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From: General Secretariat of the Council

On: 6 November 2017

To: Delegations

No. prev. doc.: 13359/17

Subject: Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of **Croatia** in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of **legislation on firearms**

Delegations will find in the annex the Council Implementing Decision setting out a recommendation addressing the deficiencies identified in the 2016 evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of legislation on firearms, adopted by the Council at its 3571st meeting held on 6 November 2017.

In line with Article 15(3) of Council Regulation (EU) No 1053/2013 of 7 October 2013, this Recommendation will be forwarded to the European Parliament and national Parliaments.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2016 evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of legislation on firearms

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen¹, and in particular Article 15 (3) thereof

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this Decision setting out a recommendation is to recommend to Croatia remedial actions to address deficiencies identified during the Schengen evaluation in the field of legislation on firearms carried out in 2016. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission implementing Decision C(2017) 1079.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) To ensure compliance with the Schengen *acquis* in the area of legislation on firearms, priority should be given to implement the recommendation(s) related to marking imported weapons (recommendation 2) and marking deactivated weapons (recommendation 3).
- (3) This decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Croatia should, pursuant to Article 16 (1) of Regulation (EU) No 1053/2013, establish an action plan to remedy the deficiencies identified in the evaluation report and provide it to the Commission and the Council.

HEREBY RECOMMENDS:

that the Republic of Croatia should:

1. Amend the national legislation for easily convertible weapons such as semiautomatic gas weapons which may be converted to expel a shot or bullet in order to classify such weapons, according to the Directive 477/91 Annex I part 2², under category B and subject to authorization
2. Ensure that the marking by the Croatian authorities on imported weapons is carried out in practice as required by Article 2(15)(c) of Regulation (EU) No 258/12.³
3. Ensure, as required by Article 5 of the Commission Implementing Regulation (EU) 2015/2403,⁴ that deactivated firearms are marked with a common unique marking by the verifying entity in accordance with the template set out in Annex II to that Regulation.

² O.J. L256,13.9.1991.

³ Reg. (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition. O.J. L94 of 30.3.2012.

⁴ Commission Implementing Regulation(EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable. O.J. L333 of 19/12/2015.

4. Ensure that a deactivation certificate is issued to the owner of the firearm in accordance with Article 3(4) of Commission Implementing Regulation (EU) 2015/2403.
5. Ensure a prompt connection between the centralized national database on lost and stolen firearms and the Schengen Information System.

Done at Brussels,

For the Council

The President
