EU strengthens control of the acquisition and possession of firearms

The amendments address risks for public safety and security, and focus on:

Enhanced traceability of firearms

The revision strengthens the rules on the marking of firearms, by including, among other things, a new obligation to mark also all their essential components. Harmonizing the rules for the marking of firearms and establishing the mutual recognition of marks between member states will improve the traceability of firearms used in criminal activities, including those which have been assembled from components acquired separately.

This information also has to be recorded in national data-filing systems. For this to happen, member states will now have to ensure that dealers and brokers register any transaction of firearms electronically and without any undue delay.

Measures on deactivation and reactivation or conversion of firearms

The rules on the deactivation of firearms have been strengthened, not least through a provision requiring the classification of deactivated firearms under category C (firearms subject to declaration). Until now, deactivated firearms have not been subject to the requirements set by the directive.

The revision also includes a new category of salute and acoustic weapons, which were not covered by the original directive. These are live firearms that have been converted to blank firing ones, for example, for use in theatres or television. In the absence of more stringent national provisions, such firearms could be purchased freely. This posed a risk, given that their reconversion to live ones was often possible with limited efforts (they were for example used in the Paris terrorist attacks). The new wording of the directive ensures that these weapons remain registered under the same category as the firearm from which they have been converted.

Stricter rules for the acquisition and possession of the most dangerous firearms

The most dangerous firearms, classified in category A, can only be acquired and possessed on the basis of an exemption granted by the relevant member state. The rules for granting such exemptions have now been significantly strengthened. Possible grounds for exemption, such as national defence or the protection of critical infrastructure, are now set out in a limited list and exemptions may only be granted where there is no risk to public security or public order.

When a firearm of category A is required for sport-shooting, it can only be acquired according to strict rules which include proven practice recognised by an official shooting sport federation.

Article 7 para 4a provides the possibility of confirming authorisations for semi-automatic firearms (new point 6, 7 or 8 of category A) legally acquired and registered before the directive comes into force.

Banning civilian use of the most dangerous semi-automatic firearms

Some dangerous semi-automatic firearms have now been added to category A and are therefore prohibited for civilian use. This is the case for short semi-automatic firearms with loading devices over 20 rounds and long semi-automatic firearms with loading devices over 10 rounds. Similarly, long firearms that can be easily concealed, for example by means of a folding or telescopic stock, are also now prohibited.

Improving the exchange of relevant information between member states

The new rules enable the Commission to propose the establishment of a system for the exchange of information electronically between member states. The information would cover cases where the transfer of a firearm to another member state has been authorised as well as where the acquisition and possession of a firearm has been refused.

The directive sets out minimum rules and does not prevent member states from adopting and applying stricter rules.

Next steps

The Council and the European Parliament now need to sign the adopted directive. The signed text will be published in the EU Official Journal and will enter into force 20 days later.

Background

Council directive 91/477/EEC on control of the acquisition and possession of weapons was originally designed as a measure to balance internal market objectives and security imperatives regarding “civil” firearms.

The amending proposal was submitted by the European Commission on 18 November 2015 against the backdrop of a series of terrorist acts that took place in Europe and which revealed gaps in the implementation of the directive. The current review is a continuation of the 2008 revision and also aligns EU legislation with the provisions on the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms.

Antitrust: Commission confirms inspections in the mobile telecommunications sector in Sweden

The Commission has concerns that Swedish mobile network operators may have engaged in anti-competitive conduct preventing entry into the consumer segment of the Swedish mobile telecommunications market, in breach of EU antitrust rules (Articles 101 and 102 of the Treaty on the Functioning of the European Union).

The Commission officials were accompanied by their counterparts from the Swedish Competition Authority (Konkurrensverket).

Unannounced inspections are a preliminary step in investigating suspected anti-competitive practices. The fact that the Commission carries out such inspections does not mean that the companies are guilty of anti-competitive behaviour nor does it prejudge the outcome of the investigation. The Commission respects the rights of defence, in particular the right of companies to be heard in antitrust proceedings.

There is no legal deadline to complete inquiries into anti-competitive conduct. Their duration depends on a number of factors, including the complexity of each case, the extent to which the companies concerned co-operate and the exercise of the rights of defence.

Pressemitteilung: Migrations-Hotspots funktionieren, es gibt jedoch weiterhin kritische Aspekte, so die EU-Prüfer

Press release: Migration hotspots are working, but critical issues remain, say EU Auditors

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Speech by Commissioner Jourová on Law Enforcement Challenges in the Online Context – University of Luxemburg

Dear Koen, Dear Katalin, Ladies and gentlemen,

Talking about the challenges that law enforcement authorities face in obtaining quickly e-evidence in the context of criminal investigations is crucial.

It is key to efficiently fight cybercrime, to fight also terrorism and to solve all kinds of criminal investigations.

This is the reason why it is a priority under the European Agenda for Security that the Commission adopted

Our traditional investigation tools are not always fit for the fast pace of the digital world we live in. Such tools are often considered to be outdated, slow and burdensome – especially when faced with modern day challenges associated with the cloud. And the cloud is the paradigm shift in today's data economy.

[**Assessing current investigation tools**]

The tools, which are currently available to the authorities, must be checked against the needs of an effective criminal justice system in the digital age.

This requires striking a careful balance between three key aspects:

– first, the need of and effective criminal investigation,

– second, the importance of the digital economy and the cloud, and

– third, the respect of fundamental rights of citizens, such as data protection rights.

This is why last July we launched an expert consultation to look into ways of addressing the major issues, namely:

- making mutual legal assistance and mutual recognition more efficient,
- improving cooperation with service providers, and
- ensuring enforcement of laws in cyberspace.

To address these issues, we have to consider both practical measures within the existing set of rules, and also legislative proposals to improve the existing legal framework.

[**Mutual legal assistance and European Investigation Order**]

Let me start with the first issue of making mutual legal assistance more efficient.

Cross-border access to e-evidence is granted on the basis of the principle of mutual legal assistance, both within and outside the EU.

Our current procedures ensure that appropriate safeguards are taken.

However, they are also regarded as too lengthy and as taking up too many resources.

The good news is that this is about to change: within a month from now, the European Investigation Order will be up and running.

This tool, based on mutual recognition, is expected to significantly improve cross-border cooperation between competent authorities within the EU.

This is why we have made its full and timely implementation a top priority.

Practical improvements to speed up the exchange of digital evidence are also underway.

Not only are we working with the Member States to set up a platform for online exchange of e-evidence within the EU, we are also developing an interactive online form for the practitioners.

This traditional form of cooperation is and will remain valuable to secure evidence in court.

However, we wonder whether this should be the only means of improving access to e-evidence in cross-border cases.

[**Direct cooperation between law enforcement authorities and private sector service providers**]

Indeed, direct cooperation between law enforcement authorities and service providers already exists, but it can and should be improved.

When Member States submit direct requests to service providers for access to data, they all do it in their own way.

And the same applies for service providers! In short, there are as many policies on granting access to e-evidence as there are service providers. This situation is undesirable, as it causes problems in practice for both law

enforcement authorities and the service providers.

In order to move towards more legal certainty and greater transparency into the process, we should work with service providers to come to an alignment of their policies.

We can also explore other practical measures such as:

– setting up an online platform to exchange data,

– standardising forms used by law enforcement, as well as

– developing and promoting training courses on how to make direct requests for access to e-evidence.

This is all very well, but we all know that practical measures alone will not solve all the issues we are facing.

[**Enforcing laws in cyberspace**]

This is why we are looking into the conditions under which national authorities could request e-evidence from a service provider within the EU, for instance by compelling them to produce evidence using a production order.

As for providers with headquarters in non-EU countries, we could "domesticate" the problem, for instance by obliging service providers to appoint a legal representative in the EU.

In this context, we have also engaged in a dialogue with the US Department of Justice.

As the challenges the EU and the US are facing are quite similar, it is in our mutual interest to cooperate even further.

We have agreed to continue our dialogue and to work on practical aspects, such as training courses for Member States' practitioners.

We have also agreed to discuss all possible options on both sides, with the aim to explore a common approach and avoid conflicts of law.

The next step for us at the Commission is to produce a report in June with options – both non legislative and legislative options to the Council. We hope to provide a common EU approach to simplify the lives of law enforcement authorities, who have difficulties in practice in accessing e-evidence from service providers in a timely fashion and to increase the legal security for service providers.

It is crucial for authorities to have access to e-evidence to effectively conduct criminal investigations. We see an opportunity for legislation in the context of direct cooperation of law enforcement authorities and the service providers.

Ladies and Gentlemen,

The digital revolution presents us with many challenges in different areas of law.

Not only do we have to keep our citizens safe and safeguard their rights, we also have to equip competent authorities with adequate and modern investigation tools.

I am now looking forward to hearing your views on how to improve access to e-evidence in criminal proceedings, whilst ensuring full respect of fundamental rights.

Thank you.