Commission Implementing Regulation (EU) 2018/337 of 5 March 2018 amending Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/337

of 5 March 2018

amending Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 91/477/EEC of 18 June 1991 on control of acquisition and possession of weapons[(1)], and in particular Article 10b(2) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2015/2403[(2)] lays down rules as well as technical specifications concerning the deactivation of firearms in the Union in order to ensure that deactivated firearms are rendered irreversibly inoperable. That Regulation also describes how deactivation of firearms must be verified and certified by Member States public authorities and lays down rules concerning the marking of deactivated firearms.

(2) In order to ensure the highest level of security possible for the deactivation of firearms, Implementing Regulation (EU) 2015/2403 provides for a regular review and update of the technical specifications laid down therein taking into account the experience acquired by the Member States when applying these rules and any additional deactivation measures.

(3) For that purpose, the Commission set up, in September 2016, a working group with national experts for deactivation of firearms under the Committee established by Directive 91/477/EEC. The working group focused on the revision of the technical specifications for the deactivation of firearms set out in Annex I to Implementing Regulation (EU) 2015/2403 with the aim to improve their clarity, avoid any ambiguities for practitioners, and ensure that the technical specifications are applicable to all types of firearms.

(4) Directive 91/477/EEC was amended by Directive (EU) 2017/853 of the European Parliament and of the Council[(3)]. The amended Directive includes deactivated firearms in its scope providing also for their classification and offers a definition of deactivated firearms reflecting the general principles of deactivation of firearms as provided for

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/337. (See end of Document for details)*

by the Protocol against the Illicit Manufacturing of and Trafficking of Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, attached to Council Decision 2014/164/EU[(4)], which transposes that Protocol into the legal order of the Union.

(5) The rules on deactivation of firearms laid down in Implementing Regulation (EU) 2015/2403 should reflect and be consistent with the new rules on deactivation introduced by Directive (EU) 2017/853.

(6) The scope of Implementing Regulation (EU) 2015/2403 should cover firearms of all categories listed in Part II of Annex I to Directive 91/477/EEC.

(7) The technical specifications for the deactivation of firearms should prevent the reactivation of firearms with the use of ordinary tools.

(8) The technical specifications for the deactivation of firearms focus on the deactivation of essential components of firearms as defined in Directive 91/477/EEC. This is since Directive 91/477/EEC also provides a definition for deactivated firearms which includes the need to ensure that all essential components of the firearm in question have been rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way. The technical specifications for the deactivation of firearms should also apply to the deactivation of exchange barrels which, being separate objects, are technically linked with and intended to be mounted on the firearm to be deactivated.

(9) On request of the working group of national deactivation experts, the revised technical specifications were subject to a stress test by national deactivation practitioners over 5 weeks from 9 February to 20 March 2017. The outcome of this stress test led in particular to the decision to review the presentation of the deactivation specifications. For the sake of clarity, the specific deactivation operations should be presented in a way that distinguishes between the different types of firearms.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Directive 91/477/EEC.

(11) In order for Member States to make the necessary administrative changes and to bring their practices in line with this amended Implementing Regulation, this Regulation should apply 3 months following its entry into force,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2015/2403 is amended as follows:

(1) Article 1(1) is replaced by the following:

1. This Regulation shall apply to firearms of all categories listed in Part II of Annex I to Directive 91/477/EEC.;

(2) Article 3(1) is replaced by the following:

1. Member States shall designate a competent public authority to verify that the deactivation of the firearm has been carried out in accordance with the technical specifications set out in Annex I ("the verifying entity").;

(3) Article 5 is replaced by the following:

Article 5

Marking of deactivated firearms

Deactivated firearms shall be marked with a common unique marking in accordance with the template set out in Annex II to indicate that they have been deactivated in accordance with the technical specifications set out in Annex I. The marking shall be affixed by the verifying entity to all essential components modified for the deactivation of the firearm and shall fulfil the following criteria:

(a) it is clearly visible and irremovable;

(b) it bears information on the Member State where the deactivation has been carried out and the verifying entity that certified the deactivation;

(c) the original serial number(s) of the firearm are maintained.;

(4) Annex I is replaced by the text set out in Annex I to this Regulation;

(5) Annex II is replaced by the text set out in Annex II to this Regulation;

(6) Annex III is replaced by the text set out in Annex III to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 28 June 2018.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 March 2018.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/337. (See end of Document for details)*

ANNEX I

Technical specifications for the deactivation of firearms

— The deactivation operations to be performed in order to render firearms irreversibly inoperable are defined on the basis of three tables:
  — Table I lists the different types of firearms,
  — Table II sets out the general principles to be followed when rendering firearms irreversibly inoperable,
  — Table III describes the specific operations per type of firearm to be performed to render the firearms irreversibly inoperable.
— The technical specifications for the deactivation of firearms should prevent the reactivation of firearms with the use of ordinary tools.
— The technical specifications for the deactivation of firearms focus on the deactivation of essential components of firearms as defined in Directive 91/477/EEC. The technical specifications for the deactivation of firearms set out in Annex I also apply to the deactivation of exchange barrels which, being separate objects, are technically linked with and intended to be mounted on the firearm to be deactivated.
— In order to ensure a correct and uniform application of the deactivation operations of firearms, the Commission shall elaborate definitions in cooperation with the Member States.

Table I **List of types of firearms**

Types of Firearms	
1	Pistols (single shot, semi-automatic)
2	Revolvers (including cylinder loading revolvers)
3	Single-shot long firearms (not break action)
4	Break action firearms (e.g. smoothbore, rifled, combination, falling/rolling block action, short and long firearms)
5	Repeating long firearms (smoothbore, rifled)
6	Semi-automatic long firearms (smoothbore, rifled)
7	Automatic firearms: e.g. assault rifles, (sub)machine guns, automatic pistols
8	Muzzle loading firearms including break action (except cylinder loading revolvers)

Table II **General Principles**

Prevent the disassembly of the firearms essential components by welding, bonding or by using appropriate measures with the equivalent degree of permanence.

Depending on national laws, this process can be performed after the checking of the National Authority.

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Hardness of inserts: Deactivating entity has to ensure that pins/plugs/rods used have a hardness of at least 40 HRC and that material used for welding ensures a permanent and effective bond.

Table III **Specific operations per type of firearms**

1. PISTOLS (SINGLE SHOT, SEMI-AUTOMATIC)	
1.1	Barrel: Cut a longitudinal slot through the barrel including the chamber where present (width: > $\frac{1}{2}$ calibre; length: for rifled barrels three times the length of chamber and for smoothbore barrels twice the length of the chamber).
1.2	Barrel: For all pistols other than those with break action barrels a hole must be drilled across the chamber through both walls and through which a hardened steel pin must be inserted and securely welded (diameter > 50 % chamber, min 4,5 mm). The same pin can be used to secure the barrel to the action. Alternatively, a plug of the size of the cartridge case must be inserted into the chamber and securely welded.
1.3	Barrel: Remove the feed ramp where present.
1.4	Barrel: The barrel must be permanently secured to the firearm by welding, bonding or by using appropriate measures with the equivalent degree of permanence. The pin used in operation 1.2 can be used for this purpose.
1.5	Barrel: For exchange barrels not contained in a pistol, apply operations 1.1-1.4 and 1.19 as applicable. In addition, the barrels must be permanently prevented from being affixed to a firearm by cutting, welding, bonding or using appropriate measures with the equivalent degree of permanence.
1.6	Breech block/bolt head: Remove or shorten firing pin.
1.7	Breech block/bolt head: Machine or remove the breech face at an angle of between 45 and 75 degrees as measured from the angle of the original face. Material must be removed across the entire breech face. All locking lugs must be removed or substantially weakened.
1.8	Breech block/bolt head: Weld the firing pin hole.