, a B category weapon that belonged to a historical figure isn't going to be classified as a collector's weapon. And what a shame that is.

B and A categories for collectors

For now, holders of a collector permit do not have access to A and B categories firearms. But it should have become clear for regulatory authorities, that they are going to need to grant them this.

We were, in fact, about to obtain this when the Minister's cabinet turned us down. Since there'll most certainly be a cabinet reshuffle next month, we will be renewing our campaign (and you know how insistent the UFA can be...)

Digitizing of firearms inventories

One topic that has turned the habits of firearm owners upside down, is that of the new SIA (Système d'information sur les Armes) database. According to a predetermined schedule the various types of gun owners (hunters, shooters, clay pigeon shooters, collectors, museums, security companies, security experts, etc.) are asked to create a user account. Within their profile, are added the weapons that they have already declared and/or those that are regulated. Users will thus have direct access to modify ownership status, remove possible duplicates, add weapons that were left out and also modify their personal details. They'll also be able to print out their European Firearms Card from their user profile page.

When a category B authorization is obtained, it's valid for all potential 12 centerfire r and 10 rimfire single-shot handguns. As all authorizations will be renewed all together at once, there's no longer a need for renewing them individually as before.

When gun owners go to their shop; the firearm they purchase simply "moves" from the gunshop's digital gun rack to theirs in just a few clicks.

Moreover, records are cross-checked, including those of shooting sports federations that prove that you are either a hunter or leisure sports shooter; prohibited firearms and national health records that attest that a gun owner hasn't been institutionalized against his or her will.

All this sounds like everything is copacetic—doesn't it? And yet, four-fifths of gun owners in France are hunters. They are often elderly, understand little about computers (or don't own anything digital at all!) or live in areas without Internet coverage. So, imagine the mess this situation has created (to say nothing of computer-related bugs).

In brief: everything will be fine, just ... much later.

The problem with ownership of military-grade weapons modified as semi-auto, repeater or single-shot

After the publication of the 2017 directive, like many European states France classified militaria weaponry converted into semi-automatic as A categories. But, and as per said directive, gun owners already in possession of these types of weapons were allowed to keep them.

Following a tragic incident, however, through the November 1st, 2021 amendment, this waiver was canceled and owners were compelled to relinquish their weapons, without compensation, or have them deactivated.

This amendment has rattled gun owners. Already gallic & grumpy as it is, these French men and women are feeling betrayed and robbed by their government. This was the biggest topic of discussion all year.

The UFA has filed with the Conseil d'État an appeal against that amendment to ask for its modification or cancellation.

Europe: let's mobilize before it's too late!

For the last two years, we've been trying to alert you to the dangers that the European Commission could pose to legal owners of firearms. Pretty soon, the Commission will begin its work on revising the amendment and we must be prepared for this.

But it is now obvious that we were not persuasive enough, since nothing has happened since our previous reports. So, we've tasked one of our attorneys, Stéphane Nerrant, a member of our Board of Directors and Vice-President of the FPVA (equipment and vehicles), with the hope that he'll be able to trigger a FESAC action at the annual meeting in Malta.

The future of the UFA

All the regulatory upheavals of late have led to a jump in our membership, the UFA, at present, stands at over 2,500 active members.

As was already mentioned previously Jean Jacques Buigné isn't running for a new term as president of the UFA but he'll remain active within the organization. Luc Guillou has also decided not to renew his term as vice-chairman but remains on the Board of Directors.

The management team is being thus renewed and will remain extremely proactive in defending our rights, some of this new blood includes Michael Magi and the aforementioned Stéphane Nerrant.

Jean-Jacques BUIGNÉ
Président de l'UFA

Jean Pierre BASTIÉ - Luc GUILLOU
Vice-Présidents de l'UFA

Proposal in favor of the 2021/555 CEE Directive related to the enforcement of firearms purchased and owned (ratified amendment) by citizens legally holding firearms.

During the informal meeting of the E.U. Council of February 12th, 2015 following the terrorist attacks that took place in France, government heads asked all competent authorities to reaffirm their cooperation in the fight against the illegal firearms trade, in particular by quickly reviewing all applicable laws and triggering once again the debate on matters of security with developing countries, especially those located in the Middle East, North Africa and the Baltic States regions. Following the meeting of the « *Justice and Domestic Affairs* » committee of March 12th and 13th 2015, ministers invited the commission to submit new methodologies for combating illegal arms trafficking and intensifying, in conjunction with Interpol, operational cooperation and the exchanging of intelligence.

Following this, the Commission took the decision to reassess firearm laws, emphasizing the challenges posed by the illegal arms trade and recommending that urgent measures be taken to prevent firearms that had been deactivated from being reactivated again and used by criminals.

The commission then passed Executive Order 2015/2403 (December 15th, 2015), which establishes common policy concerning guidelines and techniques for deactivation, with a view to ensure that deactivated firearms are rendered irreversibly inoperable. The Commission then submitted to Committee a project that became the (UE) 2017/853 Directive of Parliament and on May 17th, 2017 the Committee amended the 91/477/CEE directive of the Council as relating to the enforcement of firearms holding and purchasing.

These amendments, however, drafted in a hurry in the wake of catastrophic terrorist attacks, are detrimental to the rights and freedoms of honest citizens of the E.U. who legally own firearms for recreational, or for self-defense purposes when law enforcement isn't immediately available and their lives are being threatened.

As it were, in principle, the E.U. promotes and reinforces the protection of rights and freedoms of European citizens, particularly, as is expressed in the E.U. Charter of Fundamental Rights. In this regard, Article 6 of the Treaty of the European Union states,

- « **1. The Union acknowledges the rights, the freedoms, and the principles as stated in the *Charter of Fundamental Rights* of December 7th, 2000, as it was established on December 12th, 2007 in Strasbourg, that which has the same legal value of the treaties (...)**
- **2. The Union adheres to the Convention for the Protection of Human Rights And Fundamental Freedoms (...)**
- **3. Fundamental rights, as guaranteed by the Convention for the Protection of Human Rights And Fundamental Freedoms and as they result from constitutional traditions that are common to member-states, are a part of the legal framework of the Union as guiding principles. »**

Moreover, in its preamble the E.U.'s Convention for the Protection of Human Rights And Fundamental Freedoms states, « *The Union contributes to the preserving and the developing of these common values in respect to the diversity of cultures and the traditions of peoples of Europe,* » and, « **this present charter reaffirms, in the respect of competencies and tasks of the European Union, as well as of the principle of subsidiarity, rights which are the result, specifically, of constitutional traditions and international obligations shared by member-states, of the European**

Union Treaty and of regional treaties, of the European Convention on Safekeeping of Human Rights and Fundamental freedoms, of the Social charter as was adopted by the union and by the European Counsel, as well as by the jurisprudence of the Court of Justice of the European regions and the European Court Human Rights court. »

Except that Articles 24 and 27 of the Universal Declaration of Human Rights, Article 7 of the International Pact related to economic and social rights, as well as articles from the constitutions of a great number of E.U. member states, mention this right to leisure for citizens :

- Paragraph 11 of the Preamble of the 27th October 1946 constitution, itself which refers back to the Preamble of France's constitution of 4th August 1958;
- Article 59 of Portugal's 2nd April 1976 Constitution ;
- Article 23 of Belgium's Constitution of 17th February 1994;
- Article 22 of the Netherlands' Constitution of 17 February 1983;
- Article 69 of the Constitution of the Republic of Croatia of 22 December 1990;
- Articles 23 and 54 of the Constitution of the Republic of Bulgaria of 13 July 1991;
- Article 73 of the Republic of Poland of 2 April 1997...

But hunting, different types of sports shooting, or, collecting, are the types of recreational activities that legal citizens of the E.U., who are legal holders of firearms, should be able to partake in freely without obviously disproportionate amendments getting in the way of this.

All the more so since citizens who legally own firearms are expressing their growing discontent against legal and regulated constraints of which they are the collateral victims as evidenced by the local referendum that was launched by the French state between April 8th and May 31st 2021 where this one grievance overtook all other ones.

By the same token, Article 17 of the Universal Declaration of Human Rights, Article 1 of the additional protocol to the European Convention of the Safeguarding of Human Rights, Article 17 of the E.U.'s Fundamental Rights charter, as well as the articles of the Constitution of numerous member-states, mention the respect of the right to property arms for citizens :

- Articles 2 and 17 of the Human and Citizen Rights Declaration of the 26th of August 1789, to which the Preamble of the French Constitution of the 4th of August 1958 refers;
- Article 14th of the fundamental law of the Federal Republic of Germany of 23rd of May 1949;
- Article 33 of the Constitution of the Kingdom of Spain of 27th of December 1978;
- Article 62 of the Portuguese Republic of 2nd of April 1976;
- Article 42 of the Republic of Italy of 22nd of December 1947;
- Articles 16 and 17 of the Belgian Constitution of 17th of February 1994;
- Article 14 of the Constitution of the Netherlands of 17th February 1983;
- Article 16 of the Constitution of Luxembourg of 17th October 1868;
- Article 15 of the Finnish Constitution of 1st March 2000;
- Article 11 of the Charter of Human Rights and Fundamental Freedoms referred to in the Constitution of the Czech Republic of 16th December 1992;
- Article 33 of the Constitution of the Slovenian Republic of 23rd December 1991;
- Article 48 of the Constitution of the Republic of Croatia of 22nd December 1990;
- Article 20 of the Constitution of the Slovak Republic of 3rd September 1992;
- Article 73 of the Constitution of the Kingdom of Denmark of 5th June 1953;
- Article 18 of the Constitution of the Kingdom of Sweden of 28th February 1974;
- Article 41 of the Constitution of the Republic of Romania of 8th December 1991;
- Article 17 of the Constitution of the Republic of Bulgaria of 13th July 1991;

- Article 64 of the Constitution of the Republic of Poland of 2nd April 1997.

Finally, it should be noted that the Constitution of each state of the European Union mentions directly or indirectly the right to resist to oppression. Thus, eight countries of the European Union expressly and directly recognize the right to resist to oppression, as is specified in :

- Article 2 of the Declaration of the Rights of Man and of the Citizen of 26th August 1789 to which the preamble of the French Constitution of 4th August 1958 refers;
- Article 4 of Title II of the Basic Law of the Federal Republic of Germany of 23rd May 1949;
- Article 21 of the Constitution of the Portuguese Republic of 2nd April 1976;
- Article 54 of the Constitution of the Republic of Estonia of 28th June 1992;
- Article 2-3 of the Constitution of the Republic of Hungary of 20th August 1949 revised;
- Article 3 of the Constitution of the Republic of Lithuania of 25th October 1992;
- Article 32 of the Constitution of the Slovak Republic of 1st September 1992;
- Article 3 of the Constitution of the Czech Republic of 16th December 1992 and Article 23 of the Charter of Fundamental Rights and Freedoms of 16th December 1992 to which it refers.

Three countries (Ireland, Portugal and Slovenia) implicitly recognize in the preamble to their Constitutions the right to resist.

Other countries go even further, recognizing, not a right, but a duty to resist to oppression, as stated:

- Article 11 of the Constitution of the Republic of Latvia of 10th December 1991;
- Articles 92 and 93 of the Constitution of the Republic of Poland of 22nd July 1952;
- Article 30 of the Constitution of the Kingdom of Spain of 27th December 1978;
- Article 6 of the Constitution of the Greek Republic of 9th June 1975.

Thus, the principle of resisting oppression (or self-defense), which includes the right to own a firearm as integral component to ensuring its effectiveness, constitutes « *a constitutional tradition common to the Member States* » and, as such, is a part of the « *general principles of Community law*, » the preamble to which is reflected in the Charter of Fundamental Rights of the E.U. and Article 6 of the Treaty on European Union, signed in Maastricht on 7th February 1992, requiring compliance from one and all.

Especially since two countries of the European Union push the logic of the right to resist to its limit by expressly and directly acknowledging the right of every citizen to own a firearm, as specified here:

- Article I-7° of the **British Bill of Rights of February 13th, 1689** ;
- Article 11 of the Constitutional law of the Republic of Latvia of 10th December 1991 about the citizen rights and duties.
- Article 6 of the Charter of Fundamental Rights and Freedoms of the Czech Republic

Estonia, for its part, expressly but indirectly acknowledges the right of every citizen to own a firearm in Article 48 of its Constitution by confining licensing authority to associations and businesses that own firearms or are military organizations only.

It should be noted, also, that freedom and security aren't supposed to be opposites but rather, that they're supposed to regulate each other. That said, police action being the exception to the rule of freedom must be limited and proportional. In fact, this rule remains the foundation of a democratic society and of a people that does not suffer oppression by the state.

It should be added that the aforementioned texts, which specifically concern resisting oppression, acknowledge implicitly the right of every citizen to own a firearm when they talk about the right to undertake spontaneous actions, the obligation to act, to oppose and to forcefully push back any aggression when relying on law officers is impossible.

Moreover, the right to self-defense of honest citizens who are attacked by criminals in the absence of law enforcement is the fundamental right of every «*Free Man*» in a free and democratic political system. In this sense, Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms provides that «*1. Everyone's right to life is protected by law. Death cannot be inflicted on anyone intentionally, except in execution of a death sentence pronounced by a court in the event that the offense is punishable by law. 2. Death shall not be deemed to be inflicted in violation of this article when it results from the use of force rendered absolutely necessary: (a) for the protection of any individual against unlawful violence; (b) to effect a lawful arrest or to prevent the escape of an individual lawfully detained; (c) to put down, in accordance with the laws, a riot or insurrection.* »

It should also be emphasized that freedom and security are not supposed to oppose each other but to regulate each other. However, police measures being the exception to the principle of freedom, they must be limited and proportional. Indeed, this rule remains the foundation of a democratic society and of a people who shall not suffer from the yoke of their State.

Moreover, one ought to be reminded that, in France, the right to bear arms constitutes a «*natural right*» of citizens in a democracy in accordance with the principle of «*people's sovereignty*» expressly cited in nearly all the constitutions of the Member States of the EU.

In this sense, one should take note of the fact that there is an old law dating to July 19th 1792 of the fourth year of Freedom and a decree of July 17th, 1792 enacted by the National Assembly that was never repealed. This law and this decree specify that «*in a free state, all the citizens must be provided with weapons of war, in order to push back, with as much ease as speed, the attacks of the internal and external enemies of their constitution* ». In fact, the subject of firearms came up during the National Constituent Assembly of 1789. Indeed, at the meeting of July 28, 1789, Mr. Mounier, the member in charge of organizing the drafting of the Constitution, read Bill XVI as follows: «*every man is allowed to repel force by force, unless it is used in virtue of the law.* » This idea was later taken up in Article 11 of the Declaration of the Rights of Man and Citizens, which preceded the Constitution of 24 June 1793.

It should be added that the Constitution of June 24th, 1793 specified in Article 109 that «*All the French are soldiers; they are all trained in the use of arms,* » it also added in Article 15 concerning the primary assemblies that «*no one can attend armed.* » It is clear, therefore, that, outside of assemblies, the carrying and possession of firearms was considered a natural right for all honest citizens.

Similarly, the examination of the draft bill of rights that would become the Declaration of Human and Citizen Rights of August 26th, 1789 is quite enlightening, since Abbé Sieyès, then-Secretary of the National Assembly, specified in his Declaration of Rights bill that he presented on July 20th, 1789 that, «*no citizen has more right than another to defend his life, his honor, his property. Thus, no public or private means of defense should be left to others exclusively. Thus, the bearing of arms,*

outside of military service and national exercises, belongs to everyone, or must be forbidden to all without exception »¹

In addition, the Count of Mirabeau had proposed that a Bill X be passed as part of the draft by the « *Committee of Five* » that was responsible for the official drafting of the Declaration, as follows : « *Every citizen has the right to to own firearms in his home, and to use them, either for the common defense or for his own defense, against any unlawful aggression which would endanger the life or liberty of one or more citizens* »². The members of the Committee even added that it was a « *natural right* » by stating that, « *it is impossible to imagine an aristocracy more terrible than that which would establish itself within the State, and by way of which some citizens would be armed and other not ; that all the contrary reasonings are futile sophisms contradicted by facts, since no country is more at peace and offers a better police than those in which the nation is armed* »³.

According to the authors, « *natural law is composed of a number of superior and intangible principles, which apply not only to the authorities of a particular State, but to the authorities of all States. Thus, the legislator, when making laws, must take into account these directives which are part of what is called natural law. There is here something supra-national, that is, of all times and all places, and that has imposed itself on successive generations* »⁴. That said, as regards the right of citizens to bear arms, it is clear from the above-mentioned evidence that it has been so everywhere since time immemorial. It is therefore a natural right in the sense of the definition.

Indeed, both historically and legally, since the law of August 4th, 1789 abolishing the feudal regime of privileges, all French citizens have been granted the right to acquire and hold a recreational weapon (mainly for sport or hunting), provided they do not use it in a prohibited manner. The law of April 30th, 1790 which allows the owners the freedom to hunt on their lands and even the farmers the right to destroy pests and repel them with firearms will afterwards confirm the acknowledgement by the National Assembly of the freedom to bears arms as pertains to hunting. In this respect, it is interesting to note that in parliamentary proceedings, even recent ones, everyone admits that one can find « *with the abolishing of privileges, the introduction of a right to hunt.* » Thus, only the misuse of a firearm must be sanctioned, only the damage resulting from these abuses must be repaired. The rule « *the freedom of some people ends where the freedom of others begins* » also applies to those who claim freedom as to those who consider certain of its effects to be detrimental.

In this regard, in 1764, the great juriconsult Cesare Beccaria wrote in the illustrious « *On Crimes and Punishments,* » that, « *Poor is the measure that would sacrifice a thousand real benefits in return for an imaginary or negligible embarrassment, which would remove fire from men because it burns and water because we drown in it, that has no cure for ills except their destruction. Laws prohibiting the carrying of arms are of such a nature. They only disarm those who are neither inclined nor determined to commit crimes (...). Such laws make things worse for victims and easier for abusers; rather, they serve to encourage homicide rather than to prevent it because an unarmed man can be attacked with more confidence than an armed man. One should refer to these laws not as laws preventing crimes but as laws fearing crime, produced by the public impact of a few isolated cases and not by a deep reflection on the advantages and disadvantages of such a universal decree.* »⁵.

¹ Jean-Jacques ROUSSEAU, *Du Contrat Social ou Principes du droit politique*, Livre I Chapitre VI.

² *Gazette National ou Moniteur Universel*, n°42, 18 août 1789, p. 351.

³ *Préliminaires de la Constitution, Reconnaissance et exposition raisonnée des Droits de l'Homme et du Citoyen*, Versailles, Imprimerie de Ph.-* De Pierres, Premier Imprimeur Ordinaire du Roi, rue Saint-Honoré, n°23, 1789.

⁴ Michel De Juglart, *Cours de droit civil avec travaux dirigés et sujets d'examens, Introduction personnes familles*, Tome I, 1^{er} volume, 13^{ème} éditions, Montchrestien, 1991.

⁵ *Gazette National ou Moniteur Universel*, n°42, 18 août 1789, p. 351.

Aristotle in « *Politics* »⁶, John Locke in the « *Treaty of Civil Government* »⁷, Montesquieu in « *The Spirit of Laws* »⁸, Alexis de Tocqueville in « *Democracy in America I* »⁹, or Machiavelli in « *The Prince* »¹⁰ also recognize the interest of the State and the citizen to have a weapon, since it is a guarantee of freedom and of the liberal and democratic character of government.

Thus, on the contrary, only the black code of 1685, nicknamed « *Colbert*, » forbade slaves from bearing arms ; while the legislation in force under the Vichy regime, such as Law No. 2181 of 1st June 1941¹¹, prohibited the possession, purchase and sale of arms and ammunition by Jews, and that Law no. 773 of August 7th, 1942¹² punished by death the possession of weapons and explosives by French citizens.

It should never be forgotten that « *A people willing to sacrifice a little freedom for a little security deserve neither, and end up losing both* » and that freedom is never earned, it exists only because citizens are ready to defend it for themselves and their children¹³!

Therefore, it should be acknowledged that every free man of healthy body and mind, with a clean criminal record, must have the right to acquire and own a firearm in the country which he is a citizen of! Therefore, in a liberal and democratic political system, honest citizens, healthy in body and in mind, who own firearms legally, can legitimately demand that their right to property arms and their recreational right where concerns this firearm be respected.

Therefore, if we want the maxim « *no one is supposed to be ignorant of the law* » to apply, the directive should be amended as follows:

PROPOSED AMENDMENTS TO THE DIRECTIVE (UE) 2021/555

Article 1

Adding the following specifications in the preamble to Directive (UE) 2021/555 :

- ▶ « *The Union promotes and strengthens the protection of the rights and freedoms of European citizens, such as what is expressed in its Charter of Fundamental Rights. Therefore, in a liberal and democratic political system, honest citizens, healthy body and mind, legally holding firearms, can legitimately expect that his right to own a firearm and the right to use such firearm in a recreative manner be respected.* »
- ▶ « *In application of the UN Protocol of 55th session of June 8th, 2001, the weapons of a model prior to 1900 are antique collectibles that fall within the definition of cultural property, excluding them from the definition of weapons.* »

⁶ Aristote, *La Politique*, livre I, chapitre II, Éditions Nathan, 1983.

⁷ *Dei delitti e della pene*, di Cesare Beccaria, capitolo 40, *False idee di utilità*, edito da U. Mursia & C. 1973, a cura di Renato Fabietti, Cesare Beccaria, *extrait du livre le Traité des Délits et des Peines*, traduit de l'italien par l'abbé Morelet, 3ème éd., A Philadelphie M.D.C.C. L.X.V.I, chap. XXXVIII *De quelques sources générales d'erreurs et d'injustices dans la législation et premièrement des fausses idées d'utilité*, p. 129-130.

⁸ Charles de Secondat baron de La Brède et de Montesquieu, *L'Esprit des Lois*, Chapitre II du Livre XI, Chapitre VI du Livre XI et Chapitre XIV du Livre XV, 1748.

⁹ Alexis de Tocqueville, *De la démocratie en Amérique I*, partie I, chapitre II, p. 43 et partie II, chapitre IV, 1848, p. 24.

¹⁰ Machiavel, *Le Prince*, Flammarion, 1980, Chap. XX, p.173-174.

¹¹ Article 15 du Code Noir ou Recueil d'Edits, Déclarations et Arrêts concernant les Esclaves Nègres de l'Amérique, Paris, Les Libraires Associés, M. DCC. XLIII.

¹² J. O., 8 août 1942) ou encore la loi n° 1061 du 3 décembre 1942 (J. O., 4 décembre 1942).

¹³ J. O., 6 juin 194.

► « In accordance with Council Regulation (EC) No. 116/2009 of 18th December 2008, weapons that are over fifty years old may be considered as collection weapons and those over a hundred are defined as historic weapons by the national regulations of the Member States. »

Explanation of the amending: In application of the Charter of Fundamental Rights, the goal is to assert the right to property arms for leisure and for ownership. According to the UN, antique weapons are not weapons, and a directive on the export of cultural goods makes the distinction between weapons manufactured between fifty years ago and those manufactured a hundred years ago.

Article 2

To amend Article 2 of the Directive **(UE) 2021/555**, as follows:

Article 2

1. The European Union guarantees to European citizens the right to have parts, weapons and ammunition, in the pursuit of leisurely activities, such as hunting, shooting sports and recreational, collecting and reenactor, as well as to assure their self-defense personal or professional in absence of law enforcement when their lives are threatened or within the context of their enlisting in the national guard or the military reserves. The acquisition, possession, transportation, carrying, trade, manufacture, processing, transfer, import and export of parts, weapons and ammunition may be regulated by law to the extent necessary to the general interest and insofar as this measure is indispensable to national security, public safety, the maintaining of order and the prevention of offenses within a liberal and democratic political system.

2. This Directive is without prejudice to the application of national provisions relating to the carrying of arms or to the regulation of hunting and shooting sports or collecting by hobbyists and cultural and historical organizations in the field of weapons and recognized as such by the member-state on whose territory they are established.

3. This Directive shall not apply to the acquisition and detention, in accordance with national law, of arms and ammunition by the armed forces, the police or the State. Nor does it apply to transfers as governed by Directive 2009/43 / EC of the European Parliament and of the Council.

Explanation of the amending: the objective is to ensure these rights are guaranteed for, among others, the shooting sports and cultural activities that we are promoting

Article 3

To amend Article 3, as follows :

Article 3

« Member States may adopt in their legislation stricter provisions than those laid down in this Directive, subject to the rights conferred on residents of the member-states by Article 12 (2) and respect for the rights guaranteed by the Charter of Fundamental Rights the principle laid down in Article 2 of this Directive. »

Explanation of the amending: If national laws are more stringent than the Directive, they must nevertheless respect the guarantees of the E.U. Charter of Fundamental Rights.

Article 4

Amend Article 6 as follows

Article 6

1. Without prejudice to Article 3, member-states shall permit the acquisition and possession of Category A, B and C firearms to persons who have a legitimate reason and who:

Explanation of the amending: It specifies that the possibilities of acquisition for valid reasons apply to categories A, B and C. This will allow to apply the art 6 §3) of the directive to allow collectors to own category A weapons.

Article 5

Amend Article 15 as follows Article 15

« 4. Member-states may notify to the Commission their national standards and techniques of deactivation applied before 8th April 2016, setting out the reasons why the level of safety guaranteed by these national standards and techniques of deactivation is equivalent to that guaranteed by the technical specifications for the deactivation of firearms set out in Annex I to Commission Implementing Regulation (E.U.) 2015/2403, as applicable to 8 April 2016.

5. When the Member-states notify the Commission in accordance with paragraph 4 of this Article, the Commission shall, no later than six months after such notification, adopt implementing acts determining whether the national standards and techniques of deactivation so notified guarantee that firearms have been rendered harmless with a level of safety equivalent to that guaranteed by the technical specifications for the deactivation of firearms set out in Annex I to Implementing Regulation (E.U.) 2015/2403, as applicable to 8 April 2016. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20§2 . »

Explanation of the amending: This is to allow States that have not yet communicated the equivalence of their technical standards within the deadlines set by the directive of 17 May 2017 to have the opportunity to do so.

Article 6

Adding to the Article 15 as follows

« The rules of execution (E.U. 2018/2403 of 15th December 2015) establishing common guidelines on deactivation standards and techniques to ensure that deactivated firearms are thus rendered irreversibly, will be rewritten within a delay of one year due to the disproportionate measures that it contains and especially contrary to the idea of adequate preserving of heritage »

Explanation of the amending: It seeks to have the Commission rewrite the regulation on the deactivation of arms by making it more in line with the preservation of heritage.

Article 7

Adding to the Annex I. § II. as follows

« Category D - Firearms and other weapons that do not require a permit:

- Single-shot long firearms with smooth-bore barrels.
- deactivated weapons.
- Historic Weapons firearms.
- the reproduction of antique firearms that are loaded by the barrel or the front of the barrel with black powder and whose firing system is wick, spinning wheel, chenapan, flint or percussion-based »

Explanation of the amending: Explanation: The point is to reestablish the D category in its previous iteration by adding weapons that are often deactivated as well as historical arms and also to specify that ownership shall be unregulated.

Article 8

Modify annex I. § III. of the EU directive 2021/555 as follows:

“III. For the purpose of the present annex , shall be precluded from the definition of a firearm those objects that correspond to the definition but that:

- a) have been built for alarm purposes, signals technology, rescuing, logging, harpoon fishing or is destined for industrial applications or technologies with the proviso that they can be used for that specific purpose only;*
- b) are considered to be collection weapons insofar as such weapons have not been included in the category included in Part II and are subject to state regulations;*
- c) are considered to be antique firearms that are outside the definition of a weapon firearms dating to before 1900 insofar as they are tied exclusively to the definition of culturally-relevant items.*

In anticipation of coordination efforts across the European Union, member-states can apply their respective national legislation insofar as concerns the types of weapons described herein. “

Explanation of the amending: Explanation: the idea here is to purely and simply exclude antique arms built prior to 1900 from the definition of weapons so as to make them, exclusively, cultural goods, and to clearly insert within the directive the principle that collectors firearms manufactured over fifty years ago are tied exclusively to the national laws of each member-state.