

THE REVISION OF THE FIREARMS DIRECTIVE

2017 – A new beginning

“Political tags — such as royalist, communist, democrat, populist, fascist, liberal, conservative, and so forth — are never basic criteria. The human race divides politically into those who want people to be controlled and those who have no such desire.”

Robert Anson Heinlein

The European Commission’s November 2015 reaction to terrorism on European soil turned into a crusade against the legal firearm owners and users who are not and have never been party to the illicit trade in weapons. We are witnessing a vicious and unprecedented attack on our community and on EU citizens’ civil rights in general.

The Commission’s approach exposes its failure to strike at the root of the problem and securing Europe’s external borders to protect its citizens. It also proves that the Commission kept its agenda hidden, cynically waited for the opportune moment to strike and then broke all the rules in the book to push and enforce legislation that obliges Member States to turn on their own law-abiding citizens.

The ‘Aggressive Gun Lobby’

FIREARMS UNITED, which was tempered by the Commission’s aggression, is quite naturally the focus of all those EU officials who do not take lightly to a challenge to their increasingly autocratic power.

As part of its strategy, the Commission used its media channels to label us as the ‘aggressive gun lobby’ with the purpose of depicting our grassroots movement as an accomplice of the ‘evil’ arms industry. Nothing could be further from the truth.

Who are we, the ordinary EU citizens who make up FIREARMS UNITED? Who are the people who make the EC so uncomfortable? We are men and women from all walks of life and with diverse backgrounds who own and use firearms in full conformity with our national laws. We are sport and recreational shooters, hunters, collectors or re-enactors.

We contribute to society in many ways by instilling a sense of discipline in young citizens who take up shooting sport and are steered away from social ills, by helping in countryside conservation, by conserving and researching historical firearms for posterity to a far greater extent than museums and last but not least by enriching general knowledge through living history displays. We are also unwittingly a deterrent against crime as statistics broadly show.

The Commission is very fond of proclaiming its stand against hate speech. Rightly so I must add. However it applies what it preaches quite selectively as it has no qualms about using its broad brush to tar a whole community of millions of citizens who stand in its way. Why are some groups

protected from hate speech while others are expected to endure this social malaise, at the Commission's own hands nonetheless?

Asking myself this question led me to issue a warning about the 'Trump effect' to EC officials during the FIREARMS UNITED conference held at the European Parliament on November 16th¹. The moment you climb onto the podium of self-appointed political correctness to label your opponents you automatically create a barrier to sensible communication. As a result, the victims of this labelling will cease to tell you what they really think out of fear of being branded.

However rather than changing their views they will grow even more resolute in their convictions, saving their action for the day when they express themselves in the polling booth. At that point, when it is too late, the establishment will find itself displaced from the corridors of power. And it only makes matters worse when finding itself in this predicament it resorts to further labelling by saying that the electorate was wrong. It happened in my own country Poland where defeated politicians proclaimed the result as a 'wrong vote made by a random society'. That is the actual quote.

Just in case you may be thinking that I am overreacting please consider the following quote by EC President, Mr. Juncker:

« We have fought hard for an ambitious deal that reduces the risk of shootings in schools, summer camps or terrorist attacks with legally held firearms. Of course we would have liked to go further, but I am confident that the current agreement represents a milestone in gun control in the EU.²»

There isn't a single legal firearm owner who will take these words lightly. The President is accusing each and every one of us as a potential mass murderer of children.

What are we fighting for?

One may ask 'what is it that you want and why do you make so much noise about it?' In reality we only ask for the full respect of our civil liberties by the EU institutions that should exist to protect them. We applaud the great strides that have been made in protecting the civil liberties of minorities. Why are we any different?

We are law-abiding citizens who have been entrusted by our national authorities to acquire, keep and use firearms responsibly for legitimate purposes.

The Commission expects our elected governments to withdraw this trust in their own citizens and confiscate their firearms simply because it has decreed that criminals and terrorists may gain access to our firearms, ignoring the fundamental fact that these deviant elements always resort to illegal, unrecorded weapons.

The Commission's obsession with this file is evidenced by the fact that it ran roughshod over EU rules in its attempt to get it rubber-stamped through the legislative process. It did not respect the fundamental principles of subsidiarity and proportionality.

1 <http://www.gunsweek.com/en/current/news/firearms-united-hold-firearms-directive-conference-brussels>

2 http://europa.eu/rapid/press-release_IP-16-4464_en.htm

The Commission presented false criminology statistics, which officials such as Commissioner Elżbieta Bieńkowska ratcheted up to incredulous levels to suit their argument. It totally disregarded REFIT rules on mandatory impact assessment studies, leading FIREARMS UNITED to compile a credible study of its own, which it tabled on our November 16th conference³.

And if you once again think I am overreacting, how about the fact that the pictures of Anis Amri – the terrorist who killed 12 innocents and injured 56 in a truck attack in Berlin on December 19th, 2016 – were not published until 24 hours after the attack because of “privacy issues”? You can check it for yourself⁴, I urge you to do so.

The greater picture

Well-meaning people may ask “why do you need to keep a firearm when it has been designed to kill people?” Why will you not give it up for a greater good of all? My reply is that equally well-meaning enthusiasts do not see their firearms as weapons. Indeed it is highly unlikely that they will ever use them as such.

Nevertheless there exists another valid argument that goes well beyond the legitimate passion for keeping and using firearms in sports and hobbies.

I was born in Eastern Europe under the Soviet boot. That memory is imprinted on my mind-set, even though I was still young and it was generally felt that dictatorship’s powers were slipping away. My people persevered in their quest for liberty until democracy was restored. Their thirst for justice, through which a person is presumed innocent until proven guilty and where collective punishment for the guilt of a few is unacceptable.

Yet today I find myself in a Europe lead by a disconnected authority in Brussels that pushes aggressively for the collective punishment of an entire community in response to the criminal actions of individuals that are not even part of that community. I feel betrayed. Moreover I will not give up my firearms as I fear what all this is leading to. This fight is all about civil liberties.

Rather than recognising the folly of its action, the Commission targeted segments of our community such as recognised collectors, which it claimed in the absence of any scientific statistical evidence may be a source of illicit trafficking.

Its reckless approach could have led to the destruction of irreplaceable historical heritage, denying it to future generations, if it had not thankfully been defeated by the combined efforts of stakeholders, MEPs and sensible Council members from Malta and the Netherlands.

Recently the Commission vented its anger at the voice of European firearms collectors FESAC by attacking its chair Stephen Petroni in an article penned by a EUobserver journalist who called Mr. Petroni to task for not being registered as a lobbyist⁵. The fact that we are unpaid volunteers lobbying for our members’ civil rights is lost to them.

3 <https://firearms-united.com/wp-content/uploads/2016/06/Impact-Assessment.pdf>

4 <http://www.dailymail.co.uk/news/article-4062438/He-s-concerned-Facebook-comments-catching-terrorist-German-politician-faces-resignation-calls-preventing-police-sharing-image-Berlin-truck-killer.html>

5 <https://euobserver.com/justice/136362>

The position now and the next steps

On December 20th, 2016, the Commission announced that an agreement had been reached on the revision of the Firearms Directive⁶.

While hailing this as a victory, it lamented the fact that Parliament and Council had stopped short of achieving its 'ambitious' plans, i.e. the outright bans that it clamoured for. In reality the Commission's most fundamentalist measures have been defeated.

However we are still left with compromises that were hammered out during the so-called "Trilogue" meetings, a process that is as transparent as a brick wall and which is dominated by a bullying Commission hell-bent on getting its way.

If the current text is adopted by Parliament during the vote in Plenary on March 14th, 2017, the implementation by member states will impact owners and users of legal firearms but do nothing to address illicit trafficking. Moreover it will result in a strain on national authorities' resources, legal action by stakeholders and several court challenges claiming a number of breaches of the European Convention of Human Rights.

We are still in time to seek amendments to the text and we shall do our utmost to achieve a fair and balanced outcome. However there are indications that Security Commissioner Julian King is poised to push Parliament to refuse any amendments and move forward to a vote, denying our elected MEPs the chance to improve the legislation in the interests of their electorate. On our part we pledge to keep up the fight and to seek redress in any way open to us. We are simply not going away.

What can you do?

First and foremost, be an active member of this community and act when asked to.

Write to your national governments and to the MEPs who represent your country. Tell them clearly that you strongly oppose the imposition of a Directive that was and still is badly drafted and which targets you for the illegal actions of others that are not a part of your community.

Remind them that you expect them to stand their ground in support of your civil liberties and that if they fail you they will be held accountable in the polling booth.

Remember also your full responsibilities as a legal owner of firearms and follow your national laws to the letter so that you will not be precluded from taking any legal action when the time comes.

In the event that the current text is approved and the Directive is to be transposed into national law within fifteen months, work with your associations and support them in their efforts to seek a fair implementation.

Once the new legislation is in place follow it religiously but be ready to take legal action in every case where the legislation infringes fundamental rights such as the freedom of association.

⁶ <http://www.gunsweek.com/en/current/articles/trilogue-ends-eu-gun-ban>

Most importantly, participate in your organisations' events and play your part in eliminating petty differences between the various categories of stake holders. We are all in this together and we must stand united in purpose.

Do whatever the law requires of you but do not contemplate giving up your firearms that you keep legally, no matter how difficult the rules become! We are working hard to sort things out legally and we shall get there in time. If you fall for the intentional harassment and give up your firearms they will be gone forever and with them your rights to ever own them again.

I conclude by quoting these wise words by none other than EU President Donald Tusk in Wrocław, Poland⁷ on December 17th, 2016:

« The citizens, the laws and the good manners define borders for governments, not the other way around. Democracy which does not respect traditions, cultures and conventions may degenerate quickly and become its own antithesis. Democracy in which people are cut off from information or are forced into acceptance of a singular model of life becomes an unbearable dictatorship.»

This is one of these rare moments when I agree with a politician. The Commission's behaviour is becoming an unbearable dictatorship.

Thank you for your support.



Tomasz W. Stępień
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President & CEO



⁷ <https://www.wprost.pl/kraj/10035319/Historia-kaze-mi-zmienic-wystapienie-Tusk-we-Wroclawiu-apeluje-do-rzadzacych.html>