

Dear Mrs. Ford,

We received certain information that the Commission, S&D and Greens are strongly pressing on you to accept limitations which were agreed upon by Council, with reasoning that “something must be banned“. Some other shadow rapporteurs are allegedly willing to accept those demands. We would like if you could pass our position on this matter to them.

As you may know, we did our best to approach to this issue constructively and lend our expertise to find solutions of real security problems, like poorly deactivated firearms, “salute” AK's and so on. As of me, I personally spoke in media several times against demands to reject whole proposal, explaining that revision of the Directive cannot be simply thrown away because of real and serious security problems that need to be addressed.

We are very sorry that some shadow rapporteurs interpreted our good will to search for the solutions of security problems absolutely mistakingly as willingness to discuss about rights of the law-abiding people whom we represent and defend, or even as our willingness to sacrifice them to the Commission's satisfaction.

The Commission itself bears immense responsibility for some of the terrorist attacks and many other crimes, on which it participated by its unbelievable and knowing negligence of its legal duties. As you surely know, current Directive of 2008 assigns duty that *“The Commission shall, acting in accordance with the procedure referred to in Article 13a(2) of the Directive, issue common guidelines on deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable.”* Surely you know as well that in spite of several warnings from both government and non-government organisations about crimes committed with those firearms, the Commission didn't fulfill that duty until 18. 11. 2015, e.g. seven years after establishment of that duty.

That's absolutely outrageous. Every common citizen who would neglect his legal duty for seven years, while repeatedly warned that people die because of it, would land in prison for long time. Of course, the Commission isn't going into prison; on the contrary, it even demands punishment of people, who did nothing wrong, for its own gross and knowing negligence.

We didn't point to that, because we preferred searching for solutions of problems before searching for someone to punish. Even when the Commission didn't show the slightest glint of self-reflection and insisted on its “something must be banned, because someone must suffer for our sloppiness” position, we believed that common sense shall prevail in the legislative bodies of Union, which shall show the Commission its place and shall cooperate with firearms owners on fixing problems caused by the Commission's negligence, instead of

pursuing politically-motivated infringements on their rights. Especially the approach of you and your team, as well as IMCO discussions, gave us hope that the European Union shall behave like an effective tool for protection of both citizens and their rights, not like bureaucratic colossus controlled by wishes of unelected officials.

The IMCO Committee did a great job, for which we are very grateful. Unfortunately, its proposal still contains two points which we cannot imagine Czech public to accept (i.e. voluntarily follow). In the case of adoption of those points, we would be forced to ask Czech political representation to side with their citizens and refuse to implement those points.

First of those points is that the Commission would make rules for conversion of automatic firearms into semi-automatic. To be clear: we fully understand and agree that to convert military firearm to civilian one, technical process of demilitarisation has to be performed correctly and diligently in order to make it irreversible. We don't contend that. However, we doubt about the Commission's technical competence and good will for this task.

Note that part of current IMCO proposal is correction of mistakes that the Commission made in Regulation on deactivation of firearms. Deactivation of firearm is in fact quite simple process compared to conversion. This kind of rules must be made by someone who understands the issue, and the Commission's bodies obviously don't understand that (as even Alain Alexis, director of DG COMP, conceded while in Prague: *“Main task of our division is funding of defense industries, civilian firearms are not our prime interest”*). Also, while it is certainly possible to convert automatic firearm into semi-automatic in irreversible way, the question is whether it's possible to make unified rules for it: different firearms have different trigger mechanisms, therefore conversion cannot always be performed in the same way. For many firearms, specific conversion rules might be necessary.

Besides this technical view, we must point that the Commission designated ban on these firearms as its political trophy and proof that it “protects the citizens”, and persistently tries to hunt it down at any cost, even by manipulation and deceit¹. We therefore fear that if this power shall be delegated on the Commission, it shall purposefully write conversion rules to be impossible to use in practice. On top of that, current IMCO proposal says that no conversions may be performed until the Commission writes down rules for them, which effectively gives the Commission power to ban conversions by not writing those rules. (Yes, there is a deadline in the proposal, but we also have bitter experience (mentioned above) about how the Commission treats its duties, and that there is no way how to force it to fulfill them.)

Therefore we propose an alternate procedure, based on objective expertise, which allows flexibility while guaranteeing safety, diligence and control. This system is already in force in

Czech republic and works for several years without problems. Actual method of conversion is designed by manufacturer who wants to use it. However, before using it (i.e. before actual performing of any conversions) he must present his method to national proofhouse for evaluation. The proofhouse is bound by law to approve only methods that guarantees irreversibility of the process. Even after his method was approved, manufacturer must present every converted firearm to proofhouse for inspection, which shall ensure that approved method of conversion was performed correctly. Following of whole process is ensured by fact that only after final inspection, the proofhouse shall stamp civilian proofmark on the firearm, without which it cannot be sold or otherwise transferred into civilian market.

You can find actual wording of our proposal in attached document (marked in red).

The other unacceptable point for us are changes proposed in points 12.B and 12.C, i.e. ban on folding stocks and magazine capacity limitation. Even without practical unenforceability of these provisions, these are exactly those limitations without any relation to terrorism or any other real problem² and have no purpose or effect, except for making political statement. That's exactly why firearms owners see those limitations as pure punishment for someone else's fault, as mentioned above. In spite of looming ban, sales of those firearms and magazines are growing, suggesting that people aren't going to obey these bans voluntarily. Enactment of these limitations on European level would put Czech government into position, where it has to decide between either refusal of implementation, or enforcing them on Czech citizens through prosecution and punishment. I have to remind here that Czech executive and both chambers of the Parliament already issued their official position, claiming (among others) refusal of persecution of citizens by unjustified infringement on legal firearms possession. Violation of such a promise and enforcing limitations that are widely perceived as groundless and unjust would surely not only undermine trust of citizens in their state, it would also lead to significant increase of anti-Union sentiments among population. These would be probably bolstered by proposed exemption for sport shooters – a permissions for members of state-approved organisations – which looks exactly like remnant from our totalitarian past.

For these reasons, we ask you to adopt changes proposed above.

Yours sincerely

LEX – Czech firearms rights association

Tomas Travnicek, president

Jakub Smetanka, vicepresident

David Karasek, spokesman

¹ For example, the Commission told you that study “*Evaluation of the Firearms Directive*” found illegal conversions of semi-automatic firearms into automatic to be security risk. However, they didn't tell you that according to the same study (p. 49) there is no evidence that any firearm converted in this way was ever actually used to commit crime.

² ban of this type, only more strict (not of only folding stocks, but also of pistol grips, barrel shrouds, muzzle brakes and other 'military' features + magazine capacity limitation to 10 rounds) was already tried in whole USA for ten years (1994 – 2004). Neither introduction nor expiration of the ban brought any measurable changes in firearm crime.