



Parliamentary questions

3 July 2012


E-006656/2012

**Question for written answer
to the Commission**

Rule 117

Sir Graham Watson (ALDE)

▶ **Subject: Gibraltar and the Firearms Directive (Directive 91/477/EEC)**

 **Answer(s)**

I am grateful for the Commission's reply to my question concerning Gibraltar and Directive 91/477/EEC and the issue of EU firearms permits (Question E-004205/2012). The Commission states that the Firearms Directive does not apply to Gibraltar. The reply notes Case C-30/01, Commission v United Kingdom, which established that EU rules on the free movement of goods do not apply to Gibraltar.

Whereas the main elements of the Firearms Directive concern the free movement of goods, other elements of the directive concern the free movement of persons, not least with regard to an authorisation for hunters and shooters to be able to cross EU borders. The Commission notes that the directive establishes the 'European firearms pass' which under certain conditions allows its holder, in possession of a firearm, to move more easily between Member States for activities such as hunting or competitive shooting (under Article 12 (2)).

Importantly, however, the seventh recital of the directive notes the implications that this legislation has for the free movement of persons, and not just the free movement of goods: 'Whereas, however, more flexible rules should be adopted in respect of hunting and target shooting in order to avoid impeding the free movement of persons more than is necessary'.

- A person moving between EU borders with a firearm in order to be able to engage in hunting or competitive shooting activities is not in a fundamentally different position to a tourist moving between EU borders with a camera in order to take photographs during a holiday. Does the Commission not agree that in neither case could the carrying of a firearm or a camera be considered a free movement of goods issue?
- In light of this, I would be most grateful if you could confirm whether the provisions of Directive 91/477/EEC that establish the 'European firearms pass', which under certain conditions allows its holder, in possession of a firearm, to move more easily between Member States for activities such as hunting or competitive shooting, is a free movement of persons issue and that these provisions, therefore, are applicable to Gibraltar?

OJ C 263 E, 12/09/2013

Last updated: 23 July 2012

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Parliamentary questions

31 August 2012

E-006656/2012

Answer given by Mr Tajani on behalf of the Commission

Directive 91/477/EEC of 18 June 1991 establishes the key principle that any transfer of firearms falling within the scope of the directive is subject to authorisation from both the authorities of the Member State of departure and those of the Member State of arrival.

The European firearms pass is a document established by that directive, which is based exclusively on Article 95 of the EC Treaty (replaced by Article 114 TFEU) on the completion of the internal market, and does not apply to Gibraltar.

The movement of goods within the internal market can indeed be subject to different rules depending on, for example, their degree of dangerousness, which is why a specific instrument for firearms was drawn up, in this case Directive 91/477.

The purpose of the European firearms pass, which only Member States have the competence to issue, is not to ensure the free movement of people as such, but simply to facilitate transfers of firearms by the owner from one Member State to another.

OJ C 263 E, 12/09/2013

Last updated: 10 September 2012

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