



Statement in response to the EU Amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons

Revised - 20th November 2015

The DWA and its Members, like all right minded people across the world, are appalled and outraged at the tragic events in Paris recently, as well as the Charlie Hebdo atrocity in January. We fully understand the need for a measured and considered EU-wide legal response to tackle the issue of illegal armaments falling into the hands of terrorists and criminals.

The report evaluating the EU Council Directive 91/477/EC identifies that the weapons used in the Charlie Hebdo attack were 'badly deactivated firearms or firearms containing badly deactivated parts'. Other sources claim that they were Blank firers that were shamefully easy to get back into a firing state. These were a product of very lax standards in other member states, where work required to deactivate a firearm is not sufficient and is not inspected by any Government approved body (The UK trade has been trying to get these EU deactivated guns banned for sale in the UK for years). These lax standards are not the case in the UK. The UK has the most stringent deactivation standards in all of Europe, with a requirement for all deactivated firearms to be inspected by one of two UK Proof Houses to ensure that they are compliant and ultimately safe.

In the UK, weapons of the type used in both of the Paris attacks have to be deactivated by destroying or permanently altering all of their main parts and then fusing all of these parts into a single mass by welding. As such, whilst the DWA supports the principal of a common deactivation standard to deal with inferior and unsafe deactivation standards in other member states, we believe that this should be based closely on the existing UK standard. If this had been the case in the EU then the perpetrators of the Paris atrocities would not have been able to exploit poorly deactivated firearms to murder innocent people.

The EU proposal seeks to ban the sale of deactivated firearms that were automatic firearms prior to the deactivation process. Whilst this may be achievable, the DWA strongly questions why this step is necessary given the introduction of a new and robust common EU standard closely based on existing UK specifications, which includes specific provision for these types of weapons. We also in no way understand why this proposal seeks to include, retrospectively and collectively, UK specification deactivated weapons of this type, given that they have already been deactivated to a much higher standard that puts them beyond use in comparison to the standards of other EU member states. The EU should also note that existing UK specification deactivated guns cannot be sent to other EU countries as there is currently no postal or courier service that will allow deactivated weapons to be sent out of the UK.

Further, the proposal would ban the ownership of the above classification of deactivated firearm. This is completely unworkable and unenforceable and puts the already overworked and underfunded law enforcements agencies in an impossible position. It is also very unfair to law-abiding UK collectors who now face the prospect of being criminalised by no fault of their own. There are tens of thousands of deactivated automatic firearms in collections across the UK (we estimate at least fifty thousand). Previously there has been no requirement to record sales of deactivated firearms and as such there are no records of where these items are. Many of them are historical pieces worth many thousands of pounds and in some cases represent the only examples in existence, as not even museums have the capacity to keep examples of every firearms variant. It would be completely unacceptable that should a 'hand-in' of such items be required, that there would be no compensation for collectors who have invested heavily in their previously legal to buy and own collections.

Whilst the new EU Regulation for deactivation is not retrospective for those collectors who wish to keep their collections, any deactivated firearm placed on the market from now will have to be re-deactivated to the EU specification. This is completely unacceptable as it:



1. Immediately and very significantly devalues the collections of every UK collector. This will affect every collector, but particularly so those who have large numbers of pre 1995 deactivated firearms. These will literally go from being worth thousands of pounds to a few hundred. To add insult to injury, before selling them, collectors will have to pay (at a rate of around £100 per firearm) to have them deactivated to the EU specification
2. Immediately and again very significantly devalues the stock of every UK trader of deactivated firearms. For the exact same reasons as above, with larger traders holding significant stock being even more badly affected because of the numbers of deactivated firearms they will have to re-submit

Protocol 1, Article 1 of the Human Rights Act deals with the Protection of Property and imposes an obligation on the State not to deprive any person of their possessions unless deemed in the public interest. If, as may be argued in this case, it is seen to be in the public interest, the state has an obligation under the Act to provide appropriate compensation based on market value. This applies to both private individuals and businesses.

Given the value of these items the compensation bill will run into the possible hundreds of millions and may indeed be significantly more than this. This is something the EU proposal conveniently does not discuss. Is the UK Government ready to provide such compensation? A statement from the Home Office issued in February this year has already stated that if people have old or current specification UK Proof House certificated and stamped deactivated weapons, then they are safe from prosecution, as they have ceased to be a firearm under the Firearms Act, 1968, section 57.

Banning the sale and ownership of deactivated automatic firearms would not only adversely affect collectors and traders, but also a host of other stakeholders including:

- Film and TV Industries – Deactivated automatic firearms are used very extensively in both of these industries because they are safe and do not require the expense of an on-set armourer
- Living History Reenactors – These important groups who provide educational activities rely on deactivated automatic firearms in their displays and other activities
- Military Vehicle Owners – Many military vehicles are fitted with deactivated automatic firearms; from jeeps to tanks
- Aviation Security Training – Such items are used to train airport security staff in the identification of firearms
- Maritime Security – Complex and restrictive UK laws for live firearms mean that training of these important security personnel is difficult or impossible without the use of deactivated automatic weapons
- Museums – Although under the EU proposals museums will be able to own this type of deactivated firearm, it is highly unlikely that they will be able to obtain such items as retailers will no longer be able to stock and trade them

One fundamental issue that the EU seems not to have considered with regard to banning deactivated automatic weapons is that the process of deactivation effectively removes these live weapons from the international market. If the deactivation process carried out on them is sufficiently robust they no longer pose a threat.

All of the former Warsaw Pact and USSR nations, as well as countries in the Middle East and Africa are sitting on millions of weapons that they are very happy to sell on to be deactivated to legitimate dealers, as this is an easy and legal, hassle-free way for them to do business.

Many of these nations have very lax law enforcement, to say the least. If the sales channel to dealers for deactivation purposes closes, they are still going to sell them to whoever wants to buy them. If you have a warehouse full of WWII pistols and machine guns that are considered obsolete for modern war fighting, but need to sell them. Who will these people sell to? This will flood the black market with very cheap military automatic



weapons that could end up in the hands of terrorists and criminals and be used in future atrocities. Trying to police this influx will be impossible for security forces and law enforcement agencies across Europe.

If the proposed EU changes make deactivated firearms so undesirable to legitimate collectors and businesses, that we all give up and go home, then the DWA fear that the above will happen.

A further requirement of the EU proposal is that deactivated firearms be registered on national registers. Once again this is an ill-conceived and unworkable suggestion. Apart from our point above regarding the very large number of deactivated firearms already in private hands and potentially untraceable, there is no mechanism in the UK to deal with such a registration scheme. The natural assumption would be that such a scheme, if it could be established, would be administered by the Police. With the greatest respect many Police forces already struggle to administer Firearms Certificate applications and variations and this is based on a situation where most firearms users purchase or change their firearms infrequently. Some collectors of deactivated firearms add to their collections weekly, many do so monthly and a large proportion buy multiple items at a time. At a time when many Police forces are losing staff and services, it is highly unlikely that they will be in a position to cope with the extra demands of this licensing requirement.

The DWA will be fighting this and thinks we have a strong case. However, it is only through a collective effort from traders, collectors and other stakeholders that we can effectively fight this unfair legislation. It is up to everyone involved to write to their respective MPs and particularly their MEPs, to make appointments and actually visit them face to face at their surgeries and explain calmly and patiently why this is very unfair and particularly hard on British citizens and business.

Remember, the person you are talking to probably is not a shooter or collector. Be patient and try and put yourself in their shoes. Most people in the UK already have a fairly negative view on firearms, as exposure to them is virtually nil for the vast majority of people and the press are rarely supportive, despite the obvious facts. An exasperated, loud man in your face is just going to make them switch off and be negative; a calm, informed, but passionate demeanour will achieve a great deal more.

Find out who your MEP is here:

<http://www.europarl.europa.eu/meps/en/search.html?country=GB>

Find who your MP is here:

<http://www.parliament.uk/mps-lords-and-offices/mps/>

Additionally we would suggest that you make your feelings clear by writing directly to the Home Office:

Rt Hon Theresa May MP
Home Secretary
2 Marsham Street
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SW1P 4DF

Graham Widdecombe
Head of Firearms
Home Office
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