



National report from France, FESAC 2021 Annual Meeting

Last year, we reported on the bad mood of French collectors towards the government which was "ignoring" all their demands. The expression of bad moods can sometimes change the course of history, which is what we will share with you this year.

Since 2013, the UFA has been denouncing the ambiguity of the classification of antique weapons. With a few clearly defined exceptions, the new regulations on weapons, which came into as a regulation in 2013, classified all weapons of a model prior to 1900 in category D (with concern collector's weapons for free sale and possession).

While the text of this new regulation included a glossary of terms in the preamble (sometimes such useful terms as "dummy weapon" or "model weapon"), no definition of the word "model" was given. As a result, the "State services" interpret the definition of "model" in their own way, creating legal uncertainty for collectors. The worst was reached with the erroneous introduction in the Registre Général des Armes (RGA) of collection weapons, presented as category C or B weapons.

And we "exploded" when the State took over the monopoly on classification. Civil servants, often newcomers to the field of arms, found themselves in the position of self-proclaimed experts and took on the right to classify weapons without any possible dispute and above all without taking into account the knowledge acquired after more than half a century of study of arms and their history by advanced collectors: how absurd and how smug the administration was!

Thus, just after the last virtual meeting, we protested to the Service Central des Armes (SCA). This protest was accompanied by an article published in the Gazette des Armes denouncing the monopoly that the State claimed to have on the classification of weapons. We also sent a letter to the new Minister of the Interior to tell him about the "mistreatment" of collectors by his services. And the "miracle" was accomplished: perhaps orders were given. In any case, the head of the Central Weapons Service (SCA) of the Ministry of the Interior, who was hostile to collectors, was replaced and discussions began with the SCA, in an atmosphere of mutual understanding and goodwill, to arrive at a "draft" agreement.

Consultation between the State and collectors

The Service Central des Armes (SCA) has just set up a working group bringing together experts from civil society and administrations with the aim of arriving at a definition

The aim is to arrive at a definition of collectors' weapons "on a constant legal basis, in a clear and intelligible manner".

The aim is to remove any ambiguity in the concepts of classification. At a planned rate of one meeting every two months, this collaborative forum aims to clarify the classification of historical weapons.

This group is composed of representatives of the national company of legal experts in arms, ammunition and explosives, arms manufacturers' organisations, officials from the St Etienne National Proof House, the General Directorate of the National Police and the National Gendarmerie, those from the SCA's Expertise Unit and, of course, UFA experts.

As can be seen, this think tank is composed of users, arms trade professionals and private and administrative experts. This initiative by the SCA is to be welcomed as a sign of improvement in relations between the administration and the world of collectors and arms enthusiasts in general.

The future regulation will keep the principle of limiting category D weapons to pre-1900 models with a manufacturing deadline that could be postponed in time, in line with different developments for handguns and long guns. This principle would have the advantage of differentiating replicas or remanufactured weapons from the original ones (such as the SAA Colts or the Marlin 1895 manufactured after the Second World War).

The project submitted by the UFA caught the attention of the SCA, which used it as a basis for refining the classification of historical weapons, with the corollary of a proposal to downgrade many handguns that predate 31 December 1916. We chose this date because it is the date of the Russian Revolution and thus weapons manufactured under the Tsarist regime, which have survived to the present day, would be free. However, unlike the Mk 1 to Mk 5 models, which we wished to keep in category D, the Webley Mk VI revolvers, manufactured from the 1887 patents but still available in too large a number to be downgraded, would remain in category B.

Shoulder arms designed before 1900 with only minor modifications could be released for the most part until 1946.

If accepted by the authorities, all these advances will be welcomed with enthusiasm by collectors.

The daily life of the French

At the risk of repeating what we have already said in previous years, gun enthusiasts are continually discriminated against by the various media, but also by the police who seek to advance and improve their activity statistics by seizing what they present as "*an arsenal*" and which often boils down to a few derisory weapons whose possession is in no way prohibited: pellet rifles, shotguns and black powder replicas (cap and ball).

We have also noticed that justice is often more severe for simple amateurs who are a bit dreamy and lax than for real offenders.

An opportunity has just arisen: the government has just organised "***a citizens' consultation on discrimination.***"

On a government website, associations or ordinary citizens are invited to formulate the discrimination of which they are victims and make proposals. And after registering on the site, it is possible to vote with a like. It works well and our community of amateurs is happy to be noticed. As of 7 May, we had 750 likes, far more than other topics, including those proposed by the government. It is interesting to know that another association has submitted a proposal

on gun ownership. And that it was censored 3 times. It is true that it also had a lot of favourable votes and that this probably did not please the higher-ups...
In France, the very idea of carrying a gun is "*politically incorrect*".

Europe: Let's mobilise before it's too late!

The European Commission will soon start its discussions on the modification of the 477/EEC directive planned for 2022 (this one has just been codified) with constant law. We hope that FESAC will be as present as it was for the last amendment of the directive in 2017.

At this stage, it is worth considering whether it would be appropriate to call on the services of a lobbyist in order to be better heard by European decision-makers.

Indeed, the cost could be shared between all FESAC member associations on a pro-rata basis taking into account the financial capacities of each.

The UFA recalls that already two years ago, before the Amsterdam Congress, it had published a document in French and English to propose a modification.

Unfortunately, the subject was never discussed, why?

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

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

In Amsterdam, Jas Van Driel (NL) told us that it was not desirable to set European standards for defining collectors' weapons, because national definitions are very diverse and collectors in liberal states would lose their advantage.

But the UFA is not proposing this! It is simply a question of **including a fundamental principle in the Directive: the right to hold weapons for a very specific purpose** (sport shooting, hunting, collecting/reconstitution, personal and professional defence, membership of the national guard or the military reserve), for honest European citizens, or the right of collectors and reconstituents to acquire, hold, transfer, transport and carry weapons in the normal course of their activity

In addition, it would also be necessary to obtain progress on the reintroduction into the directive of category D for weapons whose possession must remain free because it is opposable to the Member States (weapons neutralised according to the new European process and long single-shot hunting weapons with smoothbore barrels); the possibility for Member States to define weapons over 50 years old as collector's weapons and those over 100 years old as historical weapons (it would of course be for the States to decide) a revision of the excessive European neutralisation process or the extension of the possibility for Member States to have their own previously applied process recognised as equivalent to the European process (the BNE of Saint-Etienne having always given satisfaction).

The UFA therefore **urges** that this issue be addressed before it is too late!

Indeed, as European legislation is conditioning the internal legislation of each Member State, doing nothing would be suicidal!

The French collectors thank you in advance for the time you will devote to this request.

This would involve a good lobbyist asking the Commission for the following changes to the Directive:

Article 1 - Add the following recitals to the preamble of the codified directive:

- *"The Union shall promote and strengthen the protection of the rights and freedoms of European citizens, in particular as expressed in its Charter of Fundamental Rights. Therefore, in a liberal and democratic political system, honest citizens of sound mind and body who lawfully possess a weapon can legitimately claim that their right of ownership of their weapon and their right to leisure for the use of that weapon are respected. "*
- *"Pursuant to the UN Protocol 55th session of 8 June 2001, weapons of a pre-1900 model are antiques falling under the definition of cultural property excluding them from the definition of weapons. "*
- *"Pursuant to Council Regulation (EC) No 116/2009 of 18 December 2008, weapons more than fifty years old may be considered as collector's weapons and those more than one hundred years old are defined as historical weapons by the national regulations of the Member States."*

Explanation:

- In application of the Charter of Fundamental Rights, the aim is to show respect for the right to keep weapons for leisure purposes and for the right to own them.
- According to the UN, antique weapons are not weapons, and a directive on the export of cultural goods distinguishes between weapons manufactured between 50 and 100 years ago.

Article 2 - Amend Article 2 of the 1991 Directive as follows:

- *"1. The European Union shall guarantee European citizens the right to have equipment, arms and ammunition for their leisure activities such as hunting, sport and recreational shooting, collecting and re-enacting, as well as for personal or professional self-defence in the absence of the forces of law and order when their lives are threatened or in the context of their participation in the national guard or the military reserve. The acquisition, possession, transport, carrying, trade, manufacture, processing, transfer, import and export of materials, arms and ammunition may be regulated by law to the extent necessary in the public interest and provided that such action is essential for national security, public safety, the defence of order and the prevention of crime in a liberal and democratic political system."*
- *"2. This Directive shall be without prejudice to the application of national provisions on the carrying of weapons or on the regulation of hunting, sport and recreational shooting or collecting by collectors and bodies with a cultural and historical interest in*

weapons and recognised as such by the Member State in whose territory they are established."

- *"3. This Directive shall not apply to the acquisition and possession, in accordance with national law, of weapons and ammunition by the armed forces, the police or public authorities. It shall also not apply to transfers governed by Directive 2009/43/EC of the European Parliament and of the Council. "*

Explanation:

The aim is to ensure that these rights are guaranteed for sporting and cultural activities,

Article 3 - Amend Article 3 as follows:

"Member States may adopt provisions in their legislation which are more stringent than those laid down in this Directive, subject to the rights conferred on residents of the Member States by Article 12(2) and to respect for the rights guaranteed by the Charter of Fundamental Rights of the EU and the principle laid down in Article 2 of this Directive. "

Explanation:

If national laws are stricter than the Directive, they must nevertheless respect the guarantees of the EU Charter of Fundamental Rights.

Article 4 - Amend Article 5 as follows:

"1. without prejudice to Article 3, Member States shall permit the acquisition and possession of firearms of categories A, B and C to persons who have a legitimate reason and who: "

Explanation:

It clarifies that the possibilities of acquisition for good reason apply to categories A, B and C. This will allow the application of Article 6(3) of the Directive to authorise collectors to hold category A weapons.

Article 5 - Amend Article 10b as follows:

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

5. Where Member States notify the Commission in accordance with paragraph 4 of this Article, the Commission shall, no later than six months after the notification, adopt implementing acts determining whether the national deactivation standards and techniques so notified ensure that firearms have been deactivated with a level of safety

equivalent to that guaranteed by the technical specifications for the deactivation of firearms set out in Annex I to Commission Implementing Regulation (EU) 2015/2403, as applicable on 8 April 2016. Those implementing acts shall be adopted in accordance with the review procedure referred to in Article 13b(2)."

Explanation:

This is to allow those States that have not yet notified the equivalence of their technical standards within the deadlines set by the Directive of 17 May 2017 to have the possibility to do so.

Article 6: Amend Annex I as follows

"(v) Category D - Firearms and other unrestricted weapons

- single-shot long firearms with smooth bore ;*
- deactivated weapons ;*
- Collector's weapons ;*
- historical weapons;*
- reproductions of antique firearms that are muzzle-loaded or front-loaded with black powder and whose firing system is wick, wheel, chenapan, flint or percussion."*

Explanation:

This is to classify the collection weapons in category D as well as to define that their possession is free.

Article 7:

"The Implementing Regulation (EU 2018/2403 of the Commission of 15 December 2015) establishing common guidelines on deactivation standards and techniques to ensure that firearms are irreversibly deactivated, will be rewritten within one year due to the disproportionate measures it contains and above all contrary to the interest of good heritage preservation. "

The future of our association

The UFA is now run by a committee which meets once a week by video conference (at least the confinement has given us this practice). (The confinement has at least brought us this practice.) Thus, ideas are teeming and we have more effective and efficient actions. We will have the opportunity to talk about this again.

And Jean Pierre Bastié, the next president of the UFA, demonstrates his qualities as a historian, a jurist and a good organiser.

Jean-Jacques BUIGNÉ
President of the UFA

Jean Pierre BASTIÉ - Luc GUILLOU
Vice-Presidents of the UFA