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**II
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**R E C O M M E N D A T I O N**

by the Committee on Economic and Monetary Affairs and  
Industrial Policy

on the **COMMON POSITION** established by the Council with a  
view to the adoption of a directive on control of the  
acquisition and possession of weapons

(C3-0061/91 - SYN 098)

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A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

*	= Consultation procedure requiring a single reading
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**II	= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment
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**I	= Cooperation procedure (first reading)
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***	= Parliamentary assent which requires the votes of a majority of the current Members of Parliament
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**C O N T E N T S**

	<u>Page</u>
Procedural page . . . . .	3
A. RECOMMENDATION . . . . .	4
B. EXPLANATORY STATEMENT . . . . .	6

At its sitting of 11 July 1990 the European Parliament delivered its opinion at first reading on the Commission proposal for a Council directive on control of the acquisition and possession of weapons.

At the sitting of 21 February 1991 the President of Parliament announced that the common position had been received and referred to the Committee on Economic and Monetary Affairs and Industrial Policy as the committee responsible and to the Committee on Legal Affairs and Citizens' Rights for its opinion.

At its meetings of 27 February to 1 March and 18 to 20 March 1991 the Committee on Economic and Monetary Affairs and Industrial Policy considered the common position and the draft recommendation.

On 19 March 1991 it adopted the following recommendation by 22 votes to 2.

The following took part in the vote : Beumer, chairman; Fuchs, vice-chairman; von Wogau, rapporteur; Barton, Bofill Abeilhe, Caudron, de Donnea, Donnelly, Ernst de la Graete, Falconer (for Ford), Fitzgerald (for Lataillade), Herman, Hoppenstedt, Linkohr (for Rogalla), Lulling, Merz, Metten, Mihr, Patterson, Pinxten, Roumeliotis, Sisò Cruellas, Stevens and Tongue.

This recommendation was tabled on 20 March 1991.

The deadline for tabling amendments to the common position or proposals to reject it will appear on the draft agenda for the part-session at which the recommendation is to be considered.

A

**RECOMMENDATION**

(Cooperation procedure : second reading)

on the common position established by the Council with a view to the adoption of a directive on control of the acquisition and possession of weapons (COM(87) 383 final<sup>1</sup> and the amended version of the original proposal, COM(89) 446 final<sup>2</sup> and COM(90) 453 final<sup>3</sup>)

The Committee on Economic and Monetary Affairs and Industrial Policy,

- having regard to the common position of the Council (C3-0061/91 - SYN 098),

Recommends that the European Parliament amend the common position as follows :

**Common position of the Council**

**Amendments**

(Amendment No. 1)

Article 9(1)

1. The handing over of a firearm classified in category A, B or C to a person who is not resident in the Member State in question shall be permitted, subject to compliance with the obligations laid down in Articles 6, 7 and 8:

(Rest unchanged).

1. The handing over of a firearm classified in category B or C to a person who is not resident in the Member State in question shall be permitted, subject to compliance with the obligations laid down in Articles 6, 7 and 8:

(Rest unchanged.)

(Amendment No. 2)

Article 9(2)

2. Member States may authorize the temporary handing over of firearms in accordance with procedures which they shall lay down.

2. Member States may authorize the temporary handing over of firearms in accordance with procedures which they shall lay down. However, these procedures shall be no less rigorous than those governing the acquisition of firearms.

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<sup>1</sup> OJ No. C 235, 1.9.1987, p.8

<sup>2</sup> OJ No. C 299, 28.11.1989, p. 6

<sup>3</sup> OJ No. C 265, 20.10.1990, p. 6

(Amendment No. 3)  
Article 11(3)

3. In the case of transfer of the firearms, other than weapons of war, excluded from the scope of this Directive pursuant to Article 2(2), each Member State may grant dealers the right to effect transfers of firearms from its territory to a dealer established in another Member State without the prior authorization referred to in paragraph 2. (Rest unchanged.)

3. Category A firearms excepted, each Member State may grant dealers the right to effect transfers of firearms from its territory to a dealer established in another Member State without the prior authorization referred to in paragraph 2. (Rest unchanged.)

(Amendment No. 4)  
Article 12(3)

3. Under agreements for the mutual recognition of national documents, two or more Member States may provide for arrangements more flexible than those prescribed in this Article for movement with firearms within their territories.

3. No agreement between Member States may provide for arrangements more flexible than those prescribed in this Article for movement with firearms within their territories.

B

EXPLANATORY STATEMENT

The common position can be approved in principle.

Parliament adopted a large number of amendments at first reading.

In its common position, adopted unanimously, the Council has taken account of all but four of these amendments (see sections IV and VII of the Council's reasons). The common position differs from the amendments put forward by Parliament in respect of the following articles : Article 1(1) and (4), Article 11(3) and Article 13(3). These divergences do not however call into question the proposal's aim of abolishing systematic controls at internal Community borders without jeopardizing the safety of Community citizens.

In Article 12(2) of the common position the Council has found a solution favourable to hunters and marksmen which preserves the existing legal position; the committee welcomes this solution. Thus hunters and marksmen may travel through two or more Member States without special authorization in order to take part in hunting or sporting activities (hunters: firearms classified in categories C or D; marksmen: firearms classified in categories B, C or D). This derogation does not apply where the Member State to which the journey is being made prohibits the acquisition or possession of such weapons.

The amendments adopted in committee will be explained orally.