Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons (Text with EEA relevance)

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(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 Article 10a(3) thereof,

Whereas:

(1) Annex I to Directive 91/477/EEC provides that objects which correspond to the definition of a firearm set out in that Directive are not included in that definition if they are designed for alarm, signalling or life-saving purposes and can only be used for the stated purpose.

(2) Some devices designed for alarm, signalling or life-saving purposes that are currently available on the market can be easily converted to firearms using ordinary tools. Therefore, in order to count as an alarm and signal weapon for the purposes of Directive 91/477/EEC and to avoid the controls that apply to firearms under that Directive, devices should be such that they cannot be modified through the use of ordinary tools either to expel or to become capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.

(3) The specification described in recital (2) should form part of a package of technical specifications aimed cumulatively at ensuring that a device is not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant. In particular, as the barrel of a device is critical for the conversion of such devices into firearms, the barrel should be such that it cannot be removed or modified without making the whole device inoperable. In addition, irremovable barriers should be inserted in the barrel, and the cartridge chamber and barrel should be offset, tilted or staggered in such a way as to prevent ammunition from being loaded in and fired from the device.

(4) In order to ensure that the technical specifications for alarm and signal weapons are suitable for the wide variety of alarm and signal weapons that currently exist, the specifications laid down by this Directive should take into account commonly accepted

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international standards and values for cartridges and chambers for alarm and signal weapons, in particular Table VIII of the Tables of Dimensions of Cartridges and Chambers (TDCC) established by the Permanent International Commission for the Proof of Small Arms (C.I.P.).

(5) To deter alarm and signal weapons from being easily converted into firearms, Member States should ensure that weapons manufactured in or imported into the Union are subject to checks in order to determine their compliance with the technical specifications laid down by this Directive. The checks could, for example, involve checking different models or types of device, or individual devices, or both.

(6) Member States should be required to provide each other, on request, with information about the results of the checks carried out by them on alarm and signal weapons. In order to facilitate that exchange of information, Member States should be required to designate at least one national focal point capable of providing the information to other Member States.

(7) With a view to facilitating the carrying out of checks on alarm and signal weapons, Member States should be required to cooperate with each other in the carrying out of such checks.

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

(9) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents[(2)], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.

(10) The measures provided for in this Directive are in accordance with the opinion of the Committee established by Article 13b(1) of Directive 91/477/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Technical specifications

Member States shall ensure that, in order not to be considered a firearm under Directive 91/477/EEC, devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds are required to comply at all times with the technical specifications set out in the Annex to this Directive.

Article 2

Checking compliance with the technical specifications

1 Member States shall ensure that devices of a kind referred to in Article 1 are subject to checks in order to determine their compliance with the technical specifications set out in the Annex.

2 Member States shall cooperate with each other in carrying out the checks referred to in paragraph 1.

Article 3

Exchange of information

Upon request, a Member State shall provide another Member State with the results of the checks carried out by it in accordance with Article 2. For these purposes, each Member State shall designate at least one national focal point to provide such results, and shall communicate the contact details of the national focal point to the Commission.

Article 4

Transposition provisions

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 17 January 2020 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 5

Entry into force

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

Article 6

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 16 January 2019.

For the Commission

The President

Jean-Claude JUNCKER