

# **The amendment of the European Firearms Directive from the viewpoint of the ALDE Shadow Rapporteur, Dita Charanzová**

The proposal to amend the Firearms Directive was approved by IMCO recently, and it will be voted at the Plenary Session of the European Parliament in March. We interviewed Dita Charanzová, the Shadow Rapporteur of the Directive for ALDE group, about proceedings and negotiations of this proposal.

## ***Mrs. Charanzová, how did you live the entire process as a Shadow Rapporteur?***

I must say that in my whole presence and work in Brussels – first as an official for Permanent Representation of the Czech Republic, and later as MEP – I never met a proposal that would be this much politicised, especially as the end of negotiations closed in; and I found that very disappointing.

The Commission exerted enormous amounts of pressure to adopt a text that would contain as severe restrictions as possible, and to adopt it as soon as possible, without being able to give any real reason for these restrictions.

For example, one of basic requirements of proper legislative process is preparation of the impact assessment – an evaluation of the current situation and expert estimation about impact of proposed changes, their expected benefits and costs.

The Commission failed to present it, they only referred to certain earlier studies; however, these studies were dealing only with few partial issues. However, an impact assessment study is a key guideline for MEPs when making decisions; that's why I requested it several times from Commission, even during public IMCO sessions.

## ***Another such an issue is an approach to public. Before introducing of the proposal, the Commission issued two public consultations, but proposal reflected nothing from their more than 28 000 answers. Then, why are these consultations issued?***

That's a good question – for the Commission. I asked them myself about that during public proceedings; however, it went away without any response.

## ***What is actually the role of the European Commission in the legislative process?***

The Commission has the right of initiative. That means that it can make legislative proposal, but cannot approve it. In practice, the Commission prepares the legislative proposal and together with expert technical materials – like impact assessment study – presents the proposal to the Council and Parliament.

These two bodies have right to decide and either approve or reject the legislation. In these proceedings, the Commission provides technical information and opinions of experts at request of the Council or Parliament. If the Commission has a reason to, it can even withdraw the proposal.

However, everything was opposite with this directive amendment proposal.

We repeatedly asked for impact assessment study that would reveal how many people and firearms would be affected by these restrictions, and how much crime and terror attacks are committed with these firearms. No answer.

When we pressed it, instead of producing an impact assessment study, the Commission presented

those questions to Member States in form of a questionnaire and presented us with its results. And the results were that the number of affected people would result at least in the hundreds of thousands.

Those proceedings were really non-standard. Representatives of the Commission brought certain last-minute changes to negotiations which they weren't able to justify – they were not prepared at all. At one instance, they even tried to answer my objection with a definition taken from Wikipedia. Fortunately, that was too much not just for me, and this argument was rejected.

***In your opinion, why is the Commission doing this? What is the political background of this situation?***

I don't want to spin any conspiracy theory here. However, one of reasons for this eminent interest of the Commission is that, right now, this is the only proposal that claims to address the worsening of the common security situation in the European Union. Whether it is effective or not, they don't have anything else.

Also, it's no secret that the Commission was strongly pushed into this position by France, which needs something to present to its citizens before presidential elections in April.

Unfortunately, in the end even Rapporteur and colleagues from other groups had to succumb to this pressure. I didn't feel like succumbing to their pressure, though, because first and foremost I represent Czech citizens and their legitimate interests.

***Firearms owners from Czech Republic reacted passionately against the proposal, and similar reactions came from other European countries including Switzerland. These reactions weren't aimed just at the Directive, but at European Union as whole.***

Yes, part of the Parliament does see this risk. Liberal MEPs from our fraction are pointing out that the Commission is turning many European citizens into enemies of the EU for no reason. However, most MEPs support the proposal, because the Commission issued the statement that **if the Parliament refuses to approve their proposal, it shall refuse to protect people from terrorism by doing so.**

We are throwing the baby out with the bathwater here. We need a safer Europe, and I am the first who would vote for it. This Directive could be beneficial without infringing on people's liberties – for example, by ensuring that deactivated firearms shall be deactivated properly and irreversibly.

But the Commission's course is just plain wrong. To make the directive functional and useful, we need to prepare it like Czech firearms law was prepared: base it on facts, consider it thoroughly, and don't limit civil liberties more than is absolutely necessary to ensure common safety. That's what I urged through whole legislative process.

***What shall be your further moves?***

The next phase is the vote at the plenary session of the European Parliament, in March. I shall try to propose certain amendments there. I say “I'll try” because single MEP cannot propose amendments in the plenary session; only groups of 40 MEPs or an entire group can do that. Therefore I shall work to assemble this support.

The Parliament shall then vote on proposed amendments. I will not try to give any forecast on the results, though, since it will likely be influenced by many factors. However, the legislative process is still not finished, so we need to fight on.

Should the battle be lost at the European Parliament, challenging the directive at the European Court of Justice is the next possible step – and I would support such a step.