



Union Française des amateurs d'Armes

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National report of France, FESAC 2020 annual meeting

Last year, we started our report with a question: "Is France still the homeland of freedom and human rights? "And since this question is increasingly relevant, that is what we will share with you the shortest way possible..

Everything we said in our last report is unfortunately still relevant and the situation has worsened further. We wanted this report to be quite simple for dissemination to other countries, but you can deepen each point by going to our site www.armes-ufa.com, or by asking us questions directly.

Regarding collectors

Application l'article 6.3 de la directive de l'UE par la France.

Let's start with the specifications requested by our President. No, France has not implemented the provision of the directive which opens the possibility for States to give access to category A or B to recognized collectors.

During a session at the National Assembly on the transposition of the directive, collectors invited themselves to the "debates". It was a question of removing from the law, the definition of category D which includes collection of weapons of a model prior to 1900. Instead of this category defined by law, the administration wanted the definition of weapons collection to be set by a simple decree. Our association considered this development too dangerous because a decree is too easy to modify: a signature of the minister is enough without parliamentarians: elected representatives of the people having to give their agreement. However, the experience of the last seven years has shown us that the modifications were much more often unfavorable to the amateurs of weapons than favorable! In the end we won on this point and, thanks to our action, the parliamentarians refused to remove from the law, the definition of collection weapons.

But it was precisely by taking advantage of these circumstances that "friendly" deputies set forth amendments to grant the possibility of holding weapons of categories A and B via the Collector's Card. On this point, there has been fierce opposition from the government, which has refused to grant collectors the possibility of obtaining authorizations for categories A and B firearms. The administration is closed to all discussion and replies that "it is an assumed choice".

Collectors must be content to freely collect military materials (Vehicles and miscellaneous equipment) before 1946 or those after 1946 appearing in a decommissioning list; which is already something good! For weapons, those whose model predates 1900 remain in category D (with a few exceptions)..

The Collector's Card doesn't work well

It was during the memorable session mentioned above, that the government undertook to set up the Collector's Card instated by the law of 2012. But as we had won over the definition of old weapon, we paid for it later with what we consider a sabotage on the operation of the Collector's Card. Originally, the law provided that the delivery of the card would allow the regularization of the

numerous category C weapons already detained but never declared. Despite promises reiterated by the ministry for 6 years, this provision was deleted. Thus the card has lost almost all its interest: it only allows the acquisition and transport of category C weapons, without ammunition.

The UFA was entrusted by the administration with the study of the files of the applicants for the Collector's Card and to verify that the applicants are indeed people who have a real interest in the history and technique of weapons and not simple opportunists looking for a way to get a live category C weapon. The collector's card offers few advantages and has many constraints, which explains why in 15 months, we had 102 requests. We refused ten and issued 67 certificates for their card requests to the prefectures. It's ridiculous !

Whereas if the card had given the possibility to regularize the categories C never declared and to acquire under conditions, weapons of categories A and B, we would certainly have exceeded the figure of 7000 certificates.

Classification drift on collection weapons

On our way back from Amsterdam on June 18, 2019, during a meeting at the Ministry of the Interior, we learned of the administration's intention to replace the formula "pre-1900 model" as category D criteria, by: "manufactured before 1900". It was said to be applying a UN directive. "Model" obviously does not have the same meaning as "manufactured". A weapon can be of a model of 1899 and have been manufactured in January 1900.

During these last 7 years of the application of the new regulation, it is only the date of the model which constituted the criterion of classification in category D. If the weapon was too dangerous because of its too large distribution, it was possible to release a decree to exclude it from this classification. It is in this context that certain weapons of a "model" prior to 1900, such as the Colts New Service, marketed from before 1900, but manufactured in large numbers until 1941, the Smith & Wesson Hand Ejector or the Mauser C96.

We produced a report in late September 2019 to explain why:

- This change in definition was physically impossible to implement, the date of manufacture is impossible to determine for many weapons,
- No international text really compelled France to accept such a modification.

We waited wisely and no new information came. Worse, the new General Weapons Repository (RGA) was available online, revealing a deliberate desire to classify in category C weapons that would normally be classified as collection weapons, for the only reason that they are no longer in their caliber of the original model, whether this modification was made before or after 1900.

Currently, certain classifications given as reference to the prefectures by the RGA are in total contradiction with the law and are open to disputes. The legislative texts have not changed, but as this repository exists, arms brokers or prefectures apply it strictly. Which is amazing! So we are coming out of our self-imposed reserve and are starting a protest process ... We will come back to it next year.

Classification monopoly by the Ministry

As we mentioned above, the RGA classifies weapons according to criteria that do not exist in the legal texts.

Until then, the classification that resulted from legal texts was implemented by professionals and could be subject to expert opinion. The ministry now claims it has a "monopoly" on classification. Professionals have no other option than to comply with the classification appearing in the RGA, even if it is unjustified. It's as if the administration says that a white sheet of paper is black: although it is actually white, it should be considered black since it is the mink of the ministry. It is theoretically possible to report classification errors to the ministry, so that it can correct them.

Beyond a real holdup of the classification, we can legitimately wonder about the new way for our government to consider democracy!

Collectors repeatedly betrayed by the government

- Already, parliamentarians had granted regularization of possessed weapons, for those holding a Collector's Card. We believed in the upcoming promises of the Ministry of Interior, but we were naïve: the promises have not been kept;
- The department wanted to remove the definition of collection weapons from the law. This time we won, but we paid a high price for it;
- The ministry wants to change the method of determining criteria for weapons of collection (model or manufacturing date). We got no response to our 11-page report, but we noticed changes in their practice but the texts have not been changed;
- Following the publication in the *Gazette des Armes* of future decrees in their draft form, the Ministry accused us of divulging confidential documents and decided to marginalize us. Despite tangible proof that we had not breached the confidentiality of our exchanges, contact was broken with the management of the SCA, who did not even honor its commitments to modify the texts concerning the carrying of arms by the holders of the Collector's Card during reenactment events;
- With the freedom of speech that you know of me, we have been writing articles in the *Gazette des Armes* for 25 years. This year, our editor in chief received a letter from the Ministry stating that we were mistaken in saying that the prefectures lacked "humanity" with regard to collectors. This is the first time in 25 years, and still, we were right.

Thus, collectors feel themselves rejected by the "system".

A Weapons And Heritage conference

The UFA wanted to organize, in the fall, in a prestigious place in Paris, a conference on the theme Weapons and Heritage.

This conference will bring together experts from the world of arms and politicians to discuss the accounting of the conservation of the national military heritage or of civil weapons with the weapons regulation.

But the general confinement will postpone until the fall all the events that could not take place in the spring. We may have to postpone this symposium in the spring of 2021. Anyway, all delegates and representatives from other countries are cordially invited.

Evolution of regulations in France

A new "weapons catalog", the RGA

A bit like in Italy just a few years, the ministry announced the opening of a General Repository Weapons (RGA). It is a digital register intended for the arms manufacturers, the brokers and the importers of weapons. Its implementation in our country started in January 2020.

This digital library, which indicates the classification in categories A, B or C of each model of firearm, is now online. For the moment it's only reachable by professionals. The general public does not have access to it. It is an evolving tool, which concerns weapons circulating in France, already comprising 40,000 files. This directory, from the old French file AGRIPPA, is intended to clarify the information on each model of weapon and its classification, to allow each professional to classify in the right

category, with a standardized name, the weapons under consideration.

The RGA therefore constitutes the first component of the future Weapons Information System (SIA), which must be made available in successive stages up until 2021.

This computerized arms tracking system in France meets European directives. The goal is to identify and track firearms in a central database. It concerns the traceability of weapons of categories A, B and C, the management of detentions, trade authorizations, carry and transport authorizations. Initially, only professionals will have access to classify weapons before importing them. In a second step, on October 1, 2020, the digital police book will replace the old gunsmith's paper register. The third stage, on July 1, 2022, will allow firearm holders to create their personal account in just a few clicks and set up their virtual "gun shelf".

The Central Arms Service (SCA), which is the Ministry of the Interior's body for the management of weapons for civilian users. Military weapons remaining managed by the Ministry of Defense. It should be noted that all these efforts, expenses and hours of civil servants are used only to list weapons declared by law-abiding citizens. Those who are secretly detained by delinquents or terrorists completely evade the control of this tool, despite being rather well designed!

The widespread filing of firearms owners

The concern with the SIA relates to the recording of all personal information concerning the applicant for an authorization to detain a weapon. This file will collect a mass of "confidential" information, which it would have been unthinkable to mention a few years ago. These data concern not only his address, telephone numbers, emails, etc, but also his mental (psychiatric) state and comments issued by the Police and the Gendarmerie officials. As if that were not enough, it will allow the importation of information coming from other databases. It's the infamous "crossing of files", formerly prohibited by the French laws. It encompasses: political opinions, union membership, religious beliefs and practice.

If the administrative investigation so requires, the SIA may also record "alleged racial or ethnic origin, sexual life and sexual orientation" of a person close to the applicant, if it relates to a third party claim against a weapons owner under administrative investigation.

These last elements go completely against the French law "IT and Freedom". Against all expectations, the commission responsible for the good application of this law: the CNIL (Independent Commission for the Respect of the IT and Freedom Law) authorized by way of derogation these intrusive measures into private life of a citizen, proposed by the government. These references go not only against the law, but also against the constitution, human rights, individual freedoms, etc.

As for Europe; better keep an eye on it!

The European Commission will begin discussions next year on amending the directive. We want FESAC to be as present as the last amendment to the 2017 directive. Maybe we should hire the services of a lobbyist?

Last year before the Amsterdam congress, we published a document in French and English to propose a modification. But the subject was not broached. We insistently wish it to be addressed, French collectors thank you in advance.

Document in French: <https://www.armes-ufa.com/spip.php?article2439>

Document in English: <https://www.armes-ufa.com/spip.php?article2451>

Jas Van Driel (NL) had told us that it was undesirable to set European standards to define weapons for collections, because the national definitions are very diverse. And collectors from the liberal states would lose their advantage. But we don't offer anything like that.

It would simply be a matter of the directive to recognize the right to own weapons for a very limited purpose: sport, heritage and defense. And to guarantee the rights of collectors and reenactors in

defining the weapons for which possession is free.

But also to give States the possibility of naming weapons over 50 years of age as collectors' weapons, and those over 100 years of age as historic weapons. It would of course be up to the states to decide.

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L'avenir de l'UFA

Jean Jacques BUIGNÉ soon will be 74; Luc GUILLOU is a little younger but does not wish to succeed him. We are counting a lot on our new Vice-President Jean Pierre BASTIÉ whom we wanted to present to you in Malta. But it will be for next year. He has all the qualities required to ensure the defense of French collectors. It would be good if you included his email address in the distribution list of your messages. jpbastie@armes-ufa.com

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We can see from all this that we still all have a lot of work ahead of us. And yet, with our positive spirit, we would have liked to bring you only good news, but the actuality of arms in France decided otherwise.

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Vice-Présidents de l'UFA

Luc GUILLOU