Changes to legislation: *Commission Implementing Regulation (EU) 2015/2403 is up to date with all changes known to be in force on or before 17 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 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) 2015/2403

of 15 December 2015

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 the acquisition and possession of weapons[(1)], and in particular the second paragraph of Part III of Annex I thereof,

Whereas:

(1) In accordance with Article 4 of Directive 91/477/EEC, Member States are to ensure either that any firearm or part of a firearm placed on the market has been marked and registered in compliance with that Directive, or that it has been deactivated.

(2) In accordance with Annex I, Part III, first paragraph, point (a), of Directive 91/477/EEC, objects which correspond to the definition of a 'firearm' are not to be included in that definition if they have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way.

(3) Annex I, Part III, second paragraph, of Directive 91/477/EEC requires Member States to make arrangements for the deactivation measures to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States are also requested to provide for issuance of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm.

(4) The Union is a Party to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime ('the Protocol'), concluded by Council Decision 2014/164/EU[(2)].

(5) Article 9 of the Protocol lists the common general principles of deactivation that Parties have to comply with.

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(6) The standards and techniques for the irreversible deactivation of firearms laid down in this Regulation have been established with the technical expertise of the 'Permanent International Commission for firearms testing' (CIP). The CIP has been set up to verify the activities of national firearms proof houses and, in particular, to guarantee the presence in each country of laws and regulations to assure the efficient and uniform testing of firearms and ammunition.

(7) To ensure the highest level of security possible for the deactivation of firearms, the Commission should regularly review and update technical specifications laid down in this Regulation. To this effect, the Commission should take into account the experience acquired by the Member States when applying any additional deactivation measures.

(8) This Regulation is without prejudice to Article 3 of Directive 91/477/EEC.

(9) Taking into account the risk as regards the security, firearms deactivated prior to the date of application of this Regulation and which are placed on the market, including transmission for free, exchange or barter, or transferred to another Member State after that date should be subject to the provisions of this Regulation.

(10) Member States should have the possibility to introduce measures additional to the technical specifications set out in Annex I to deactivate firearms in their territory provided they have taken all necessary measures to apply the common deactivation standards and techniques provided for by this Regulation.

(11) In order to provide a possibility for the Member States to ensure the same level of security within their territory, Member States which introduce additional measures to deactivate firearms in their territory in accordance with the provisions of this Regulation should be allowed to require proof that deactivated firearms to be transferred to their territory comply with those additional measures.

(12) In order for the Commission to be able to take into account developments and best practices in the Member States in the field of firearms deactivation when reviewing this Regulation, Member States should notify to the Commission the relevant measures they adopt in the field covered by this Regulation and any additional measures they introduce. For that purpose, the notification procedures of Directive (EU) 2015/1535 of the European Parliament and of the Council[3] should apply.

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

HAS ADOPTED THIS REGULATION:

Article 1

Scope

[[F1]1 This Regulation shall apply to firearms of all categories listed in Part II of Annex I to Directive 91/477/EEC.**]**

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2 This Regulation shall not apply to firearms deactivated prior to the date of its application, unless those firearms are transferred to another Member State or placed on the market.

Textual Amendments

F1 Substituted by 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).

Article 2

Persons and entities authorised to deactivate firearms

Deactivation of firearms shall be carried out by public or private entities or by individuals authorised to do so in accordance with national legislation.

Article 3

Verification and certification of deactivation of firearms

[[F1]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’).**]**

2 Where the verifying entity is also authorised to deactivate firearms, Member States shall ensure a clear separation of those tasks and of the persons carrying them out within that entity.

3 The Commission shall publish on its website a list of the verifying entities designated by Member States, including detailed information on and the symbol of the verifying entity as well as contact information.

4 Where the deactivation of the firearm has been carried out in accordance with the technical specifications set out in Annex I, the verifying entity shall issue to the owner of the firearm a deactivation certificate in accordance with the template set out in Annex III. All information included in the deactivation certificate shall be provided both in the language of the Member State where the deactivation certificate is issued as well as in English.

5 The owner of a deactivated firearm shall retain the deactivation certificate at all times. If the deactivated firearm is placed on the market, it shall be accompanied by the deactivation certificate.

6 Member States shall ensure that a record is kept of the certificates issued for deactivated firearms, with an indication of the date of deactivation and the certificate number, for a period of at least 20 years.

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2018/337 of 5 March 2018 amending Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards

Changes to legislation: Commission Implementing Regulation (EU) 2015/2403 is up to date with all changes known to be in force on or before 17 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable (Text with EEA relevance).

Article 4

Requests for assistance

Any Member State may request the assistance of the entities authorised to deactivate firearms or designated as verifying entities by another Member State in order to carry out or verify the deactivation of a firearm, respectively. Subject to acceptance of the request, where such request concerns the verification of the deactivation of a firearm, the verifying entity providing assistance shall issue a deactivation certificate in accordance with Article 3(4).

[F1 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.**]**

Textual Amendments

F1 Substituted by 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).

Article 6

Additional deactivation measures

1 Member States may introduce additional measures to deactivate firearms in their territory going beyond the technical specifications set out in Annex I.

2 The Commission shall regularly analyse with the Committee established by Directive 91/477/EEC any additional measure taken by the Member States and shall consider revising the technical specifications set out in Annex I in due time.

***Changes to legislation:** Commission Implementing Regulation (EU) 2015/2403 is up to date with all changes known to be in force on or before 17 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 7

Transfer of deactivated firearms within the Union

1 Deactivated firearms may only be transferred to another Member State provided they bear the common unique marking and are accompanied by a deactivation certificate in accordance with this Regulation.

2 Member States shall recognise the deactivation certificates issued by another Member State if the certificate fulfils the requirements set out in this Regulation. However, Member States which have introduced additional measures in accordance with Article 6 may require proof that the deactivated firearm to be transferred to their territory complies with those additional measures.

Article 8

Notification requirements

Member States shall notify to the Commission any measures they adopt in the field covered by this Regulation as well as any additional measure introduced in accordance with Article 6. For that purpose, Member States shall apply the notification procedures laid down in Directive (EU) 2015/1535.

Article 9

Entry into force

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 8 April 2016.

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