Commission Implementing Directive (EU) 2019/68 of 16 January 2019 establishing technical specifications for the marking of firearms and their essential components 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 4(2a) thereof,

Whereas:

(1) Article 4(1) of Directive 91/477/EEC obliges Member States to ensure that firearms and their essential components, whether part of a firearm or placed separately on the market, have a clear, permanent and unique marking applied to them. Article 4(2) of that Directive defines the information to be included in the marking in order to increase the traceability of firearms and their essential components and to facilitate their free movement. For very small essential components, the information that has to be included in the marking is confined to a serial number or alphanumeric or digital code. Article 4(4) of that Directive requires Member States to maintain a data-filing system and to record in it all information needed in order to trace and identify firearms, including information about the marking applied to a firearm and its essential components and information about any conversions or modifications to a firearm leading to a change in its category or sub-category, such as information about the entity that replaced or modified an essential component.

(2) In the case of a transfer from government stocks to permanent civilian use, the identity of the transferring entity must also be included in the marking. Unless the identity is already present as part of an existing marking, it must be included when the transfer to civilian use occurs.

(3) Directive 91/477/EEC further obliges Member States to ensure that each elementary package of complete ammunition is marked in such a way as to indicate the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition. Given current market practice for packaging ammunition and the current state of technology, it is not necessary at this stage to establish technical specifications

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for that marking. This Directive should therefore apply to the marking of firearms and their essential components only (including very small essential components).

(4) Adequate font size of markings is critical to achieve the objective of increasing traceability of firearms and their essential components. The technical specifications should therefore lay down a minimum font size that Member States should be required to follow when setting the font size for those markings in their national law.

(5) Having regard to the United Nations International Small Arms Control Standard (ISACS) on marking and recordkeeping, frames and receivers made from non-metallic materials of a kind that risks compromising the clarity and permanence of the marking (for example, frames or receivers made from certain categories of polymer) should be required to have their marking applied to a metal plate that is permanently embedded in the material of the frame or receiver. Member States should be free to allow the use of some other technique, such as deep cut laser engraving, that ensures an equivalent level of clarity and permanence for the marking of frames and receivers made of non-metallic materials.

(6) To facilitate the traceability of firearms and their essential components in Member States' data-filing systems, Member States should be required to choose from amongst only Latin, Cyrillic or Greek when determining which alphabet or alphabets may be used to mark firearms and their essential components. Similarly, the numeral systems that may be used for the marking of firearms and their essential components should be restricted to Arabic or Roman, as determined by each Member State.

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

(8) 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.

(9) 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

Scope

This Directive applies to firearms and their essential components, but it does not apply to elementary packages of complete ammunition.