

DIRECTIVE (EU) 2017/...
OF THE EUROPEAN
PARLIAMENT AND OF THE
COUNCIL
of ...
amending
Council Directive 91/477/EEC
on control of the acquisition
and possession of weapons

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE
 COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of
 the European Union, and in particular Article 114
 thereof,

Having regard to the proposal from the European
 Commission,

After transmission of the draft legislative act to
 the national parliaments,

Having regard to the opinion of the European
 Economic and Social Committee¹, Acting in
 accordance with the ordinary legislative procedure²,

(¹ OJ C 264, 20.7.2016, p. 77.)

DIREKTIVA (EU) 2017/...
EVROPSKEGA PARLAMENTA
IN SVETA
z dne...
o spremembi
Direktive Sveta 91/477/EGS
o nadzoru nabave in
posedovanja orožja

(Besedilo velja za EGP)

EVROPSKI PARLAMENT IN SVET EVROPSKE
 UNIJE STA –

ob upoštevanju Pogodbe o delovanju Evropske
 unije in zlasti člena 114 Pogodbe,

ob upoštevanju predloga Evropske komisije,

po posredovanju osnutka zakonodajnega akta
 nacionalnim parlamentom,

ob upoštevanju mnenja Evropskega ekonomsko-
 socialnega odbora¹,

v skladu z rednim zakonodajnim postopkom²,

(¹ UL C 264, 20.7.2016, str. 77)

⁽²⁾ Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of ...)

⁽²⁾ Stališče Evropskega parlamenta z dne... (še ni objavljeno v Uradnem listu) in odločitev Sveta z dne ...)

Whereas:

ob upoštevanju naslednjega:

(1) Council Directive 91/477/EEC¹ established an accompanying measure for the internal market. It created a balance between, on the one hand, the commitment to ensure a certain freedom of movement for some firearms and their essential components within the Union, and, on the other hand, the need to control that freedom using security guarantees suited to those products.

(1) Z Direktivo Sveta št. 91/477/EGS¹ se je določil spremljevalni ukrep za notranji trg. Ustvarjeno je bilo ravnovesje med obveznostjo zagotavljanja določenega prostega pretoka nekaterih vrst strelnega orožja in njegovih pomembnih sestavnih delov na območju Unije na eni strani in potrebo po nadzoru tega prostega pretoka z določenimi varnostnimi zagotovili, prilagojenimi tem proizvodom na drugi strani.

⁽¹⁾ Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (OJ L 256, 13.9.1991, p. 51))

⁽¹⁾ Direktiva Sveta 91/477/EGS z dne 18. junija 1991 o nadzoru nabave in posedovanja orožja (UL L 256, 13.9.1991, str. 51))

(2) Certain aspects of Directive 91/477/EEC need to be further improved in a proportionate way, in order to address the misuse of firearms for criminal purposes, and considering recent terrorist acts. In this context, the Commission called in its communication of 28 April 2015 on the European Agenda on Security, for the revision of that Directive and for a common approach on the deactivation of firearms to prevent their reactivation and use by criminals.

(2) Glede nekaterih vidikov Direktive 91/477/EGS je potrebno nadaljnje sorazmerno izboljšanje, da bi obravnavali zlorabo strelnega orožja v kriminalne namene, ob upoštevanju nedavnih terorističnih dejanj. V zvezi s tem je Komisija v svojem sporočilu z dne 28. aprila 2015 o Evropski agendi za varnost pozvala k pregledu navedene direktive in skupnemu pristopu na področju onesposobitve strelnega orožja, da bi preprečili njegovo ponovno usposobitev in uporabo s strani zločincev.

(3) Once firearms are lawfully acquired and possessed in accordance with Directive 91/477/EEC, national provisions concerning the carrying of weapons, hunting or target shooting should apply.

(3) Ko je strelno orožje zakonito nabavljeno in posedovano v skladu z Direktivo 91/477/EGS, bi se morali uporabljati nacionalni predpisi o nošenju orožja, lovu ali streljanju v tarčo.

(4) For the purposes of Directive 91/477/EEC, the definition of a broker should cover any natural or legal person, including partnerships, and the term "supply" should be deemed to include lending and leasing. Since brokers provide services similar to those supplied by dealers, they should also be covered by Directive 91/477/EEC in respect of those

(4) Za namene Direktive 91/477/EGS bi morala opredelitev posrednika zajemati vsako fizično ali pravno osebo, tudi partnerstva, za izraz „dobava“ pa bi moralo šteti, da vključuje posojanje in najem. V Direktivi 91/477/EGS bi morali biti zajeti tudi posredniki, saj opravljajo storitve, ki so podobne storitvam trgovcev, in sicer v zvezi z obveznostmi

obligations of dealers that are relevant to brokers' activities, to the extent that they are in a position to fulfil those obligations and in so far as these are not fulfilled by a dealer as regards the same underlying transaction.

(5) The activities of a dealer include not only the manufacturing but also the modification or conversion of firearms, essential components and ammunition, such as the shortening of a complete firearm, leading to a change in their category or subcategory. Purely private, non-commercial activities, such as hand-loading and reloading of ammunition from ammunition components for own use or modifications of firearms or essential components owned by the person concerned, such as changes to the stock or sight or maintenance to address wear and tear of essential components, should not be considered to be activities that only a dealer would be permitted to undertake.

(6) In order to increase the traceability of all firearms and essential components and to facilitate their free movement, all firearms or their essential components should be marked with a clear, permanent and unique marking and registered in the data-filing systems of the Member States.

(7) The records held in the data-filing systems should contain all information allowing a firearm to be linked to its owner and should record the name of the manufacturer or brand, the country or place of manufacture, the type, make, model, calibre and serial number of the firearm or any unique marking applied to the frame or receiver of the firearm. Essential components other than the frame or receiver should be recorded in the data-filing systems under the record relating to the firearm to which they are to be fitted.

(8) To prevent markings from being easily erased and to clarify which essential components the marking should be affixed to, common Union rules on

trgovcev, ki so pomembne za dejavnosti posrednikov, kolikor imajo možnost izpolniti te obveznosti in kolikor teh obveznosti ne izpolnjuje trgovec glede iste osnovne transakcije.

(5) Dejavnosti trgovca poleg proizvodnje zajemajo tudi prirejanje ali predelovanje strelnega orožja, pomembnih sestavnih delov in streliva, na primer skrajševanje strelnega orožja, s katerim bi spremenili njegov razred ali podrazred. Popolnoma zasebne, nekomercialne dejavnosti, kot so ročno polnjenje ali ponovno polnjenje streliva iz sestavnih delov streliva za osebno uporabo ali prirejanje strelnega orožja ali pomembnih sestavnih delov, ki so v lasti zadevne osebe, kot so spremembe kopit ali merkov, ali vzdrževanje zaradi obrabe pomembnih sestavnih delov, ne bi smele šteti za dejavnosti, ki bi jih smel opravljati zgolj trgovec.

(6) Da bi izboljšali sledljivost vsega strelnega orožja in pomembnih sestavnih delov ter olajšali njihov prost pretok, bi bilo treba vse strelno orožje ali njegove pomembne sestavne dele označiti z jasno, trajno in enotno oznako ter registrirati v zbirkah podatkov držav članic.

(7) Vnosi v zbirkah podatkov bi morali vključevati vse informacije, ki omogočajo povezavo strelnega orožja z njegovim lastnikom, in beležiti ime proizvajalca ali blagovno znamko, državo ali kraj proizvodnje, tip, znamko, model, kaliber in serijsko številko strelnega orožja ali vse enotne oznake na okvirju ali zaklepišču strelnega orožja. Pomembne sestavne dele, ki niso okvir ali zaklepišče, bi bilo treba v zbirkah podatkov evidentirati v kategorijah, ki so povezane s strelnim orožjem, na katerega se namestijo.

(8) Da bi preprečili možnost, da se oznake zlahka izbrišejo, in da bi pojasnili, na katerih pomembnih sestavnih delih bi morale biti navedene

marking should be introduced. Those rules should apply only to firearms or essential components that are manufactured or imported into the Union on or after ... [15 months after the date of entry into force of this Amending Directive], when they are placed on the market, while firearms and parts manufactured or imported into the Union before that date should remain covered by the marking and registration requirements under Directive 91/477/EEC that are applicable until that date.

(9) In view of the dangerous nature and durability of firearms and essential components, in order to ensure that competent authorities are able to trace firearms and essential components for the purpose of administrative and criminal proceedings and taking into account national procedural law, it is necessary that records in the data-filing systems be retained for a period of 30 years after the destruction of the firearms or essential components concerned. Access to those records and all related personal data should be restricted to competent authorities and should be permitted only up until 10 years after the destruction of the firearm or essential components concerned for the purpose of granting or withdrawing authorisations or for customs proceedings, including the possible imposition of administrative penalties, and up until 30 years after the destruction of the firearm or essential components concerned where that access is necessary for the enforcement of criminal law.

(10) The efficient sharing of information between dealers and brokers, on the one hand, and national competent authorities, on the other, is important for the effective operation of the data-filing systems. Dealers and brokers should therefore provide information without undue delay to the national competent authorities. To facilitate that, national competent authorities should establish a means of electronic connection accessible to dealers and brokers, which can include submission of the information by email or directly through a database or

oznake, bi bilo treba uvesti skupna pravila Unije za označevanje. Ta pravila bi se morala uporabljati le za strelno orožje ali pomembne sestavne dele, proizvedene v Uniji ali uvožene vanjo [15 mesecev po začetku veljavnosti te direktive o spremembi] ali po tem datumu, ko se dajo na trg, medtem ko bi za strelno orožje in dele, proizvedene v Uniji ali uvožene vanjo pred tem datumom, morale še naprej veljati zahteve glede označevanja in registracije iz Direktive 91/477/EGS, ki se uporabljajo do tega datuma.

(9) Ob upoštevanju nevarne narave in dolge življenjske dobe strelnega orožja in pomembnih sestavnih delov, da bi pristojnim organom omogočili sledenje strelnemu orožju in pomembnim sestavnim delom za namene upravnih in kazenskih postopkov in ob upoštevanju nacionalnega procesnega prava je treba vnose v zbirkah podatkov hraniti 30 let po uničenju zadevnega strelnega orožja ali pomembnih sestavnih delov. Dostop do te evidence in vseh pripadajočih osebnih podatkov bi moral biti omejen na pristojne organe in dovoljen največ deset let po uničenju zadevnega strelnega orožja ali pomembnih sestavnih delov za namene izdajanja ali odvzemanja dovoljenj ali carinskih postopkov, vključno z morebitno naložitvijo upravnih kazni, in največ trideset let po uničenju zadevnega strelnega orožja ali pomembnega sestavnega dela, če je tak dostop potreben za izvrševanje kazenskega prava.

(10) Učinkovita izmenjava informacij med trgovci in posredniki na eni strani ter nacionalnimi pristojnimi organi na drugi strani je pomembna za učinkovito delovanje zbirk podatkov. Trgovci in posredniki bi zato morali brez nepotrebnega odlašanja posredovati informacije nacionalnim pristojnim organom. Da bi jim to olajšali, bi morali nacionalni pristojni organi vzpostaviti elektronske povezave, dostopne trgovcem in posrednikom, ki lahko vključujejo posredovanje informacij preko elektronske pošte ali neposredno prek zbirke

other registry.

(11) As regards Member States' obligation to have a monitoring system in place in order to ensure that the conditions for a firearms authorisation are met throughout its duration, Member States should decide whether or not the assessment is to involve a prior medical or psychological test.

(12) Without prejudice to national laws addressing professional liability, the assessment of relevant medical or psychological information should not be presumed to assign any liability to the medical professional or other persons providing such information where firearms possessed in accordance with Directive 91/477/EEC are misused.

(13) Firearms and ammunition should be stored in a secure manner when not immediately supervised. If stored otherwise than in a safe, firearms and ammunition should be stored separately from each other. When the firearm and ammunition are to be handed over to a carrier for transport, that carrier should be responsible for proper supervision and storage. Criteria for proper storage and for safe transportation should be defined by national law, taking into account the number and category of the firearms and ammunition concerned.

(14) Directive 91/477/EEC should not affect Member States' rules which allow lawful transactions involving firearms, essential components and ammunition to be arranged by means of mail order, the internet or distance contracts as defined in Directive 2011/83/EU of the European Parliament and of the Council¹, for example by way of online auction catalogues or classified advertisements, telephone or email. However, it is essential that the identities of parties to such transactions and their lawful ability to enter into such transactions be capable of being checked and actually checked. As regards purchasers, it is therefore appropriate to

podatkov ali drugega registra.

(11) Kar zadeva obveznost držav članic, da vzpostavijo sistem spremljanja za zagotavljanje izpolnjevanja pogojev za izdajanje dovoljenj za strelno orožje v celotnem obdobju njegove veljavnosti, bi se morale te odločiti, ali naj ocena vključuje predhoden zdravstveni ali psihološki pregled.

(12) Brez poseganja v nacionalno zakonodajo o poklicni odgovornosti se v zvezi z oceno ustreznih zdravstvenih in psiholoških informacij ne bi smelo domnevati, da so zdravstveni delavci ali druge osebe, ki predložijo tovrstne informacije, kakor koli odgovorni, kadar je strelno orožje, posedovano v skladu z Direktivo 91/477/EGS, zlorabljeno.

(13) Kadar strelno orožje in strelivo nista pod neposrednim nadzorom, bi morala biti varno shranjena. Če se strelno orožje in strelivo ne hranita v sefu, bi ju bilo treba hraniti ločeno. Kadar je treba strelno orožje in strelivo predati prevozniku za prevoz, bi moral biti prevoznik odgovoren za ustrezen nadzor in hrambo. Merila za ustrezno hrambo in varen prevoz bi bilo treba določiti v nacionalnem pravu, pri tem pa upoštevati število kosov in razred zadevnega strelnega orožja in streliva.

(14) Direktiva 91/477/EGS ne bi smela vplivati na pravila držav članic, ki dopuščajo dogovore o zakonitih transakcijah s strelnim orožjem, pomembnimi sestavnimi deli in strelivom prek pošte ali interneta ali s pogodbami o prodaji na daljavo, kakor so opredeljene v Direktivi 2011/83/EU Evropskega parlamenta in Sveta¹, na primer prek spletnih avkcijskih katalogov, malih oglasov, telefona ali elektronske pošte. Vendar je bistvenega pomena, da je mogoče preveriti identiteto strank v tovrstnih transakcijah in njihovo zmožnost, da jih sklenejo zakonito, ter da se to tudi dejansko preveri. V zvezi s kupci je zato primerno zagotoviti, da trgovec ali

ensure that their identity and, where relevant, the fact of their authorisation to acquire a firearm, essential components or ammunition be checked by a licensed or authorised dealer or broker, or by a public authority or a representative of such authority, prior to, or at the latest upon, delivery.

(¹ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64))

(15) For the most dangerous firearms, stricter rules should be introduced in Directive 91/477/EEC in order to ensure that those firearms are, with some limited and duly reasoned exceptions, not allowed to be acquired, possessed or traded. Where those rules are not respected, Member States should take all appropriate measures, which might include the impounding of those firearms.

(16) Member States should, however, have the possibility to authorise the acquisition and possession of firearms, essential components and ammunition classified in category A when necessary for educational, cultural, including film and theatre, research or historical purposes. Authorised persons could include, inter alia, armourers, proof houses, manufacturers, certified experts, forensic scientists and, in certain cases, those involved in film or television recordings. Member States should also be allowed to authorise individuals to acquire and possess firearms, essential components and ammunition classified in category A for national defence, such as in the context of voluntary military training provided under national law.

(17) Member States should be able to choose to grant authorisations to recognised museums and collectors for the acquisition and possession of

posrednik z licenco oziroma dovoljenjem, oziroma javni organ ali njegov predstavnik preveri njihovo istovetnost in po potrebi dejstvo, da imajo dovoljenje za nabavo strelnega orožja, pomembnega sestavnega dela ali streliva, pred dostavo ali najpozneje ob njej.

(¹ Direktiva 2011/83/EU Evropskega parlamenta in Sveta z dne 25. oktobra 2011 o pravicah potrošnikov, spremembi Direktive Sveta 93/13/EGS in Direktive 1999/44/ES Evropskega parlamenta in Sveta ter razveljavitvi Direktive Sveta 85/577/EGS in Direktive 97/7/ES Evropskega parlamenta in Sveta (UL L 304, 22.11.2011, str. 64).

(15) Za najnevarnejše strelno orožje bi bilo treba v Direktivi 91/477/EGS uvesti strožja pravila, s katerimi bi bilo zagotovljeno, da tega strelnega orožja, z nekaterimi omejenimi in ustrezno utemeljenimi izjemami, ni dovoljeno imeti v lasti ali posesti ali trgovati z njim. V primeru nespoštovanja teh pravil bi morale države članice sprejeti vse ustrezne ukrepe, ki bi lahko vključevali zaseg navedenega strelnega orožja.

(16) Države članice pa bi morale imeti možnost, da dovolijo nabavo in posedovanje strelnega orožja, pomembnih sestavnih delov in streliva, razvrščenih v razred A, kadar je to potrebno v izobraževalne, kulturne, tudi za film in gledališče, raziskovalne ali zgodovinske namene. Pooblaščene osebe bi lahko bili tudi orožarji, preizkuševalci orožja, proizvajalci, certificirani strokovnjaki, forenzični strokovnjaki in v nekaterih primerih osebe, ki sodelujejo pri snemanju za film ali televizijo. Državam članicam bi moralo biti tudi dovoljeno, da posameznikom dovolijo nabavo in posedovanje strelnega orožja, pomembnih sestavnih delov in streliva, razvrščenih v razred A, za nacionalno obrambo, na primer v okviru prostovoljnega vojaškega usposabljanja v skladu z nacionalnim pravom.

(17) Države članice bi morale imeti možnost, da prizanim muzejem in zbiralcem izdajo dovoljenje za nabavo in posedovanje strelnega orožja, pomembnih

firearms, essential components and ammunition classified in category A when necessary for historical, cultural, scientific, technical, educational or heritage purposes, provided that such museums and collectors demonstrate, prior to being granted such an authorisation, that they have taken the necessary measures to address any risks to public security or public order, including by way of proper storage. Any such authorisation should take into account and reflect the specific situation, including the nature of the collection and its purposes, and Member States should ensure that a system is in place for monitoring collectors and collections.

(18) Dealers and brokers should not be prevented from handling firearms, essential components and ammunition classified in category A in cases where the acquisition and possession of such firearms, essential components and ammunition is exceptionally allowed, where their handling is necessary for the purposes of deactivation or conversion, or whenever otherwise permitted under Directive 91/477/EEC, as amended by this Directive. Nor should dealers and brokers be prevented from handling such firearms, essential components and ammunition in cases not covered by Directive 91/477/EEC, as amended by this Directive, such as firearms, essential components and ammunition to be exported outside the Union or weapons to be acquired by the armed forces, the police or the public authorities.

(19) Dealers and brokers should be able to refuse to complete any suspicious transaction for the acquisition of complete rounds of ammunition or live primer components of ammunition. A transaction may be considered suspicious if, for example, it involves quantities uncommon for the envisaged private use, if the purchaser appears unfamiliar with the use of the ammunition or if the purchaser insists on paying in cash while being unwilling to provide proof of his or her identity. Dealers and brokers

sestavnih delov in streliva, razvrščenih v razred A, kadar je to potrebno za zgodovinske, kulturne, znanstvene, tehnične ali izobraževalne namene ali namene kulturne dediščine, pod pogojem, da ti muzeji in zbiralci pred izdajo takšnega dovoljenja dokažejo, da so sprejeli potrebne ukrepe za obvladovanje tveganj za javno varnost ali javni red, tudi z ustrezno hrambo. Pri izdaji tega dovoljenja bi bilo treba upoštevati posebne okoliščine, tudi naravo in namene zbiranja, države članice pa bi morale zagotoviti, da je vzpostavljen sistem za spremljanje zbiralcev in zbirk.

(18) Trgovcem in posrednikom ne bi smelo biti preprečeno rokovanje s strelnim orožjem, pomembnimi sestavnimi deli in strelivom, razvrščenimi v razred A, v primerih, ko sta izjemoma dovoljena nabava in posedovanje takšnega orožja, pomembnih sestavnih delov in streliva, kadar je rokovanje z njimi potrebno, da se onesposobijo ali predelajo, ali v primerih, ko je to sicer dovoljeno v skladu z Direktivo 91/477/EGS, kakor je bila spremenjena s to direktivo. Prav tako se trgovcem in posrednikom ne bi smelo preprečevati rokovanja s takšnim strelnim orožjem, pomembnimi sestavnimi deli in strelivom v primerih, ki jih Direktiva 91/477/EGS, kakor je bila spremenjena s to direktivo, ne ureja, na primer, ko gre za strelno orožje, pomembne sestavne dele ali strelivo za izvoz iz Unije ali orožje, ki ga nabavljajo oborožene sile, policija ali javni organi.

(19) Trgovci in posredniki bi morali imeti možnost zavrniti izvedbo vsake sumljive transakcije za nabavo celih nabojev s strelivom ali sestavnih delov streliva s pravo netilko. Transakcija se lahko šteje za sumljivo, če na primer vključuje količine, ki niso običajne za predvideno zasebno uporabo, če se za kupca zdi, da ne zna uporabljati streliva, ali če kupec vztraja pri plačilu z gotovino in hkrati ne želi predložiti dokazila o svoji istovetnosti. Trgovci in posredniki bi morali imeti tudi možnost, da pristojnim organom

should also be able to report such suspicious transactions to the competent authorities.

(20) The risk of acoustic weapons and other types of blank-firing weapons being converted into real firearms is high. It is therefore essential to address the problem of such converted firearms being used in the commission of criminal offences, in particular by including them within the scope of Directive 91/477/EEC. Furthermore, to avoid the risk of alarm and signal weapons being manufactured in such a way that they are capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant, the Commission should adopt technical specifications in order to ensure that they cannot be so converted.

(21) Taking into consideration the high risk of reactivating improperly deactivated firearms and in order to enhance security across the Union, such firearms should be covered by Directive 91/477/EEC. A definition of deactivated firearms should be given that reflects the general principles of deactivation of firearms as provided for by the Protocol against the Illicit Manufacturing of and Trafficking of Firearms, their Parts and Components and Ammunition, attached to Council Decision 2014/164/EU¹, which transposes that Protocol into the Union legal framework.

¹ Council Decision 2014/164/EU of 11 February 2014 on the conclusion, on behalf of the European Union, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (OJ L 89, 25.3.2014, p. 7))

(22) Firearms designed for military use, such as AK47 and M16, and which are equipped to operate on the basis of selective fire, where they may be manually adjusted between automatic and semi-automatic firing modes, should be classified as category A firearms and should therefore be prohibited for civilian use. If converted into semi-

prijavijo takšne sumljive transakcije.

(20) Tveganje predelave akustičnega orožja in drugih vrst orožja za streljanje s slepimi naboji v pravo strelno orožje je veliko. Zato je nujno obravnavati problem uporabe tovrstnega predelanega strelnega orožja pri storitvi kaznivih dejanjih, zlasti tako da se ga vključi v področje uporabe Direktive 91/477/EGS. Nadalje bi morala Komisija, da bi preprečili tveganje, da se plašilno orožje in signalno orožje proizvede na način, ki bi omogočal njegovo predelavo za izstreljevanje šiber, krogel ali izstrelkov z delovanjem potisnega sredstva, sprejeti tehnične specifikacije, da bi zagotovili, da jih ni mogoče tako predelati.

(21) Glede na visoko tveganje ponovne usposobitve nepravilno onesposobljenega strelnega orožja in da bi povečali varnost po vsej Uniji, bi morale biti v Direktivi 91/477/EGS zajeto tudi tovrstno orožje. Pojem onesposobljenega strelnega orožja bi moral odražati splošna načela za onesposabljanje strelnega orožja, ki jih določa Protokol proti nedovoljeni proizvodnji in trgovini s strelnim orožjem, njegovimi sestavnimi deli in strelivom, ki je priložen Sklepu Sveta 2014/164/EU¹, s katerim je bil navedeni protokol prenesen v pravni okvir Unije.

¹ Sklep Sveta 2014/164/EU z dne 11. februarja 2014 o sklenitvi Protokola proti nedovoljeni proizvodnji in trgovini s strelnim orožjem, njegovimi sestavnimi deli in strelivom, ki dopolnjuje Konvencijo Združenih narodov proti mednarodnemu organiziranemu kriminalu (UL L 89, 25.3.2014, str. 7).

(22) Strelno orožje, zasnovano za vojaško uporabo, kot sta puški AK47 in M16, ki je opremljeno za delovanje na osnovi posamičnega streljanja, ki ju je mogoče ročno nastaviti za avtomatsko ali polavtomatsko streljanje, bi bilo treba razvrstiti v razred A, zato bi morale biti prepovedano za civilno uporabo. Če je predelano v polavtomatsko strelno

automatic firearms, they should be classified in point 6 of category A.

(23) Some semi-automatic firearms can easily be converted to automatic firearms, thus posing a threat to security. Even in the absence of such conversion, certain semi-automatic firearms might be very dangerous when their capacity, in terms of the number of rounds, is high. Therefore, semi-automatic firearms with a fixed loading device allowing a high number of rounds to be fired, as well as semi-automatic firearms in combination with a detachable loading device having a high capacity, should be prohibited for civilian use. The mere possibility of fitting a loading device with a capacity exceeding 10 rounds for long firearms and 20 rounds for short firearms does not determine the classification of the firearm in a specific category.

(24) Without prejudice to the renewal of authorisations in accordance with Directive 91/477/EEC, semi-automatic firearms which use rimfire percussion, including those with a calibre of .22 or smaller, should not be classified in category A unless they have been converted from automatic firearms.

(25) The provisions of Directive 91/477/EEC relating to the European firearms pass as the main document needed for their respective activities by target shooters and other persons authorised in accordance with that Directive should be improved by including in the relevant provisions thereof a reference to firearms classified in category A, without prejudice to Member States' right to choose to apply more stringent rules.

(26) Objects which have the physical appearance of a firearm ("replica"), but which are manufactured in such a way that they cannot be converted to expel a shot, bullet or projectile by the action of a combustible propellant, should not be covered by

orožje, bi ga bilo treba razvrstiti v točko 6 razreda A.

(23) Nekatera polavtomatska strelna orožja je mogoče zlahka predelati v avtomatsko strelno orožje, kar pomeni varnostno grožnjo. Nekatera polavtomatska orožja so lahko zelo nevarna tudi brez takšne predelave, če lahko sprejmejo veliko število nabojev. Zato bi morali za civilno uporabo prepovedati polavtomatsko strelno orožje s fiksno napravo za polnjenje, ki dopušča izstreljevanje velikega števila nabojev, pa tudi polavtomatsko strelno orožje v kombinaciji s snemljivo napravo za polnjenje, ki lahko sprejme veliko število nabojev. Zgolj možnost namestitve naprave za polnjenje s prostorom za več kot 10 nabojev za dolgoceveno strelno orožje in 20 nabojev za kratkoceveno strelno orožje ne vpliva na razvrstitev strelnega orožja v določeni razred.

(24) Brez poseganja v obnovitev dovoljenja v skladu z Direktivo 91/477/EGS polavtomatsko strelno orožje z robnim vžigom, tudi kalibra .22 ali manj, ne bi smelo biti razvrščeno v razred A, razen če je bilo predelano iz avtomatskega orožja.

(25) Določbe Direktive 91/477/EGS glede evropskega dovoljenja za strelno orožje kot glavnega dokumenta, ki ga za svoje dejavnosti potrebujejo športni strelci in druge osebe, pooblaščne v skladu z navedeno direktivo, bi bilo treba izboljšati tako, da se v njene ustrezne določbe vključi sklicevanje na strelna orožja, razvrščena v razred A, brez poseganja v pravico držav članic do uporabe strožjih pravil.

(26) Predmetov, ki so fizično videti kot strelno orožje (replike), vendar so proizvedeni na način, da jih ni mogoče predelati tako, da bi bilo z njimi mogoče izstreliti šibre, kroglice oziroma izstrelke z delovanjem potisnega sredstva, Direktiva

Directive 91/477/EEC.

(27) Where Member States have national laws regulating antique weapons, such weapons are not subject to Directive 91/477/EEC. However, reproductions of antique weapons do not have the same historical importance or interest attached to them and may be constructed using modern techniques which can improve their durability and accuracy. Therefore, such reproductions should be brought within the scope of Directive 91/477/EEC. Directive 91/477/EEC is not applicable to other items, such as airsoft devices, which do not correspond to the definition of a firearm and are therefore not regulated by that Directive.

(28) In order to improve the functioning of the exchange of information between Member States, it would be helpful if the Commission could assess the necessary elements of a system to support such exchange of information contained in the computerised data-filing systems in place in Member States, including the feasibility of enabling each Member State to access such a system. That system may use a module of the Internal Market Information System ('IMI') established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council¹ specifically customised for firearms. Such exchange of information between Member States should take place in compliance with the rules on data protection laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council². Where a competent authority needs to have access to the criminal records of a person applying for an authorisation to acquire or possess a firearm, that authority should be able to obtain that information under Council Framework Decision 2009/315/JHA³. The Commission's assessment could be accompanied, if appropriate, by a legislative proposal taking into account existing instruments regarding exchange of information.

¹ Regulation (EU) No 1024/2012 of the European Parliament

91/477/EGS ne bi smela zajemati.

(27) Kadar nacionalna zakonodaja držav članic ureja starinsko orožje, zahteve Direktive 91/477/EGS ne veljajo za tovrstna orožja. Vendar reprodukcije starinskega orožja nimajo enakega zgodovinskega pomena oziroma niso tako zanimive in se jih lahko proizvaja s sodobnimi metodami, ki lahko podaljšajo njihovo življenjsko dobo ali izboljšajo natančnost. Takšne reprodukcije strelnega orožja bi bilo zato treba vključiti v področje uporabe Direktive 91/477/EGS. Navedena direktiva se ne uporablja za druge predmete, kot so na primer naprave airsoft, ki ne ustrezajo opredelitvi strelnega orožja in jih zato navedena direktiva ne ureja.

(28) Za boljšo izmenjavo informacij med državami članicami bi bilo koristno, če bi Komisija lahko ocenila potrebne elemente sistema za podporo taki izmenjavi informacij, ki jih vsebujejo zbirke podatkov v državah članicah, vključno z izvedljivostjo dostopa do takšnega sistema za vsako državo članico. Ta sistem lahko uporablja modul informacijskega sistema za notranji trg (IMI), vzpostavljenega z Uredbo (EU) št. 1024/2012 Evropskega parlamenta in Sveta¹, ki je posebej prilagojen za strelno orožje. Takšna izmenjava informacij med državami članicami bi morala potekati v skladu z načeli varstva osebnih podatkov iz Uredbe (EU) 2016/679 Evropskega parlamenta in Sveta². Kadar pristojni organ potrebuje dostop do kazenske evidence osebe, ki je zaprosila za dovoljenje za nabavo ali posedovanje strelnega orožja, bi moral ta organ imeti možnost pridobiti te informacije v skladu z Okvirnim sklepom Sveta 2009/315/PNZ³. Komisija bi svoji oceni lahko, če je primerno, priložila tudi zakonodajni predlog, v katerem bi bili upoštevani obstoječi instrumenti za izmenjavo informacij.

¹ Uredba (EU) št. 1024/2012 Evropskega parlamenta in Sveta z dne 25. oktobra 2012 o upravnem sodelovanju prek informacijskega sistema za notranji trg in razveljavitvi Odločbe Komisije 2008/49/ES (uredba IMI) (UL L 316, 14.11.2012, str. 1))

and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1))

(² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1))

(³ Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93, 7.4.2009, p. 23))

(29) In order to ensure appropriate exchange of information by electronic means between Member States concerning authorisations granted for the transfer of firearms to another Member State and on refusals to grant authorisations to acquire or possess a firearm, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing provisions enabling the Member States to create such a system of exchange of information. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(¹ OJ L 123, 12.5.2016, p. 1)

(30) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance

(² Uredba (EU) 2016/679 Evropskega parlamenta in Sveta z dne 27. aprila 2016 o varstvu posameznikov pri obdelavi osebnih podatkov in o prostem pretoku takih podatkov ter o razveljavitvi Direktive 95/46/ES (Splošna uredba o varstvu podatkov) (UL L 119, 4.5.2016, str. 1))

(³ Okvirni sklep Sveta 2009/315/PNZ z dne 26. februarja 2009 o organizaciji in vsebini izmenjave informacij iz kazenske evidence med državami članicami (UL L 93, 7.4.2009, str. 23))

(29) Da bi omogočili ustrezno izmenjavo informacij z elektronskimi sredstvi med državami članicami o dovoljenjih, izdanih za prenos strelnega orožja v drugo državo članico, in zavrnitvah izdaje dovoljenj za nabavo ali posedovanje strelnega orožja, bi bilo treba na Komisijo prenesti pooblastilo, da v skladu s členom 290 Pogodbe o delovanju Evropske unije predpiše določbe, na podlagi katerih bi bilo državam članicam omogočeno vzpostaviti tak sistem za izmenjavo informacij. Zlasti je pomembno, da se Komisija pri svojem pripravljalnem delu ustrezno posvetuje, vključno na ravni strokovnjakov, in da se ta posvetovanja izvedejo v skladu z načeli, določenimi v Medinstitucionalnem sporazumu z dne 13. aprila 2016 o boljši pripravi zakonodaje¹. Za zagotovitev enakopravnega sodelovanja pri pripravi delegiranih aktov Evropski parlament in Svet zlasti prejmeta vse dokumente sočasno s strokovnjaki iz držav članic, njuni strokovnjaki pa se sistematično lahko udeležujejo sestankov strokovnih skupin Komisije, ki zadevajo pripravo delegiranih aktov.

(¹ UL L 123, 12.5.2016, str. 1)

(30) Za zagotovitev enotnih pogojev za izvajanje te direktive bi bilo treba na Komisijo podeliti izvedbena pooblastila. Ta pooblastila bi bilo treba izvajati v skladu z Uredbo (EU) št. 182/2011

with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.

(¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13))

(31) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

(32) Regulation (EU) 2016/679 should apply to the processing of personal data within the framework of Directive 91/477/EEC. Where personal data collected under Directive 91/477/EEC are processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, the authorities processing those data should comply with rules adopted pursuant to Directive (EU) 2016/680 of the European Parliament and of the Council¹.

(¹ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89))

(33) Since the objectives of this Directive cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(34) Directive 91/477/EEC should therefore be

Evropskega parlamenta in Sveta¹.

(¹ Uredba (EU) št. 182/2011 Evropskega parlamenta in Sveta z dne 16. februarja 2011 o določitvi splošnih pravil in načel, na podlagi katerih države članice nadzirajo izvajanje izvedbenih pooblastil Komisije (UL L 55, 28.2.2011, str. 13))

(31) Ta direktiva spoštuje temeljne pravice in upošteva načela, ki jih priznava zlasti Listina Evropske unije o temeljnih pravicah.

(32) Uredba (EU) 2016/679 bi se morala uporabljati za obdelavo osebnih podatkov v okviru Direktive 91/477/EGS. Če se osebni podatki, zbrani na podlagi Direktive 91/477/EGS, obdelujejo za namene preprečevanja, preiskovanja, odkrivanja ali pregona kaznivih dejanj ali izvrševanja kazenskih sankcij, bi morali organi, ki navedene podatke obdelujejo, spoštovati pravila, sprejeta na podlagi Direktive (EU) 2016/680 Evropskega parlamenta in Sveta¹.

(¹ Direktiva (EU) 2016/680 Evropskega parlamenta in Sveta z dne 27. aprila 2016 o varstvu posameznikov pri obdelavi osebnih podatkov, ki jih pristojni organi obdelujejo za namene preprečevanja, preiskovanja, odkrivanja ali pregona kaznivih dejanj ali izvrševanja kazenskih sankcij, in o prostem pretoku takih podatkov ter o razveljavitvi Okvirnega sklepa Sveta 2008/977/PNZ (UL L 119, 4.5.2016, str. 89))

(33) Ker ciljev te direktive države članice ne morejo zadovoljivo doseči, temveč se zaradi obsega ali učinkov ukrepa lažje dosežejo na ravni Unije, lahko Unija sprejme ukrepe v skladu z načelom subsidiarnosti iz člena 5 Pogodbe o Evropski uniji. V skladu z načelom sorazmernosti iz navedenega člena ta direktiva ne presega tistega, kar je potrebno za izpolnjevanje navedenih ciljev.

(34) Direktivo 91/477/EGS bi bilo zato treba

amended accordingly.

(35) As regards Iceland and Norway, this Directive and Directive 91/477/EEC constitute a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis¹ which fall within the areas referred to in Article 1 of Council Decision 1999/437/EC².

(¹ OJ L 176, 10.7.1999, p. 36.)

(² Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31))

(36) As regards Switzerland, this Directive and Directive 91/477/EEC constitute a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹ which fall within the areas referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC².

(¹ OJ L 53, 27.2.2008, p. 52)

(² Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1))

(37) As regards Liechtenstein, this Directive and Directive 91/477/EEC constitute a development of

ustrezno spremeniti.

(35) Ta direktiva in Direktiva 91/477/EGS za Islandijo in Norveško predstavljata razvoj določb schengenskega pravnega reda v smislu Sporazuma med Svetom Evropske unije in Republiko Islandijo ter Kraljevino Norveško o pridružitvi obeh k izvajanju, uporabi in razvoju schengenskega pravnega reda¹, ki spadajo na področja iz člena 1 Sklepa Sveta 1999/437/ES²

(¹ UL L 176, 10.7.1999, str. 36.)

(² Sklep Sveta 1999/437/ES z dne 17. maja 1999 o nekaterih izvedbenih predpisih za uporabo Sporazuma, sklenjenega med Svetom Evropske unije in Republiko Islandijo ter Kraljevino Norveško, v zvezi s pridružitvijo teh dveh držav k izvajanju, uporabi in razvoju schengenskega pravnega reda (UL L 176, 10.7.1999, str. 31).)

(36) Ta direktiva in Direktiva 91/477/EGS za Švico predstavljata razvoj določb schengenskega pravnega reda v smislu Sporazuma med Evropsko unijo, Evropsko skupnostjo in Švicarsko konfederacijo o pridružitvi Švicarske konfederacije k izvajanju, uporabi in razvoju schengenskega pravnega reda¹, ki spadajo na področja iz člena 1 Sklepa 1999/437/ES v povezavi s členom 3 Sklepa Sveta 2008/146/ES².

(¹ UL L 53, 27.2.2008, str. 52.)

(² Sklep Sveta 2008/146/ES z dne 28. januarja 2008 o sklenitvi Sporazuma med Evropsko unijo, Evropsko skupnostjo in Švicarsko konfederacijo o pridružitvi Švicarske konfederacije k izvajanju, uporabi in razvoju schengenskega pravnega reda v imenu Evropske skupnosti (UL L 53, 27.2.2008, str. 1))

(37) Ta direktiva in Direktiva 91/477/EGS za Lihtenštajn predstavljata razvoj določb

the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹ which fall within the areas referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU²,

⁽¹⁾ OJ L 160, 18.6.2011, p. 21)

⁽²⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19))

schengenskega pravnega reda v smislu Protokola med Evropsko unijo, Evropsko skupnostjo, Švicarsko konfederacijo in Kneževino Lihtenštajn o pristopu Kneževine Lihtenštajn k Sporazumu med Evropsko unijo, Evropsko skupnostjo in Švicarsko konfederacijo o pridružitvi Švicarske konfederacije k izvajanju, uporabi in razvoju schengenskega pravnega reda¹, ki spadajo na področja iz člena 1 Sklepa 1999/437/ES v povezavi s členom 3 Sklepa Sveta 2011/350/EU²,

⁽¹⁾ UL L 160, 18.6.2011, str. 21.)

⁽²⁾ Sklep Sveta 2011/350/EU z dne 7. marca 2011 o sklenitvi Protokola med Evropsko unijo, Evropsko skupnostjo, Švicarsko konfederacijo in Kneževino Lihtenštajn o pristopu Kneževine Lihtenštajn k Sporazumu med Evropsko unijo, Evropsko skupnostjo in Švicarsko konfederacijo o pridružitvi Švicarske konfederacije k izvajanju, uporabi in razvoju schengenskega pravnega reda, v zvezi z odpravo kontrol na notranjih mejah in prostim gibanjem oseb, v imenu Evropske unije (UL L 160, 18.6.2011, str. 19))

HAVE ADOPTED THIS DIRECTIVE:

SPREJELA NASLEDNJO DIREKTIVO:

CHAPTER 1	POGLAVJE 1
Scope	Področje uporabe
Article 1	Člen 1

1. For the purposes of this Directive, the following definitions apply:

(1) 'firearm' means any portable barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant, unless it is excluded from that definition for one of the reasons listed in Part III of Annex I. Firearms are classified in Part II of Annex I.

1. V tej direktivi se uporabljajo naslednje opredelitve pojmov:

(1) „strelno orožje“ pomeni vsako prenosno cevno orožje, ki izstreljuje, je namenjeno izstreljevanju ali ga je mogoče predelati za izstreljevanje šiber, krogel ali izstrelkov z delovanjem potisnega sredstva, razen če je izvzeto iz te opredelitve zaradi enega izmed razlogov, navedenih v delu III Priloge I. Strelno

An object shall be considered to be capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if:

- (a) it has the appearance of a firearm; and
 - (b) as a result of its construction or the material from which it is made, it can be so converted;
- (2) 'essential component' means the barrel, the frame, the receiver, including both upper and lower receivers, where applicable, the slide, the cylinder, the bolt or the breech block, which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;
- (3) 'ammunition' means the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorisation in the Member State concerned;
- (4) 'alarm and signal weapons' means devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant;
- (5) 'salute and acoustic weapons' means firearms specifically converted for the sole use of firing blanks, for use such as in theatre performances, photographic sessions, film and television recordings, historical re-enactments, parades, sporting events and training;

orožje je razvrščeno v delu II Priloge I.

Šteje se, da je predmet mogoče predelati za izstreljevanje šiber, krogel ali izstrelkov z delovanjem potisnega sredstva, če:

- (a) je videti kot strelno orožje, in
 - (b) ga je mogoče zaradi njegove konstrukcije ali materiala, iz katerega je proizvedeno, predelati v strelno orožje.
- (2) „pomembni sestavni del“ pomeni cev, okvir, zaklepišče, vključno z ohišjem in strelnim mehanizmom, kakor je primerno, zaklep, boben ali zaklep, ki so, kadar so samostojni predmeti, vključeni v razred strelnega orožja, na katero so pritrjeni ali na katero se jih namerava pritrjiti;
- (3) „strelivo“ pomeni cel naboj ali njegove sestavne dele, vključno s tulci, vžigalnimi kopicami, pogonskim prahom, krogli ali izstrelki, ki se uporabljajo v strelnem orožju, pod pogojem, da je za te sestavne dele same potrebno dovoljenje v zadevni državi članici;
- (4) „plašilno orožje in signalno orožje“ pomeni naprave s prostorom za naboje, ki so zasnovane za streljanje samo s slepimi naboji, dražljivimi ali drugimi aktivnimi snovmi ali pirotehničnim signalnim strelivom ter jih ni mogoče predelati tako, da bi iz njih lahko z delovanjem potisnega sredstva izstrelili šibre, krogle ali izstrelke;
- (5) „rekvizitno orožje in akustično orožje“ pomeni strelno orožje, ki je posebej predelano za streljanje izključno s slepimi naboji, za uporabo na primer v gledaliških predstavah, na fotografskih snemanjih, pri snemanju za film in televizijo, uprizarjanju zgodovinskih dogodkov, na paradah, športnih prireditvah in pri usposabljanju;

(6) 'deactivated firearms' means firearms that have been rendered permanently unfit for use by deactivation, ensuring that all essential components of the firearm in question have been rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;

(7) 'museum' means a permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches and exhibits firearms, essential components or ammunition for historical, cultural, scientific, technical, educational, heritage or recreational purposes, and recognised as such by the Member State concerned;

(8) 'collector' means any natural or legal person dedicated to the gathering and conservation of firearms, essential components or ammunition for historical, cultural, scientific, technical, educational or heritage purposes, and recognised as such by the Member State concerned;

(9) 'dealer' means any natural or legal person whose trade or business consists wholly or partly of either of the following:

(a) the manufacture, trade, exchange, hiring out, repair, modification or conversion of firearms or essential components;

(b) the manufacture, trade, exchange, modification or conversion of ammunition;

(10) 'broker' means any natural or legal person, other than a dealer, whose trade or business consists wholly or partly of either of the following:

(6) „onesposobljeno strelno orožje“ pomeni strelno orožje, ki je postalo stalno neprimerno za uporabo z onesposobitvijo, ki zagotavlja, da so vsi pomembni sestavni deli strelnega orožja trajno neuporabni in jih ni mogoče odstraniti, zamenjati ali prirediti, da bi strelno orožje na kakršen koli način ponovno usposobili;

(7) „muzej“ pomeni stalno ustanovo v službi družbe in njenega razvoja, ki je dostopna javnosti in nabavlja, ohranja, raziskuje in razstavlja strelno orožje, njegove pomembne sestavne dele ali strelivo v zgodovinske, kulturne, znanstvene, tehnične, izobraževalne, študijske ali razvedrilne namene ali namene kulturne dediščine ter jo je kot tako priznala zadevna država članica;

(8) „zbiralec“ pomeni fizično ali pravno osebo, ki se ukvarja z zbiranjem in ohranjanjem strelnega orožja, pomembnih sestavnih delov ali streliva za zgodovinske, kulturne, znanstvene, tehnične ali izobraževalne namene ali namene kulturne dediščine ter jo je kot tako priznala zadevna država članica;

(9) „trgovec“ pomeni vsako fizično ali pravno osebo, ki se v celoti ali deloma ukvarja z enim od naslednjega:

(a) proizvodnja, trgovina, izmenjava, posojanje, popravljanje, prirejanje ali predelovanje strelnega orožja ali pomembnih sestavnih delov;

(b) proizvodnja, trgovina, izmenjava, prirejanje ali predelovanje streliva;

(10) „posrednik“ pomeni vsako fizično ali pravno osebo, razen trgovca, katere trgovanje ali poslovanje v celoti ali deloma zajema eno od

(a) the negotiation or arrangement of transactions for the purchase, sale or supply of firearms, essential components or ammunition;

(b) arranging the transfer of firearms, essential components or ammunition within a Member State, from one Member State to another Member State, from a Member State to a third country or from a third country to a Member State;

(11) 'illicit manufacturing' means the manufacturing or assembly of firearms, their essential components and ammunition:

(a) from any essential component of such firearms illicitly trafficked;

(b) without an authorisation issued in accordance with Article 4 by a competent authority of the Member State where the manufacture or assembly takes place; or

(c) without marking firearms at the time of manufacture in accordance with Article 4;

(12) 'illicit trafficking' means the acquisition, sale, delivery, movement or transfer of firearms, their essential components or ammunition from or through the territory of one Member State to that of another Member State if any one of the Member States concerned does not authorise it in accordance with this Directive or if the firearms, essential components or ammunition are not marked in accordance with Article 4;

(13) 'tracing' means the systematic tracking of firearms and, where possible, their essential components and ammunition from manufacturer

naslednjega:

(a) pogajanja o transakcijah ali ureditev transakcij za nakup, prodajo ali dobavo strelnega orožja, pomembnih sestavnih delov ali streliva;

(b) ureditev prenosa strelnega orožja, pomembnih sestavnih delov ali streliva znotraj države članice, iz ene države članice v drugo državo članico, iz države članice v tretjo državo ali iz tretje države v državo članico;

(11) „nedovoljena proizvodnja“ pomeni proizvodnjo ali sestavljanje strelnega orožja, njegovih sestavnih delov in streliva:

(a) iz katerega koli pomembnega sestavnega dela takšnega strelnega orožja, ki je bilo vključeno v nedovoljeno trgovino;

(b) brez dovoljenja, izdanega v skladu s členom 4 s strani pristojnega organa države članice, v kateri poteka proizvodnja ali sestavljanje; ali

(c) brez označevanja strelnega orožja v času njegove proizvodnje v skladu s členom 4;

(12) „nedovoljena trgovina“ pomeni nabavo, prodajo, dostavo, prevoz ali prenos strelnega orožja, njegovih pomembnih sestavnih delov ali streliva z območja ene države članice ali prek njenega območja na območje druge države članice, če ena izmed teh držav članic tega ne dovoli v skladu s to direktivo ali če strelno orožje, pomembni sestavni deli ali strelivo niso označeni v skladu s členom 4;

(13) „sledenje“ pomeni sistematično spremljanje strelnega orožja ter, kadar je mogoče, njegovih sestavnih delov in streliva od proizvajalca do

to purchaser for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and illicit trafficking.

2. For the purposes of this Directive, a person shall be considered to be a resident of the country indicated by the address appearing on an official document showing his or her place of residence, such as a passport or a national identity card, which, on a check on acquisition or on possession, is submitted to the competent authorities of a Member State or to a dealer or broker. If a person's address does not appear on his or her passport or national identity card, his or her country of residence shall be determined on the basis of any other official proof of residence recognised by the Member State concerned.

3. A 'European firearms pass' shall be issued on request by the competent authorities of a Member State to a person lawfully entering into possession of and using a firearm. It shall be valid for a maximum period of five years, which may be extended, and shall contain the information set out in Annex II. It shall be non-transferable and shall record the firearm or firearms possessed and used by the holder of the pass. It must always be in the possession of the person using the firearm and any change in the possession or characteristics of the firearm, as well as the loss or theft thereof, shall be indicated on the pass.

kupca, da se pristojnim organom držav članic pomaga pri odkrivanju, preiskovanju in analiziranju nedovoljene proizvodnje in nedovoljene trgovine.

2. V tej direktivi se šteje, da ima oseba prebivališče v državi, ki je navedena v naslovu na uradni listini, v kateri je naveden njen kraj prebivališča, kot je potni list ali nacionalna osebna izkaznica, ki se ob preverjanju nabave ali posedovanja predloži pristojnim organom države članice, trgovcu ali posredniku. Če na potnem listu ali nacionalni osebni izkaznici ni naveden naslov osebe, se njena država prebivališča določi na podlagi drugega uradnega dokazila o prebivališču, ki ga priznava zadevna država članica.

3. „Evropsko dovoljenje za strelno orožje“ izdajo pristojni organi države članice na zahtevo osebi, ki strelno orožje zakonito pridobi v posest in ga uporablja. Velja največ za obdobje petih let, ki se lahko podaljša, in vsebuje informacije, določene v Prilogi II. Je neprenosljivo, v njem pa je navedeno strelno orožje, ki ga poseduje in uporablja imetnik dovoljenja. Vedno mora biti v posesti osebe, ki uporablja strelno orožje, na dovoljenju pa se označijo spremembe glede posesti ali lastnosti strelnega orožja, pa tudi izguba ali tatvina strelnega orožja.

Article 2

1. This Directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting, using weapons lawfully acquired and possessed in accordance with this Directive.

2. This Directive shall not apply to the acquisition or possession of weapons and ammunition, in

Člen 2

1. Ta direktiva ne posega v uporabo nacionalnih določb o nošenju orožja, lovu ali streljanju v tarčo ob uporabi zakonito nabavljenega in posedovanega orožja v skladu s to direktivo.

2. Ta direktiva se ne uporablja za nabavo ali posedovanje orožja in streliva, v skladu z

accordance with national law, by the armed forces, the police or the public authorities. Nor shall it apply to transfers regulated by Directive 2009/43/EC of the European Parliament and of the Council*.

(* Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community (OJ L 146, 10.6.2009, p. 1))

nacionalnim pravom, s strani oboroženih sil, policije ali javnih organov. Prav tako se ne uporablja za prenose, ki jih ureja Direktiva 2009/43/ES Evropskega parlamenta in Sveta*.

(* Direktiva 2009/43/ES Evropskega parlamenta in Sveta z dne 6. maja 2009 o poenostavitvi pogojev za prenose obrambnih proizvodov znotraj Skupnosti (UL L 146, 10.6.2009, str. 1))

Article 3

člen 3

Member States may adopt in their legislation provisions which are more stringent than those provided for in this Directive, subject to the rights conferred on residents of the Member States by Article 12 (2).

Države članice lahko v svoji zakonodaji sprejmejo določbe, ki so strožje od predvidenih v tej direktivi, pri čemer morajo upoštevati pravice, dodeljene osebam s prebivališčem v državah članicah po členu 12(2).

CHAPTER 2

POGLAVJE 2

Harmonization of legislation concerning firearms

Usklajevanje zakonodaje, ki se nanaša na strelno orožje

Article 4

člen 4

1. With respect to firearms manufactured or imported into the Union on or after ... [15 months after the date of entry into force of this Amending Directive], Member States shall ensure that any such firearm, or any essential component, placed on the market has been:

(a) provided with a clear, permanent and unique marking without delay after manufacture and at the latest before its placement on the market, or without delay after importation into the Union; and

(b) registered in compliance with this Directive without delay after manufacture and at the latest before its placement on the market, or without delay after importation into the Union.

1. Kar zadeva strelno orožje, ki je proizvedeno v Uniji ali uvoženo vanjo ... [15 mesecev po začetku veljavnosti te direktive o spremembi] ali po tem datumu, države članice zagotovijo, da je vsako tako strelno orožje ali pomembni sestavni del, dan v promet:

(a) nemudoma po proizvodnji in najpozneje pred dajanjem na trg ali nemudoma po uvozu v Unijo opremljen z jasno, trajno in enotno oznako; ter

(b) nemudoma po proizvodnji in najpozneje pred dajanjem na trg ali nemudoma po uvozu v Unijo registriran v skladu s to direktivo.

2. The unique marking referred to in point (a) of paragraph 1 shall include the name of the manufacturer or brand, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number, and the model where feasible. This shall be without prejudice to the affixing of the manufacturer's trademark. Where an essential component is too small to be marked in compliance with this Article, it shall be marked at least with a serial number or an alphanumeric or digital code.

The marking requirements for firearms or essential components that are of particular historical importance shall be determined in accordance with national law.

Member States shall ensure that each elementary package of complete ammunition is marked in such a way as to indicate the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition.

For the purposes of paragraph 1 and this paragraph, Member States may choose to apply the provisions of the Convention for the Reciprocal Recognition of Proof Marks on Small Arms of 1 July 1969.

Furthermore, Member States shall ensure, at the time of transfer of a firearm or its essential components from government stocks to permanent civilian use, the unique marking, as provided for under paragraph 1, permitting identification of the transferring entity.

2a. The Commission shall adopt implementing acts establishing technical specifications for the marking. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).

2. Enotna oznaka iz točke (a) odstavka 1 vključuje ime proizvajalca ali blagovno znamko, državo ali kraj proizvodnje, serijsko številko in leto proizvodnje, če ni vključeno v serijsko številko, ter model, če je to izvedljivo. To ne posega v morebitno navajanje blagovne znamke proizvajalca. Kadar je pomembni sestavni del premajhen, da bi ga označili v skladu s tem členom, se ga označi vsaj s serijsko številko ali alfanumerično ali digitalno kodo.

Zahteve glede označevanja strelnega orožja ali pomembnih sestavnih delov, ki so zgodovinsko posebej pomembni, se določijo v skladu z nacionalnim pravom.

Države članice zagotovijo, da je vsaka osnovna embalaža vsega streliva označena tako, da navaja ime proizvajalca, identifikacijsko serijsko številko, kaliber in vrsto streliva.

Države članice lahko za namene odstavka 1 in tega odstavka uporabljajo določbe Konvencije o medsebojnem priznavanju žigov za ročno strelno orožje z dne 1. julija 1969.

Države članice poleg tega zagotovijo, da so strelno orožje ali njegovi pomembni sestavni deli ob prenosu iz državnih zalog v stalno civilno uporabo opremljeni z enotno oznako, kot je določeno v odstavku 1, da je mogoče identificirati subjekt tega prenosa.

2a. Komisija sprejme izvedbene akte, v katerih določi tehnične specifikacije za označevanje. Ti izvedbeni akti se sprejmejo v skladu s postopkom pregleda iz člena 13b(2).

3. Each Member State shall establish a system for the regulation of the activities of dealers and brokers. Such systems shall include at least the following measures:

- (a) the registration of dealers and brokers operating within the territory of that Member State;
- (b) the licensing or authorisation of the activities of dealers and brokers within the territory of that Member State; and
- (c) a check of the private and professional integrity and of the relevant abilities of the dealer or broker concerned. In the case of a legal person, the check shall be both on the legal person and on the natural person or persons directing the undertaking.

4. Member States shall, by 31 December 2014, ensure the establishment and maintenance of a computerised data-filing system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data-filing systems in which each firearm subject to this Directive shall be recorded. That data-filing system shall record all information relating to firearms which is needed in order to trace and identify those firearms, including:

- (a) the type, make, model, calibre and serial number of each firearm and the mark applied to its frame or receiver as a unique marking in accordance with paragraph 1, which shall serve as the unique identifier of each firearm;
- (b) the serial number or unique marking applied to the essential components, where that differs from the marking on the frame or receiver of each firearm;
- (c) the names and addresses of the suppliers and of the persons acquiring or possessing the

3. Vsaka država članica vzpostavi sistem za urejanje dejavnosti trgovcev in posrednikov. Ti sistemi zajemajo vsaj naslednje ukrepe:

- (a) registracijo trgovcev in posrednikov, ki poslujejo na ozemlju te države članice;
- (b) izdajo licence ali dovoljenja za dejavnosti trgovcev in posrednikov na ozemlju te države članice; in
- (c) preverjanje zasebne in poklicne neoporečnosti ter ustreznih sposobnosti zadevnega trgovca ali posrednika. Če gre za pravno osebo, se preverita pravna oseba in fizična oseba ali fizične osebe, ki vodijo podjetje.

4. Države članice do 31. decembra 2014 zagotovijo vzpostavitev in vzdrževanje bodisi centralizirane bodisi decentralizirane računalniško podprte zbirke podatkov, ki pooblaščenim organom zagotavlja dostop do zbirke podatkov, v katerih je zabeleženo vsako strelno orožje, za katero velja ta direktiva. V tej zbirki podatkov so zabeležene vse informacije v zvezi s strelnim orožjem, ki so potrebne za njegovo sledenje in identifikacijo, med drugim:

- (a) tip, znamka, model, kaliber in serijska številka za vsako strelno orožje ter oznaka na njegovem okvirju ali zaklepišču kot enotna oznaka v skladu z odstavkom 1, ki se uporablja kot enotni identifikator posameznega strelnega orožja;
- (b) serijska številka ali enotna oznaka na pomembnih sestavnih delih, če je ta drugačna od oznake na okvirju ali zaklepišču posameznega strelnega orožja;

firearm, together with the relevant date or dates; and

(d) any conversions or modifications to a firearm leading to a change in its category or subcategory, including its certified deactivation or destruction and the relevant date or dates.

Member States shall ensure that the record of firearms and the essential components, including the related personal data, is retained in the data-filing systems by the competent authorities for a period of 30 years after the destruction of the firearms or essential components in question.

The records of firearms and essential components referred to in the first subparagraph of this paragraph and the related personal data shall be capable of being accessed:

(a) by the authorities competent to grant or withdraw authorisations referred to in Article 6 or 7 or by the authorities competent for customs proceedings, for a period of 10 years after the destruction of the firearm or the essential components in question; and

(b) by the authorities competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, for a period of 30 years after the destruction of the firearm or the essential components in question.

Member States shall ensure that the personal data are deleted from the data-filing systems upon expiry of the periods specified in the second and third subparagraphs. This is without prejudice to cases in which specific personal data have been transferred to an authority competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties and are used in that specific context, or to other authorities competent for a compatible purpose

(c) imena in naslovi dobaviteljev in oseb, ki nabavljajo ali posedujejo strelno orožje, skupaj z ustreznim datumom oziroma datumi; in

(d) vsako predelovanje ali prirejanje v strelno orožje, ki povzroči spremembo njegovega razreda ali podrazreda, vključno s potrjeno onesposobitvijo ali uničenjem strelnega orožja in ustreznim datumom oziroma datumi.

Države članice zagotovijo, da pristojni organi v zbirkah podatkov vodijo evidenco strelnega orožja in pomembnih sestavnih delov, vključno s pripadajočimi osebni podatki, 30 let po uničenju zadevnega strelnega orožja ali pomembnih sestavnih delov.

Dostop do evidence strelnega orožja in pomembnih sestavnih delov iz prvega pododstavka tega odstavka ter pripadajočih osebnih podatkov imajo:

(a) organi, pristojni za izdajanje ali odvzemanje dovoljenj iz člena 6 ali 7, ali organi, pristojni za carinske postopke, v obdobju 10 let po uničenju zadevnega strelnega orožja ali pomembnih sestavnih delov; in

(b) organi, pristojni za preprečevanje, preiskovanje, odkrivanje ali pregon kaznivih dejanj ali izvrševanja kazenskih sankcij, v obdobju 30 let po uničenju zadevnega strelnega orožja ali pomembnih sestavnih delov.

Države članice zagotovijo, da se osebni podatki po izteku obdobja iz drugega in tretjega pododstavka izbrišejo iz zbirk podatkov. To ne posega v primere, ko se določeni osebni podatki posredujejo organu, pristojnemu za preprečevanje, preiskovanje, odkrivanje ali pregon kaznivih dejanj ali izvrševanje kazenskih sankcij, in se uporabljajo v tem specifičnem kontekstu, ali ko se posredujejo drugim organom, pristojnim za s tem združljive namene, določene v nacionalnem pravu. V teh primerih

provided for by national law. In those cases, the processing of such data by the competent authorities shall be regulated by the national law of the Member State concerned, in full compliance with Union law, in particular on data protection.

Throughout their period of activity, dealers and brokers shall be required to maintain a register in which each firearm and each essential component subject to this Directive that is received or disposed of by them shall be recorded, together with particulars enabling the firearm or essential component concerned to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the suppliers and of the persons acquiring it.

Upon the cessation of their activities, dealers and brokers shall deliver that register to the national authorities responsible for the data-filing systems provided for in the first subparagraph.

Member States shall ensure that dealers and brokers established in their territory report transactions involving firearms or essential components without undue delay to the national competent authorities, that dealers and brokers have an electronic connection to those authorities for such reporting purposes and that the data-filing systems are updated immediately upon receipt of information concerning such transactions.

5. Member States shall ensure that all firearms may be linked to their owner at any moment.

določene v nacionalnem pravu. V teh primerih obdelavo tovrstnih podatkov pri pristojnih organih v celoti skladno s pravom Unije, zlasti o varstvu podatkov, ureja nacionalno pravo zadevne države članice.

Trgovci in posredniki so v celotnem obdobju svojega delovanja dolžni voditi register, v katerem je zabeleženo vse strelno orožje in vsi pomembni sestavni deli, za katere velja ta direktiva in ki jih prejmejo ali oddajo, skupaj s podatki, ki omogočajo identifikacijo zadevnega strelnega orožja ali pomembnih sestavnih delov ter njihovo sledenje, zlasti tip, znamka, model, kaliber, serijska številka ter ime in naslov dobaviteljev in oseb, ki jih nabavijo.

Ob prenehanju svojih dejavnosti trgovci in posredniki register izročijo nacionalnim organom, pristojnim za zbirke podatkov iz prvega pododstavka.

Države članice zagotovijo, da trgovci in posredniki s sedežem na ozemlju nacionalnim pristojnim organom brez nepotrebne odlašanja poročajo o transakcijah, ki vključujejo strelno orožje ali pomembne sestavne dele, da imajo trgovci in posredniki za potrebe poročanja in posodabljanja zbirk podatkov takoj po prejemu informacij o teh transakcijah elektronsko povezavo s temi organi.

5. Države članice zagotovijo, da se lahko vsako strelno orožje v vsakem trenutku poveže z njegovim lastnikom.

Article 4a

člen 4a

Without prejudice to Article 3, Member States shall allow the acquisition and possession of firearms only by persons who have been granted a licence or, with respect to firearms classified in category C, who are specifically permitted to acquire and possess such firearms in accordance with national law.

Države članice brez poseganja v člen 3 dovolijo nabavo in posedovanje strelnega orožja zgolj osebam, ki jim je bila izdana licenca ali, kar zadeva strelno orožje, razvrščeno v razred C, jim je posebej dovoljeno, da ga nabavijo in posedujejo v skladu z nacionalnim pravom.

Article 5

člen 5

1. Without prejudice to Article 3, Member States shall permit the acquisition and possession of firearms only by persons who have good cause and who:

(a) are at least 18 years of age, except in relation to the acquisition, other than through purchase, and possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licensed or otherwise approved training centre, and the parent, or an adult with a valid firearms or hunting licence, assumes responsibility for proper storage pursuant to Article 5a; and

(b) are not likely to be a danger to themselves or others, to public order or to public safety; the fact of having been convicted of a violent intentional crime shall be considered as indicative of such danger.

2. Member States shall have in place a monitoring system, which they may operate on a continuous or non-continuous basis, to ensure that the conditions of authorisation set by national law are met throughout the duration of the authorisation and, inter alia, relevant medical and psychological information is assessed. The specific arrangements shall be determined in accordance with national law.

Where any of the conditions of authorisation is no longer met, Member States shall withdraw the respective authorisation.

Member States may not prohibit persons resident within their territory from possessing a firearm acquired in another Member State unless they prohibit the acquisition of the same type of firearm

1. Države članice brez poseganja v člen 3 dovolijo nabavo in posedovanje strelnega orožja samo osebam, ki imajo utemeljen razlog in:

(a) ki so stare najmanj 18 let, razen kar zadeva nabavo, ki ni nakup, in posedovanje strelnega orožja za lov in streljanje v tarčo, pod pogojem, da imajo v tem primeru osebe, mlajše od 18 let, dovoljenje staršev ali so pod nadzorom staršev ali odrasle osebe z veljavnim dovoljenjem za strelno orožje ali dovoljenjem za lov ali so v centru za usposabljanje z licenco ali kako drugače priznanem centru in da eden od staršev ali odrasla oseba z veljavnim dovoljenjem za strelno orožje ali dovoljenjem za lov prevzame odgovornost za ustrezno hrambo v skladu s členom 5a; ter

(b) zanje ni verjetno, da bi bile nevarne same sebi ali drugim, javnemu redu ali javni varnosti; obsodba za nasilno naklepno kaznivo dejanje se šteje za tako nevarnost.

2. Države članice imajo vzpostavljen sistem spremljanja, ki ga lahko uporabljajo redno ali občasno, da zagotovijo, da so pogoji za izdajo dovoljenja, določeni v nacionalnem pravu, izpolnjeni v celotnem obdobju trajanja dovoljenja in da se med drugim ocenjujejo ustrezne zdravstvene in psihološke informacije. Posebna ureditev se določi v skladu z nacionalnim pravom.

Če kateri od pogojev za izdajo dovoljenja ni več izpolnjen, države članice dovoljenje odvzamejo.

Države članice ne smejo prepovedati osebam, ki imajo prebivališče na njihovem ozemlju, posedovanja strelnega orožja, ki so ga nabavile v drugi državi članici, razen če prepovejo nabavo iste vrste strelnega orožja na svojem ozemlju.

within their own territory.

3. Member States shall ensure that an authorisation to acquire and an authorisation to possess a firearm classified in category B shall be withdrawn if the person who was granted that authorisation is found to be in possession of a loading device apt to be fitted to centre-fire semi-automatic firearms or repeating firearms, which:

(a) can hold more than 20 rounds; or

(b) in the case of long firearms, can hold more than 10 rounds,

unless that person has been granted an authorisation under Article 6 or an authorisation which has been confirmed, renewed or prolonged under Article 7(4a).

Article 5a

In order to minimise the risk of firearms and ammunition being accessed by unauthorised persons, Member States shall establish rules on the proper supervision of firearms and ammunition and rules on their proper storage in a secure manner. Firearms and their ammunition shall not be readily accessible together. Proper supervision shall mean that the person lawfully possessing the firearm or the ammunition concerned has control over it during its transportation and use. The level of scrutiny of such proper storage arrangements shall reflect the number and category of the firearms and ammunition concerned.

Article 5b

Member States shall ensure that, in cases involving the acquisition and selling of firearms, essential components or ammunition classified in category A, B or C by means of distance contracts as defined in point (7) of Article 2 of Directive 2011/83/EU of the European Parliament and of the

3. Države članice zagotovijo, da se dovoljenje za nabavo in dovoljenje za posedovanje strelnega orožja, razvrščenega v razred B, odvzame, če se ugotovi, da oseba, ki ji je bilo dovoljenje izdano, nezakonito poseduje napravo za polnjenje, ki se lahko namesti v polavtomatsko strelno orožje s centralno udarno iglo ali repetirno strelno orožje in:

(a) lahko sprejme več kot 20 nabojev;

(b) v primeru dolgocevnega orožja, lahko sprejme več kot 10 nabojev,

razen če je bilo tej osebi izdano dovoljenje v skladu s členom 6 ali dovoljenje, ki je bilo potrjeno, obnovljeno ali podaljšano v skladu s členom 7(4a).

člen 5a

Države članice določijo pravila o ustreznem nadzoru nad strelnim orožjem in strelivom ter pravila o njuni ustrezni in varni hrambi, da se čim bolj zmanjša nevarnost, da bi dostop do njih pridobile nepooblaščen osebe. Strelno orožje in strelivo zanj ne sme biti zlahka dostopna na istem mestu. Ustrezní nadzor pomeni, da ima oseba, ki zakonito poseduje zadevno strelno orožje ali strelivo, kontrolo nad njima tekom njunega prevoza in uporabe. Raven nadzora glede ureditve takšne ustrezne hrambe ustreza številu in razredu zadevnega strelnega orožja in streliva.

člen 5b

Države članice zagotovijo, da pri nabavi in prodaji strelnega orožja, pomembnih sestavnih delov ali streliva, razvrščenega v razred A, B ali C prek pogodb o prodaji na daljavo v smislu točke (7) člena 2 Direktive 2011/83/EU Evropskega parlamenta in Sveta* pred njihovo dostavo kupcu strelnega orožja,

Council*, the identity, and where required, the authorisation of the purchaser of the firearm, essential components or ammunition are checked prior to, or at the latest upon, delivery thereof to that person, by:

(a) a licensed or authorised dealer or broker; or

(b) a public authority or a representative of that authority.

(* Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64))

Article 6

1. Without prejudice to Article 2(2), Member States shall take all appropriate measures to prohibit the acquisition and possession of the firearms, the essential components and the ammunition classified in category A. They shall ensure that those firearms, essential components and ammunition unlawfully held in contravention of that prohibition are impounded.

2. For the protection of the security of critical infrastructure, commercial shipping, high-value convoys and sensitive premises, as well as for national defence, educational, cultural, research and historical purposes, and without prejudice to paragraph 1, the national competent authorities may grant, in individual cases, exceptionally and in a duly reasoned manner, authorisations for firearms, essential components and ammunition classified in category A where this is not contrary to public security or public order.

3. Member States may choose to grant to collectors, in individual special cases, exceptionally and in a duly reasoned manner, authorisations to acquire and possess firearms, essential components

pomembnega sestavnega dela ali streliva, ali najpozneje ob dostavi, istovetnost in po potrebi dovoljenje te osebe preveri:

(a) trgovec ali posrednik z licenco oziroma dovoljenjem; ali

(b) javni organ ali njegov predstavnik.

(* Direktiva 2011/83/EU Evropskega parlamenta in Sveta z dne 25. oktobra 2011 o pravicah potrošnikov, spremembi Direktive Sveta 93/13/EGS in Direktive 1999/44/ES Evropskega parlamenta in Sveta ter razveljavitvi Direktive Sveta 85/577/EGS in Direktive 97/7/ES Evropskega parlamenta in Sveta (UL L 304, 22.11.2011, str. 64))

člen 6

1. Države članice brez poseganja v člen 2(2) sprejmejo vse ustrezne ukrepe, da prepovejo nabavo in posedovanje strelnega orožja, pomembnih sestavnih delov in streliva, razvrščenih v razred A. Zagotovijo, da se navedeno strelno orožje, pomembni sestavni deli in strelivo, ki se v nasprotju s to prepovedjo nezakonito posedujejo, zasežejo.

2. Za zaščito varnosti kritične infrastrukture, trgovskega ladijskega prometa, konvojev visoke vrednosti in občutljivih področij, ter v namene nacionalne obrambe in v izobraževalne, kulturne, raziskovalne in zgodovinske namene lahko nacionalni pristojni organi brez poseganja v odstavek 1 v posameznih in ustrezno utemeljenih primerih izjemoma izdajo dovoljenja za strelno orožje, pomembne sestavne dele in strelivo, razvrščene v razred A, kadar to ni v nasprotju z javno varnostjo ali javnim redom.

3. Države članice lahko v posameznih in ustrezno utemeljenih primerih izjemoma izdajo dovoljenje zbiralcem, da nabavijo in posedujejo strelno orožje, pomembne sestavne dele in strelivo,

and ammunition classified in category A, subject to strict conditions on security, including the demonstration to the national competent authorities that measures are in place to address any risks to public security or public order and that the firearms, essential components or ammunition concerned are stored with a level of security proportionate to the risks associated with unauthorised access to such items.

Member States shall ensure that collectors authorised under the first subparagraph of this paragraph are identifiable within the data-filing systems referred to in Article 4. Such authorised collectors shall be obliged to maintain a register of all firearms in their possession classified in category A, which shall be accessible to the national competent authorities. Member States shall establish an appropriate monitoring system with respect to such authorised collectors, taking all relevant factors into account.

4. Member States may authorise dealers or brokers, in their respective professional capacities, to acquire, manufacture, deactivate, repair, supply, transfer and possess firearms, essential components and ammunition classified in category A, subject to strict conditions regarding security.

5. Member States may authorise museums to acquire and possess firearms, essential components and ammunition classified in category A, subject to strict conditions regarding security.

6. Member States may authorise target shooters to acquire and possess semi-automatic firearms classified in point 6 or 7 of category A, subject to the following conditions:

(a) a satisfactory assessment of relevant information arising from the application of Article 5(2);

razvrščene v razred A, če upoštevajo stroge pogoje glede varnosti, vključno s tem, da nacionalnim pristojnim organom dokažejo, da so sprejeti ukrepi za preprečevanje tveganja za javno varnost ali javni red in da so strelno orožje, pomembni sestavni deli ali strelivo shranjeni s stopnjo varnosti, ki je sorazmerna s tveganjem, povezanim z nepooblaščenim dostopom do njih.

Države članice zagotovijo, da je zbiralce, ki imajo dovoljenje v skladu s prvim pododstavkom tega odstavka, mogoče identificirati na podlagi zbir podatkov iz člena 4. Ti zbiralci z dovoljenjem morajo vzdrževati register vsega strelnega orožja, razvrščenega v razred A, ki ga posedujejo, register pa je dostopen nacionalnim pristojnim organom. Države članice za zbiralce z dovoljenjem vzpostavijo ustrezen sistem spremljanja in pri tem upoštevajo vse pomembne dejavnike.

4. Države članice lahko dovolijo trgovcem ali posrednikom, da ob upoštevanju strogih pogojev glede varnosti v svojih poklicnih dejavnostih nabavijo, proizvedejo, onesposobijo, popravijo, dobavijo, prenesejo in posedujejo strelno orožje, pomembne sestavne dele in strelivo, razvrščene v razred A.

5. Države članice lahko dovolijo muzejem, da ob upoštevanju strogih pogojev glede varnosti nabavijo in posedujejo strelno orožje, pomembne sestavne dele in strelivo, razvrščene v razred A.

6. Države članice lahko dovolijo strelcem v tarčo, da nabavijo in posedujejo polavtomatsko strelno orožje, razvrščeno v točko 6 ali 7 razreda A, in sicer pod naslednjimi pogoji:

(a) zadovoljiva ocena ustreznih informacij, ki izhajajo iz uporabe člena 5(2);

(b) provision of proof that the target shooter concerned is actively practising for or participating in shooting competitions recognised by an officially recognised shooting sports organisation of the Member State concerned or by an internationally established and officially recognised shooting sport federation; and

(c) provision of a certificate from an officially recognised shooting sports organisation confirming that:

(i) the target shooter is a member of a shooting club and has been regularly practising target shooting in it for at least 12 months, and

(ii) the firearm in question fulfils the specifications required for a shooting discipline recognised by an internationally established and officially recognised shooting sport federation.

As regards firearms classified in point 6 of category A, Member States applying a military system based on general conscription and having in place over the last 50 years a system of transfer of military firearms to persons leaving the army after fulfilling their military duties may grant to those persons, in their capacity as a target shooter, an authorisation to keep one firearm used during the mandatory military period. The relevant public authority shall transform those firearms into semi-automatic firearms and shall periodically check that the persons using such firearms do not represent a risk to public security. The provisions set out in points (a), (b) and (c) of the first subparagraph shall apply.

7. Authorisations granted under this Article shall be reviewed periodically at intervals not exceeding five years.

(b) predložitev dokazila, da zadevni strelec v tarčo aktivno vadi za tekmovanja ali sodeluje na strelskih tekmovanjih, ki jih priznava uradno priznana strelska športna organizacija zadevne države članice ali mednarodno in uradno priznana strelska športna zveza; in

(c) predložitev potrdila uradno priznane strelske športne organizacije, da:

(i) je strelec v tarčo član strelskega društva in v njem redno strelja v tarčo že vsaj 12 mesecev;

(ii) zadevno strelno orožje izpolnjuje specifikacije, potrebne za strelsko disciplino, ki jo priznava mednarodno in uradno priznana strelska športna zveza.

V zvezi s strelnim orožjem, razvrščenim v točko 6 razreda A, lahko države članice, ki uporabljajo vojaški sistem, ki temelji na splošni vojaški obveznosti, ter imajo že zadnjih 50 let sistem prenosa vojaškega strelnega orožja na osebe, ki ob izpolnitvi svoje vojaške obveznosti zapustijo vojsko, tem osebam v njihovi vlogi strelcev na tarčo izdajo dovoljenje za obdržanje enega kosa strelnega orožja, ki so ga uporabljali med obveznim vojaškim rokom. To orožje ustrežni javni organ predela v polavtomatsko strelno orožje ter redno preverja, da osebe, ki ga uporabljajo, ne predstavljajo tveganja za javno varnost. Uporabljajo se določbe iz točk (a), (b) in (c) prvega pododstavka.

7. Dovoljenja, izdana po tem členu, se redno pregledujejo vsaj vsakih pet let.

1. No one may acquire a firearm classified in category B within the territory of a Member State unless that Member State has so authorized him.

No such authorization may be given to a resident of another Member State without the latter's prior agreement.

2. No one may be in possession of a firearm classified in category B within the territory of a Member State unless that Member State has so authorized him. If he is a resident of another Member State, that other Member State shall be informed accordingly.

3. An authorization to acquire and an authorization to possess a firearm classified in category B may take the form of a single administrative decision.

4. Member States may consider granting persons who satisfy the conditions for the granting of an authorisation for a firearm a multiannual licence for the acquisition and possession of all firearms subject to authorisation, without prejudice to:

- (a) the obligation to notify the competent authorities of transfers;
- (b) the periodic verification that those persons continue to satisfy the conditions; and
- (c) the maximum limits for possession laid down in national law.

Authorisations for possession of firearms shall be reviewed periodically, at intervals not exceeding five years. An authorisation may be renewed or prolonged if the conditions on the basis of which it was granted are still fulfilled.

4a. Member States may decide to confirm, renew or prolong authorisations for semi-automatic firearms classified in point 6, 7 or 8 of category A in respect of

1. Nihče ne sme nabaviti strelnega orožja, razvrščenega v razred B, na ozemlju države članice, razen če mu je ta država članica to dovolila.

Nobeno takšno dovoljenje se ne sme izdati osebi, ki ima prebivališče v drugi državi članici, brez njenega predhodnega soglasja.

2. Nihče ne sme posedovati strelnega orožja, razvrščenega v razred B, na ozemlju države članice, razen če mu je to dovolila ta država članica. Če ima ta oseba prebivališče v drugi državi članici, se to državo članico o tem ustrezno obvesti.

3. Dovoljenje za nabavo in dovoljenje za posedovanje strelnega orožja, razvrščenega v razred B, imata lahko obliko enotne upravne odločbe.

4. Države članice se lahko odločijo, da bodo osebam, ki izpolnjujejo pogoje za izdajo dovoljenj za strelno orožje, izdale večletno licenco za nabavo in posedovanje vsega strelnega orožja, za katerega je potrebno dovoljenje, ne da bi to vplivalo na:

- (a) obveznost obveščanja pristojnih organov o prenosih;
- (b) redno preverjanje, da te osebe izpolnjujejo pogoje; in
- (c) zgornje meje za posedovanje, določene v nacionalni zakonodaji.

Dovoljenja za posedovanje strelnega orožja se redno pregledujejo vsaj vsakih pet let. Dovoljenje se lahko obnovi ali podaljša, če so pogoji, na podlagi katerih je bilo izdano, še vedno izpolnjeni.

4a. Države članice se lahko odločijo, da potrdijo, obnovijo ali podaljšajo dovoljenja, izdana za polavtomatsko orožje, razvrščeno v točko 6, 7 ali 8

a firearm which was classified in category B, and lawfully acquired and registered, before ... [date of entry into force of this Amending Directive], subject to the other conditions laid down in this Directive. Furthermore, Member States may allow such firearms to be acquired by other persons authorised by Member States in accordance with this Directive, as amended by Directive 2017/... of the European Parliament and of the Council*.

(* Directive 2017/... of the European Parliament and of the Council of ... amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons (OJ L ...))

5. Member States shall adopt rules to ensure that persons holding authorisations for firearms of category B in force under national law as at 28 July 2008 do not need to apply for a licence or permit regarding firearms they hold in categories C or D due to the entry into force of Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 (9). However, any subsequent transfer of firearms of categories C or D shall be subject to the transferee obtaining or having a licence or being specifically permitted to possess those firearms in accordance with national law.

Article 8

1. No one may be in possession of a firearm classified in category C unless he has declared it to the authorities of the Member State in which that firearm is held.

The Member States shall provide for the compulsory declaration of all firearms classified in category C at present held within their territories but not previously declared within one year of the entry into force of the national provisions transposing this Directive.

2. Every seller, dealer or private person shall inform the authorities of the Member State in which it takes place of every transfer or handing over of a

razreda A, za strelno orožje, ki je bilo razvrščeno v razred B in zakonito nabavljeno in registrirano pred ... [datum začetka veljavnosti], če so izpolnjeni drugi pogoji iz te direktive. Poleg tega države članice lahko dovolijo, da v skladu s to direktivo, kakor je bila spremenjena z Direktivo 2017/... Evropskega parlamenta in Sveta*, to strelno orožje nabavijo druge osebe, ki imajo dovoljenje v državi članici.

(* Direktiva 2017/... Evropskega parlamenta in Sveta z dne ... o spremembi Direktive Sveta 91/477/EGS o nadzoru nabave in posedovanja orožja (UL L ...))

5. Države članice sprejmejo pravila, s katerimi zagotovijo, da osebam, ki imajo dovoljenje za strelno orožje iz razreda B v skladu z nacionalno zakonodajo na dan 28. julija 2008, ni treba zaprositi za licenco ali dovoljenje za strelno orožje, ki ga imajo iz razreda C ali D, zaradi začetka veljavnosti Direktive 2008/51/ES Evropskega parlamenta in Sveta z dne 21. maja 2008 (9). Vendar pa mora za vsak nadaljnji prenos strelnega orožja iz razreda C ali D prevzemnik za prenos pridobiti ali imeti licenco ali imeti posebno dovoljenje za njegovo posedovanje v skladu z nacionalno zakonodajo.

člen 8

1. Nihče ne sme posedovati strelnega orožja, razvrščenega v razred C, razen če ga je prijavil organom države članice, v kateri se nahaja to strelno orožje.

Države članice poskrbijo za obvezne prijave vsega strelnega orožja, razvrščenega v razred C, ki je trenutno na njihovem ozemlju, vendar še ni bilo prijavljeno, v enem letu po začetku veljave državnih predpisov, ki prenašajo to direktivo.

2. Vsak prodajalec, trgovec ali zasebnik obvesti o vsakem prenosu ali izročitvi strelnega orožja, razvrščenega v razred C, organe države članice, v

firearm classified in category C, giving the particulars by which the firearm and the person acquiring it may be identified. If the person acquiring such a firearm is a resident of another Member State, that other Member State shall be informed of the acquisition by the Member State in which it took place and by the person acquiring the firearm.

3. If a Member State prohibits or makes subject to authorisation the acquisition and possession within its territory of a firearm classified in category B or C, it shall inform the other Member States, which shall expressly include a statement to that effect on any European firearms pass they issue for such a firearm, pursuant to Article 12(2).

kateri se to opravi, in pri tem navede podrobnosti, s katerimi se lahko določi identiteta strelnega orožja in osebe, ki ga nabavlja. Če ima oseba, ki pridobi takšno strelno orožje, prebivališče v drugi državi članici, to drugo državo članico o nabavi obvestita država članica, v kateri je bilo orožje nabavljeno, in oseba, ki nabavi strelno orožje.

3. Če država članica na svojem ozemlju prepove nabavo in posedovanje strelnega orožja, razvrščenega v razred B ali C, ali za to zahteva pridobitev dovoljenja, o tem obvesti druge države članice, ki izrecno vpišejo izjavo v zvezi s tem v vsako evropsko dovoljenje za strelno orožje, ki ga izdajo za takšno strelno orožje, v skladu s členom 12(2).

Article 9

1. The handing over of a firearm classified in category A, B or C to a person who is not resident in the Member State in question shall be permitted, subject to compliance with the obligations laid down in Articles 6, 7 and 8:

- where the person acquiring it has been authorized in accordance with Article 11 himself to effect a transfer to his country of residence,
- where the person acquiring it submits a written declaration testifying to and justifying his intention to be in possession of the firearm in the Member State of acquisition, provided that he fulfils the legal conditions for possession in that Member State.

2. Member States may authorize the temporary handing over of firearms in accordance with procedures which they shall lay down.

Article 10

1. The arrangements for the acquisition and possession of ammunition shall be the same as

člen 9

1. Izročitev strelnega orožja, razvrščenega v razrede A, B ali C, osebi, ki nima prebivališča v zadevni državi članici, se dovoli, če so izpolnjene zahteve iz členov 6, 7 in 8:

- kadar je bila oseba, ki ga nabavi, pooblaščen po členu 11, da izvede prenos v državo svojega prebivališča,
- kadar oseba, ki ga nabavi, predloži pisno prijavo, ki izpričuje in utemeljuje njen namen za posedovanje strelnega orožja v državi članici nabave, če izpolnjuje zakonske pogoje za posedovanje v tej državi članici.

2. Države članice lahko dovolijo začasno izročitev strelnega orožja v skladu s postopki, ki jih same določijo.

člen 10

1. Ureditve glede nabave in posedovanja streliva je enaka kot za posedovanje strelnega orožja, za

those for the possession of the firearms for which the ammunition is intended.

The acquisition of loading devices for centre-fire semi-automatic firearms which can hold more than 20 rounds or more than 10 rounds in the case of long firearms shall be permitted only for persons who are granted an authorisation under Article 6 or an authorisation which has been confirmed, renewed or prolonged under Article 7(4a).

2. Dealers and brokers may refuse to complete any transaction for the acquisition of complete rounds of ammunition, or components of ammunition, which they reasonably consider to be suspicious owing to its nature or scale, and shall report any such attempted transaction to the competent authorities.

Article 10a

1. Member States shall take measures to ensure that devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.

2. Member States shall classify as firearms devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.

3. The Commission shall adopt implementing acts laying down technical specifications for alarm and signal weapons manufactured or imported into the Union on or after ... [15 months after the date of

katero je namenjeno strelivo.

Nabava naprav za polnjenje polavtomatskega strelnega orožja s centralno udarno iglo, ki lahko sprejme več kot 20 nabojev, ali več kot 10 nabojev v primeru dolgocevne orožja, je dovoljena samo osebam, ki jim je bilo izdano dovoljenje v skladu s členom 6 ali dovoljenje, ki je bilo potrjeno, obnovljeno ali podaljšano v skladu s členom 7(4a).

2. Trgovci in posredniki lahko zavrnejo izvedbo vsake transakcije za nabavo celih nabojev s strelivom ali sestavnih delov streliva, ki se jim zaradi njene narave ali obsega utemeljeno zdi sumljiva, in vsak poskus takšne transakcije prijavijo pristojnim organom.

člen 10a

1. Države članice sprejmejo ukrepe, s katerimi zagotovijo, da naprav s prostorom za naboje, ki so zasnovane za streljanje samo s slepimi naboji, dražljivimi ali drugimi aktivnimi snovmi ali pirotehničnim strelivom, ni mogoče predelati tako, da bi iz njih lahko z delovanjem potisnega sredstva izstrelili šibre, krogle ali izstrelke.

2. Države članice med strelno orožje razvrstijo naprave s prostorom za naboje, ki so zasnovane za streljanje samo s slepimi naboji, dražljivimi ali drugimi aktivnimi snovmi ali pirotehničnim strelivom in ki jih je mogoče predelati tako, da bi iz njih lahko z delovanjem potisnega sredstva izstrelili šibre, krogle ali izstrelke.

3. Komisija sprejme izvedbene akte, s katerimi se določijo tehnične specifikacije za plašilno in signalno orožje, proizvedeno v Uniji ali uvoženo vanjo ... [15 mesecev po datumu začetka veljavnosti

entry into force of this Amending Directive] to ensure that they are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2). The Commission shall adopt the first such implementing act by ... [15 months after the date of entry into force of this Amending Directive].

te direktive o spremembi] ali po tem datumu, s katerimi zagotovi, da ga ni mogoče predelati tako, da bi iz njega lahko z delovanjem potisnega sredstva izstrelili šibre, krogle ali izstrelke. Ti izvedbeni akti se sprejmejo v skladu s postopkom pregleda iz člena 13b(2). Komisija sprejme prvi tovrstni izvedbeni akt do ... [15 mesecev po datumu začetka veljavnosti te direktive o spremembi].

Article 10b

člen 10b

1. Member States shall make arrangements for the deactivation of firearms to be verified by a competent authority in order to ensure that the modifications made to a firearm render all its essential components permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way. Member States shall, in the context of that verification, provide for the issuance of a certificate and record attesting to the deactivation of the firearm and the apposition of a clearly visible mark to that effect on the firearm.

1. Države članice poskrbijo, da lahko pristojni organ preveri onesposobitev strelnega orožja, da se zagotovi, da so zaradi opravljenega prirejanja strelnega orožja vsi njegovi pomembni sestavni deli trajno neuporabni in jih ni mogoče odstraniti, zamenjati ali prirediti, da bi strelno orožje na kakršen koli način ponovno usposobili. Države članice pri navedenem preverjanju zagotovijo, da se izdana potrdilo in zapis, ki potrjuje onesposobitev strelnega orožja in namestitvev ustrezne jasno vidne oznake na njem.

2. The Commission shall adopt implementing acts laying down deactivation standards and techniques to ensure that all essential components of a firearm are rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).

2. Komisija sprejme izvedbene akte, s katerimi se določijo standardi in tehnike za onesposobitev, ki zagotavljajo, da so vsi bistveni deli strelnega orožja trajno neuporabni in jih ni mogoče odstraniti, zamenjati ali prirediti, da bi strelno orožje na kakršen koli način ponovno usposobili. Ti izvedbeni akti se sprejmejo v skladu s postopkom pregleda iz člena 13b(2).

3. The implementing acts referred to in paragraph 2 shall not apply to firearms deactivated prior to the date of application of those implementing acts unless those firearms are transferred to another Member State or placed on the market subsequent to that date.

3. Izvedbeni akti iz odstavka 2 se ne uporabljajo za strelno orožje, onesposobljeno pred datumom začetka uporabe teh izvedbenih aktov, razen če se to strelno orožje prenese v drugo državo članico ali da na trg po tem datumu.

4. Member States may notify to the Commission

4. Države članice lahko Komisijo v dveh mesecih

within two months after ... [the date of entry into force of this Amending Directive] their national deactivation standards and techniques applied before 8 April 2016, justifying the reasons for which the level of security ensured by those national deactivation standards and techniques is equivalent to that ensured by the technical specifications for deactivation of firearms set out in Annex I to Commission Implementing Regulation (EU) 2015/2403^{*} as applicable on 8 April 2016.

(* 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 (OJ L 333, 19.12.2015, p. 62))

5. When Member States notify the Commission in accordance with paragraph 4 of this Article, the Commission shall, at the latest 12 months after notification, adopt implementing acts deciding whether the national deactivation standards and techniques thus notified ensured that firearms were deactivated with a level of security equivalent to that ensured by the technical specifications for deactivation of firearms set out in Annex I to Implementing Regulation (EU) 2015/2403 as applicable on 8 April 2016. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13b(2).

6. Until the date of application of the implementing acts referred to in paragraph 5, any firearm deactivated in accordance with the national deactivation standards and techniques applied before 8 April 2016 shall, when transferred to another Member State or placed on the market, comply with the technical specifications for deactivation of firearms set out in Annex I to Implementing Regulation (EU) 2015/2403.

7. Firearms deactivated before 8 April 2016 in accordance with the national deactivation standards and techniques that have been found to ensure a

po ... [začetek veljavnosti te direktive o spremembi] uradno obvestijo o svojih nacionalnih standardih in tehnikah za onesposobitev, ki so se uporabljali pred 8. aprilom 2016, in utemeljijo, zakaj je raven varnosti, ki jih ti standardi in tehnike za onesposobitev, zagotavljajo, enakovredna tisti, ki jih zagotavljajo tehnične specifikacije za onesposobitev strelnega orožja iz Priloge I k Izvedbeni uredbi Komisije (EU) 2015/2403^{*}, kakor se uporabljajo od 8. aprila 2016.

(* Izvedbena uredba Komisije (EU) 2015/2403 z dne 15. decembra 2015 o določitvi skupnih smernic o standardih in tehnikah za onesposobitev, ki zagotavljajo nepreklicno neuporabnost onesposobljenega strelnega orožja (UL L 333, 19.12.2015, str. 62))

5. Ko države članice uradno obvestijo Komisijo v skladu z odstavkom 4 tega člena, ta najpozneje v 12 mesecih po uradni obvestitvi sprejme izvedbene akte, s katerimi določi, ali ti nacionalni standardi in tehnike za onesposobitev zagotavljajo, da je bilo strelno orožje onesposobljeno z ravno varnosti, ki je enakovredna tisti, ki jo zagotavljajo tehnične specifikacije za onesposobitev strelnega orožja iz Priloge I k Izvedbeni uredbi (EU) 2015/2403, kakor se uporabljajo od 8. aprila 2016. Ti izvedbeni akti se sprejmejo v skladu s postopkom pregleda iz člena 13b(2).

6. Do datuma začetka uporabe izvedbenih aktov iz odstavka 5 mora vse strelno orožje, ki je bilo onesposobljeno v skladu z nacionalnimi standardi in tehnikami za onesposobitev, ki so se uporabljali pred 8. aprilom 2016, ko je preneseno v drugo državo članico ali dano na trg, izpolnjevati tehnične specifikacije za onesposobitev iz Priloge I k Izvedbeni uredbi (EU) 2015/2403.

7. Za strelno orožje, ki je bilo pred 8. aprilom 2016 onesposobljeno v skladu z nacionalnimi standardi in tehnikami za onesposobitev, za katere je

level of security equivalent to that ensured by the technical specifications for deactivation of firearms set out in Annex I to Implementing Regulation (EU) 2015/2403 as applicable on 8 April 2016 shall be considered to be deactivated firearms, including when they are transferred to another Member State or placed on the market after the date of application of the implementing acts referred to in paragraph 5.

bilo ugotovljeno, da je raven varnosti enakovredna tisti, ki jo zagotavljajo tehnične specifikacije za onesposobitev strelnega orožja iz Priloge I k Izvedbeni uredbi (EU) 2015/2403, kakor se uporabljajo od 8. aprila 2016, velja, da je onesposobljeno strelno orožje, tudi če se prenese v drugo državo članico ali da na trg po datumu začetka uporabe izvedbenih aktov iz odstavka 5.

CHAPTER 3

Formalities for the movement of weapons within the Union

Article 11

1. Firearms may, without prejudice to Article 12, be transferred from one Member State to another only in accordance with the procedure laid down in this Article. That procedure shall also apply in respect of transfers of firearms following a sale by means of a distance contract as defined in point (7) of Article 2 of Directive 2011/83/EU.

2. Where a firearm is to be transferred to another Member State, the person concerned shall, before it is taken there, supply the following particulars to the Member State in which such firearm is situated:

- the names and addresses of the person selling or disposing of the firearm and of the person purchasing or acquiring it or, where appropriate, of the owner,
- the address to which the firearm is to be consigned or transported,
- the number of firearms to be consigned or transported,
- the particulars enabling the firearm to be identified and also an indication that the firearm has undergone a check in accordance with the Convention of 1 July 1969 on the Reciprocal Recognition of Deactivation of Small Arms

POGLAVJE 3

Formalnosti glede pretoka orožja znotraj Skupnost

člen 11

1. Strelno orožje se lahko brez poseganja v člen 12 prenese iz ene države članice v drugo samo v skladu s postopkom, določenim v tem členu. Ta postopek se uporablja tudi za prenos strelnega orožja pri prodaji prek pogodbe o prodaji na daljavo, kakor je opredeljena v točki (7) člena 2 Direktive 2011/83/EU.

2. Kadar je treba strelno orožje prenesti v drugo državo članico, zadevna oseba, preden se orožje dostavi tja, priskrbi državi članici, v kateri je takšno strelno orožje, naslednje podatke:

- ime in naslov osebe, ki prodaja ali odda strelno orožje, ter osebe, ki ga kupuje ali nabavlja, ali kadar je primerno, lastnika,
- naslov, kamor je treba strelno orožje odposlati ali prepeljati,
- število kosov strelnega orožja, ki ga je treba odposlati ali prepeljati
- podatki, ki omogočajo identifikacijo strelnega orožja, in tudi navedbo, da je bilo pregledano v skladu s Konvencijo z dne 1. julija 1969 o vzajemnem priznavanju preskusnih oznak lahkega orožja,

Recognition of Proofmarks on Small Arms,

- the means of transfer,
- the date of departure and the estimated date of arrival.

The information referred to in the last two indents need not be supplied where the transfer takes place between dealers.

The Member State shall examine the conditions under which the transfer is to be carried out, in particular with regard to security.

Where the Member State authorizes such transfer, it shall issue a licence incorporating all the particulars referred to in the first subparagraph. Such licence shall accompany the firearm until it reaches its destination; it shall be produced whenever so required by the authorities of the Member States.

3. In the case of transfer of the firearms, other than weapons of war, excluded from the scope of this Directive pursuant to Article 2 (2), each Member State may grant dealers the right to effect transfers of firearms from its territory to a dealer established in another Member State without the prior authorization referred to in paragraph 2. To that end it shall issue an authorization valid for no more than three years, which may at any time be suspended or cancelled by reasoned decision. A document referring to that authorization must accompany the firearm until it reaches its destination; it must be produced whenever so required by the authorities of the Member States.

Prior to the date of transfer, the dealer shall communicate to the authorities of the Member State from which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2. Those authorities shall carry out inspections, where appropriate on the spot, to verify the correspondence between the information

- prevozno sredstvo,
- datum odhoda in predvideni datum prihoda.

Podatkov iz zadnjih dveh alinej ni treba navesti, kadar prenos poteka med trgovci.

Država članica preveri pogoje, pod katerimi je treba izpeljati prenos, zlasti glede varnosti.

Kadar država članica dovoli takšen prenos, izda dovoljenje, ki vključuje vse podatke iz prvega pododstavka. Takšno dovoljenje spremlja strelno orožje, dokler to ne pride v namembni kraj. Predložiti ga je treba vedno, kadar to zahtevajo organi držav članic.

3. Za prenos strelnega orožja, ki ni bojno orožje, ki v skladu s členom 2(2) ni urejeno s to direktivo, lahko vsaka država članica dodeli trgovcu pravico prenosa strelnega orožja z njenega ozemlja trgovcu s sedežem v drugi državi članici, brez predhodnega dovoljenja iz odstavka 2. V ta namen izda dovoljenje, ki velja največ tri leta in ki ga lahko kadarkoli razveljavi ali prekliče z obrazloženo odločitvijo. Listina, ki se sklicuje na to dovoljenje, spremlja strelno orožje, vse dokler to ne pride v namembni kraj. Predložiti ga je treba vedno, kadar to zahtevajo organi držav članic.

Pred datumom prenosa trgovec organom države članice, iz katere bo potekal prenos, sporoči vse podatke iz prvega pododstavka odstavka 2. Ti organi izvajajo preglede, po potrebi na kraju samem, da preverijo ujemanje med informacijami, ki jih sporoči trgovec z orožjem, in dejanskimi karakteristikami prenosa. Informacije sporoči trgovec v roku, ki daje na razpolago dovolj časa.

communicated by the dealer and the actual characteristics of the transfer. The information shall be communicated by the dealer within a period allowing sufficient time.

4. Each Member State shall supply the other Member States with a list of firearms the transfer of which to its territory may not be authorized without its prior consent.

Such lists of firearms shall be communicated to dealers who have obtained approval for transferring firearms without prior authorization under the procedure laid down in paragraph 3.

Article 12

1. If the procedure provided for in Article 11 is not employed, the possession of a firearm during a journey through two or more Member States shall not be permitted unless the person concerned has obtained the authorization of each of those Member States.

Member States may grant such authorization for one or more journeys for a maximum period of one year, subject to renewal. Such authorizations shall be entered on the European firearms pass, which the traveller must produce whenever so required by the authorities of the Member States.

2. Notwithstanding paragraph 1, hunters and historical re-enactors, in respect of firearms classified in category C, and target shooters, in respect of firearms classified in category B or C and firearms classified in category A for which an authorisation has been granted under Article 6(6) or for which the authorisation has been confirmed, renewed or prolonged under Article 7(4a), may, without the prior authorisation referred to in Article 11(2), be in possession of one or more firearms during a journey through two or more Member States with a view to engaging in their activities, provided that:

4. Vsaka država članica priskrbi drugim državam članicam seznam strelnega orožja, za katero se sme dovoliti prenos na njeno ozemlje brez njenega predhodnega soglasja.

Te sezname strelnega orožja je treba poslati trgovcem, ki so pridobili dovoljenje za prenos strelnega orožja brez predhodnega dovoljenja po postopku iz odstavka 3.

člen 12

1. Če se ne postopa po postopku iz člena 11, se posedovanja strelnega orožja med potovanjem skozi dve ali več držav članic ne dovoli, razen če si je zadevna oseba pridobila dovoljenje vsake od teh držav članic.

Države članice lahko izdajo takšno dovoljenje za eno ali več potovanj za največ eno leto z možnostjo podaljšanja. Takšna dovoljenja se vpišejo na evropsko dovoljenje za strelno orožje, ki ga mora predložiti potnik, kadar to od njega zahtevajo organi držav članic.

2. Ne glede na odstavek 1 lahko lovci in uprizoritelji zgodovinskih dogodkov, kar zadeva strelno orožje, razvrščeno v razred C, in strelci v tarčo, kar zadeva strelno orožje, razvrščeno v razred B ali C, ter strelno orožje, razvrščeno v razred A, za katero je bilo izdano dovoljenje v skladu s členom 6(6) ali za katero je bilo dovoljenje potrjeno, obnovljeno ali podaljšano v skladu s členom 7(4a), brez predhodnega dovoljenja iz člena 11(2), posedujejo en ali več kosov strelnega orožja med potovanjem skozi dve ali več držav članic zato, da bi ga uporabili pri svojih dejavnostih, pod pogojem, da:

(a) they are in possession of a European firearms pass listing such firearm or firearms; and

(b) they are able to substantiate the reasons for their journey, in particular by producing an invitation or other proof of their hunting, target shooting or historical re-enactment activities in the Member State of destination.

Member States may not make acceptance of a European firearms pass conditional upon the payment of any fee or charge.

However, this derogation shall not apply to journeys to a Member State that, pursuant to Article 8(3), either prohibits the acquisition and possession of the firearm in question or makes it subject to authorisation. In that case, an express statement to that effect shall be entered on the European firearms pass. Member States may also refuse the application of this derogation in the case of firearms classified in category A for which an authorisation has been granted under Article 6(6) or for which the authorisation has been confirmed, renewed or prolonged under Article 7(4a).

In the context of the report referred to in Article 17, the Commission in consultation with the Member States, will also consider the effects of applying the second subparagraph, particularly as regards its impact on public order and public security.

3. Under agreements for the mutual recognition of national documents, two or more Member States may provide for arrangements more flexible than those prescribed in this Article for movement with firearms within their territories.

(a) imajo evropsko dovoljenje za strelno orožje, v katerem je navedeno to strelno orožje, in

(b) da lahko utemeljijo razloge za svoje potovanje, zlasti s predložitvijo povabila ali drugega dokazila za lov, streljanje v tarčo ali uprizoritev zgodovinskih dogodkov v namembni državi članici.

Države članice ne smejo pogojevati priznavanja evropskega dovoljenja za strelno orožje s plačilom kakršnih koli pristojbin ali dajatev.

To odstopanje pa se ne uporablja za potovanja v državo članico, ki na podlagi člena 8(3) prepoveduje nabavo in posedovanje zadevnega strelnega orožja ali za to zahteva pridobitev dovoljenja. V tem primeru se v evropsko dovoljenje za strelno orožje vnese izrecna izjava v zvezi s tem. Države članice lahko zavrnejo uporabo tega odstopanja v primeru strelnega orožja, razvrščenega v razred A, za katero je bilo izdano dovoljenje v skladu s členom 6(6) ali za katero je bilo dovoljenje potrjeno, obnovljeno ali podaljšano v skladu s členom 7(4a).

V zvezi s poročilom iz člena 17 bo Komisija med posvetovanjem z državami članicami preučila tudi posledice uporabe drugega pododstavka, zlasti kar zadeva njegov vpliv na javni red in javno varnost.

3. Po sporazumih za vzajemno priznavanje nacionalnih listin lahko dve ali več držav članic predvidi režim, ki bo prožnejši od predpisanega v tem členu, za gibanje s strelnim orožjem na svojem ozemlju.

Article 13

člen 13

1. Each Member State shall communicate all useful information at its disposal concerning definitive

1. Vsaka država članica sporoči namembni državi članici vse pomembne podatke, s katerimi

transfers of firearms to the Member State to the territory of which such a transfer has been effected.

2. All information that Member States receive by way of the procedures laid down in Article 11 for transfers of firearms and in Article 7 (2) and Article 8 (2) for the acquisition and possession of firearms by non-residents shall be communicated, not later than the time of the relevant transfers, to the Member States of destination and, where appropriate, not later than the time of transfer to the Member States of transit.

3. For the purposes of the efficient application of this Directive, Member States shall exchange information on a regular basis. To this end, the Commission shall set up, by 28 July 2009, a contact group for the exchange of information for the purposes of applying this Article. Member States shall inform each other and the Commission of the national authorities responsible for transmitting and receiving information and for complying with the obligations set out in Article 11(4).

4. The competent authorities of the Member States shall exchange, by electronic means, information on the authorisations granted for the transfer of firearms to another Member State and information with regard to refusals to grant authorisations as provided for in Articles 6 and 7 on grounds of security or relating to the reliability of the person concerned.

5. The Commission shall provide for a system for the exchange of information mentioned in this Article.

The Commission shall adopt delegated acts in accordance with Article 13a in order to supplement this Directive by laying down the detailed arrangements for the systematic exchange of information by electronic means. The Commission shall adopt the first such delegated act by ... [15 months after the date of entry into force of this

razpolaga, o dokončanih prenosih strelnega orožja.

2. Vsi podatki, ki jih prejmejo države članice po postopkih iz člena 11 za prenose strelnega orožja, ter iz člena 7(2) in člena 8(2) za nabavo in posedovanje strelnega orožja nerezidentov, se sporočijo namembnim državam članicam najpozneje do zadevnih prenosov, in kadar je primerno, najpozneje do prenosa v tranzitno državo članico.

3. Za učinkovito uporabo te direktive si države članice redno izmenjujejo informacije. Komisija zato do 28. julija 2009 ustanovi kontaktno skupino za izmenjavo informacij za namene uporabe tega člena. Države članice obvestijo druge države članice in Komisijo o nacionalnih organih, odgovornih za prenos in sprejem informacij ter za izpolnjevanje obveznosti iz člena 11(4).

4. Pristojni organi držav članic si z elektronskimi sredstvi izmenjujejo informacije o dovoljenjih, izdanih za prenos strelnega orožja v drugo državo članico, in informacije o zavrnitvah izdaje dovoljenja iz členov 6 in 7 zaradi varnostnih razlogov ali v zvezi z zanesljivostjo zadevne osebe.

5. Komisija zagotovi sistem za izmenjavo informacij, omenjenih v tem členu.

Komisija sprejme delegirane akte v skladu s členom 13a za dopolnitev te direktive z določitvijo podrobne ureditve za sistematično izmenjavo informacij z elektronskimi sredstvi. Komisija sprejme prvi tovrstni delegirani akt do ... [15 mesecev po začetku veljavnosti te direktive o spremembi].

Article 13a

člen 13a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 13(5) shall be conferred on the Commission for an indeterminate period of time from ... [the date of entry into force of this Amending Directive].

3. The delegation of power referred to in Article 13(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 13(5) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

1. Pooblastilo za sprejemanje delegiranih aktov je preneseno na Komisijo pod pogoji, določenimi v tem členu.

2. Pooblastilo za sprejemanje delegiranih aktov iz člena 13(5) se prenese na Komisijo za nedoločen čas od ... [eno leto po datumu začetka veljavnosti te direktive o spremembi].

3. Prenos pooblastila iz člena 13(5) lahko kadar koli prekliče Evropski parlament ali Svet. S sklepom o preklicu preneha veljati prenos pooblastila iz navedenega sklepa. Sklep začne učinkovati dan po njegovi objavi v Uradnem listu Evropske unije ali na poznejši dan, ki je določen v navedenem sklepu. Sklep ne vpliva na veljavnost že veljavnih delegiranih aktov.

4. Komisija se pred sprejetjem delegiranega akta posvetuje s strokovnjaki, ki jih imenujejo države članice, v skladu z načeli, določenimi v Medinstitucionalnem sporazumu z dne 13. aprila 2016 o boljši pripravi zakonodaje.

5. Komisija takoj po sprejetju delegiranega akta o njem sočasno uradno obvesti Evropski parlament in Svet.

6. Delegiran akt, sprejet v skladu s členom 13(5), začne veljati le, če mu niti Evropski parlament niti Svet ne nasprotujeta v roku dveh mesecev od uradnega obvestila Evropskemu parlamentu in Svetu o tem aktu ali če pred iztekom tega roka tako Evropski parlament kot Svet obvestita Komisijo, da mu ne bosta nasprotovala. Ta rok se na pobudo Evropskega parlamenta ali Sveta podaljša za dva meseca.

Article 13b	člen 13b
<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council .</p> <p>(* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13))</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	<p>1. Komisiji pomaga odbor. Ta odbor je odbor v smislu Uredbe (EU) št. 182/2011 Evropskega parlamenta in Sveta*.</p> <p>(* Uredba (EU) št. 182/2011 Evropskega parlamenta in Sveta z dne 16. februarja 2011 o določitvi splošnih pravil in načel, na podlagi katerih države članice nadzirajo izvajanje izvedbenih pooblastil Komisije (UL L 55, 28.2.2011, str. 13))</p> <p>2. Pri sklicevanju na ta odstavek se uporablja člen 5 Uredbe (EU) št. 182/2011.</p>

Article 14	člen 14
<p>Member States shall adopt all relevant provisions prohibiting entry into their territory:</p> <ul style="list-style-type: none"> - of a firearm except in the cases defined in Articles 11 and 12 and provided the conditions laid down therein are met, - of a weapon other than a firearm provided that the national provisions of the Member State in question so permit. 	<p>Države članice sprejmejo vse ustrezne določbe, ki na njihovo ozemlje prepovedujejo vnos:</p> <ul style="list-style-type: none"> - strelnega orožja, razen v primerih, določenih v členih 11 in 12, in če so izpolnjeni v njih določeni pogoji, - orožja, ki ni strelno orožje, če to dopuščajo nacionalni predpisi zadevne države članice.

CHAPTER 4 Final provisions	POGLAVJE 4 Končne določbe
Article 15	člen 15

<p>1. Member States shall intensify controls on the possession of weapons at external Union frontiers. They shall in particular ensure that travellers from third countries who intend to proceed to another Member State comply with Article 12.</p> <p>2. This Directive shall not preclude the carrying out of controls by Member States or by the carrier at the time of boarding of a means of transport.</p>	<p>1. Države članice morajo okrepiti nadzore nad posedovanjem orožja na zunanjih mejah Unije. Še zlasti morajo zagotoviti, da bodo potniki iz tretjih držav, ki nameravajo nadaljevati pot v drugo državo članico, upoštevali člen 12.</p> <p>2. Ta direktiva državam članicam ali prevozniku ne preprečuje izvajanja nadzora med vkrcenjem v prevozno sredstvo.</p>
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3. Member States shall inform the Commission of the manner in which the controls referred to in paragraphs 1 and 2 are carried out. The Commission shall collate this information and make it available to all Member States.

4. Member States shall notify the Commission of their national provisions, including changes relating to the acquisition and possession of weapons, where the national law is more stringent than the minimum standard they are required to adopt. The Commission shall pass on such information to the other Member States.

Article 16

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Article 17

By [39 months after the date of entry into force of this Amending Directive], and every five years thereafter, the Commission shall submit to the European Parliament and to the Council a report on the application of this Directive, including a fitness check of its provisions, accompanied, if appropriate, by legislative proposals concerning, in particular, the categories of firearms in Annex I and issues related to the implementation of the system for the European firearms pass, to marking and the impacts of new technologies such as 3D printing, the use of QR code and the use of Radio-Frequency Identification (RFID).

Article 18

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive in good time so that the

3. Države članice obvestijo Komisijo o tem, kako se izvaja nadzor iz odstavkov 1 in 2. Komisija te podatke zbere in jih da na voljo vsem državam članicam.

4. Države članice obvestijo Komisijo o svojih nacionalnih predpisih, vključno s spremembami v zvezi z nabavo in posedovanjem orožja, kadar je nacionalna zakonodaja strožja od najnižjega standarda, ki ga morajo sprejeti. Komisija takšne podatke pošlje drugim državam članicam.

člen 16

Države članice določijo sistem kazni, ki se uporabljajo za kršitve nacionalnih predpisov, sprejetih na podlagi te direktive in sprejmejo vse potrebne ukrepe za zagotovitev njihovega izvajanja. Te kazni morajo biti učinkovite, sorazmerne in odvračilne.

člen 17

Komisija Evropskemu parlamentu in Svetu do ... [39 mesecev po datumu začetka veljavnosti te direktive o spremembi], nato pa vsakih pet let, predloži poročilo o izvajanju te direktive, vključno s preverjanjem ustreznosti določb, ki mu, če je primerno, priloži zakonodajne predloge zlasti glede razredov strelnega orožja iz Priloge I ter vprašanj, povezanih z izvajanjem sistema evropskega dovoljenja za strelno orožje, oznakami in vplivi novih tehnologij, kot so tridimenzionalno tiskanje, uporaba hitroodzivnih (QR) kod in radiofrekvenčne identifikacije (RFID).

člen 18

1. Države članice pravočasno sprejmejo zakone in druge prepise, potrebne za uskladitev s to direktivo, tako da lahko ukrepi, predvideni v tej

measures provided for by this Directive may be put into effect not later than 1 January 1993. They shall forthwith inform the Commission and the other Member States of the measures taken.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States

direktivi, začnejo veljati najpozneje 1. januarja 1993. O sprejetih ukrepih nemudoma obvestijo Komisijo in druge države članice.

2. Države članice se v sprejetih predpisih sklicujejo na to direktivo ali pa sklic nanjo navedejo ob njihovi uradni objavi. Način sklicevanja določijo države članice.

Article 19

člen 19

This Directive is addressed to the Member States.

Ta direktiva je naslovljena na države članice.

ANNEX I

PRILOGA I

I.

For the purposes of this Directive, 'weapon' means:

- any firearm as defined in Article 1 of the Directive
- weapons other than firearms as defined in national legislation.

II.

For the purposes of this Directive, firearms are classified in the following categories:

Point A.

I.

V tej direktivi "orožje" pomeni:

- katero koli strelno orožje, kakor je opredeljeno v členu 1 te direktive,
- orožje, ki ni strelno orožje, kakor je opredeljeno v nacionalni zakonodaji.

II.

V tej direktivi je strelno orožje razvrščeno v naslednje razrede:

točka A

Category A — Prohibited firearms

Razred A - Prepovedano strelno orožje

1. Explosive military missiles and launchers.

1. Eksplozivni vojaški izstrelki in metalci

- | | |
|--|--|
| <p>2. Automatic firearms.</p> | <p>2. Avtomatsko strelno orožje</p> |
| <p>3. Firearms disguised as other objects.</p> | <p>3. Strelno orožje, prikrito v druge predmete</p> |
| <p>4. Ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition.</p> | <p>4. Strelivo s prebojnimi, eksplozivnimi ali vnetljivim učinkom ter izstrelki za takšno strelivo</p> |
| <p>5. Pistol and revolver ammunition with expanding projectiles and the projectiles for such ammunition, except in the case of weapons for hunting or for target shooting, for persons entitled to use them.</p> | <p>5. Strelivo za pištole in revolverje z razširnim učinkom ter izstrelki za takšno strelivo, razen orožja za lov in streljanje v tarčo za osebe, ki imajo pravico do njegove uporabe.</p> |
| <p>6. Automatic firearms which have been converted into semi-automatic firearms, without prejudice to Article 7(4a).</p> | <p>6. Avtomatsko strelno orožje, ki je bilo predelano v polavtomatsko strelno orožje, brez poseganja v člen 7(4a).</p> |
| <p>7. Any of the following centre-fire semi-automatic firearms:</p> <p>(a) short firearms which allow the firing of more than 21 rounds without reloading, if:</p> <p style="margin-left: 20px;">(i) a loading device with a capacity exceeding 20 rounds is part of that firearm; or</p> <p style="margin-left: 20px;">(ii) a detachable loading device with a capacity exceeding 20 rounds is inserted into it;</p> <p>(b) long firearms which allow the firing of more than 11 rounds without reloading, if:</p> <p style="margin-left: 20px;">(i) a loading device with a capacity exceeding 10 rounds is part of that firearm; or</p> <p style="margin-left: 20px;">(ii) a detachable loading device with a capacity exceeding 10 rounds is inserted into it.</p> | <p>7. Vse naslednje polavtomatsko strelno orožje s centralno udarno iglo:</p> <p>(a) kratkocevno strelno orožje, ki omogoča izstrelitev več kot 21 nabojev brez ponovnega polnjenja, če:</p> <p style="margin-left: 20px;">(i) je del tega strelnega orožja naprava za polnjenje s prostorom za več kot 20 nabojev; ali</p> <p style="margin-left: 20px;">(ii) se vanj vstavi snemljiva tovrstna naprava s prostorom za več kot 20 nabojev;</p> <p>(b) dolgocevno strelno orožje, ki omogoča izstrelitev več kot 11 nabojev brez ponovnega polnjenja, če:</p> <p style="margin-left: 20px;">(i) je del tega strelnega orožja naprava za polnjenje s prostorom za več kot 10 nabojev; ali</p> <p style="margin-left: 20px;">(ii) se vanj vstavi snemljiva tovrstna naprava s prostorom za več kot 10 nabojev.</p> |
| <p>8. Semi-automatic long firearms (i.e. firearms</p> | <p>8. Polavtomatsko dolgocevno strelno orožje (tj.</p> |

that are originally intended to be fired from the shoulder) that can be reduced to a length of less than 60cm without losing functionality by means of a folding or telescoping stock or by a stock that can be removed without using tools.

9. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.

Category B — Firearms subject to authorisation

1. Repeating short firearms.
2. Single-shot short firearms with centre-fire percussion.
3. Single-shot short firearms with rimfire percussion whose overall length is less than 28 cm.
4. Semi-automatic long firearms whose loading device and chamber can together hold more than three rounds in the case of rimfire firearms and more than three but fewer than twelve rounds in the case of centre-fire firearms.
5. Semi-automatic short firearms other than those listed under point 7(a) of category A.
6. Semi-automatic long firearms listed under point 7(b) of category A whose loading device and chamber cannot together hold more than three rounds, where the loading device is detachable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose loading device and chamber can together hold more than three rounds.
7. Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in

strelno orožje, prvotno namenjeno streljanju z ramena), ki se lahko z zložljivim ali teleskopskim kopitom ali kopitom, ki se lahko sname brez uporabe orodja, skrajša na manj kot 60 cm skupne dolžine, ne da bi izgubilo funkcionalnost.

9. Vsako strelno orožje v tem razredu, ki je bilo predelano za streljanje s slepimi naboji, dražljivimi ali drugimi aktivnimi snovmi ali pirotehničnim strelivom ali v rekvizitno ali akustično orožje.

Razred B - Strelno orožje, za katero je treba pridobiti dovoljenje

1. Repetirno kratkocevno strelno orožje.
2. Enostrelno kratkocevno strelno orožje s centralno udarno iglo.
3. Enostrelno kratkocevno strelno orožje za strelivo z robnim vžigom, katerega skupna dolžina znaša manj kot 28 cm.
4. Polavtomatsko dolgocevno strelno orožje z napravo za polnjenje in ležiščem naboja za skupaj več kot tri naboje, ko gre za strelno orožje z robnim vžigom, in za več kot tri, vendar manj kot dvanajst nabojev, ko gre za strelno orožje s centralno udarno iglo.
5. Polavtomatsko kratkocevno strelno orožje, razen tistega iz točke 7(a) razreda A.
6. Polavtomatsko dolgocevno strelno orožje iz točke 7(b) razreda A z napravo za polnjenje in ležiščem naboja za skupno manj kot tri naboje, pri katerem se da napravo za polnjenje odstraniti ali za katero ni gotovo, da se ga ne bi dalo z običajnim orodjem spremeniti v orožje z napravo za polnjenje in ležiščem naboja za skupno več kot tri naboje.
7. Repetirno in polavtomatsko dolgocevno strelno orožje z gladko cevjo skupne dolžine do 60

length.

8. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.

9. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms other than those listed under point 6, 7 or 8 of category A.

Category C — Firearms and weapons subject to declaration

1. Repeating long firearms other than those listed in point 7 of category B.

2. Long firearms with single-shot rifled barrels.

3. Semi-automatic long firearms other than those listed in category A or B.

4. Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm.

5. Any firearm in this category that has been converted to firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon.

6. Firearms classified in category A or B or this category that have been deactivated in accordance with Implementing Regulation (EU) 2015/2403.

7. Single-shot long firearms with smooth-bore barrels placed on the market on or after [15 months after the date of entry into force of this Amending Directive].

cm.

8. Vsako strelno orožje v tem razredu, ki je bilo predelano za streljanje s slepimi naboji, dražljivimi ali drugimi aktivnimi snovmi ali pirotehničnim strelivom ali v rekvizitno ali akustično orožje.

9. Polavtomatsko strelno orožje za civilno uporabo, ki je podobno avtomatskemu orožju, razen tistega iz točke 6, 7 ali 8 razreda A.

Razred C – Strelno orožje in orožje, ki ju je treba prijaviti

1. Repetirno dolgocevno strelno orožje, razen tistega iz točke 7 razreda B.

2. Enostrelno dolgocevno orožje z eno ali več žlebljenimi cevmi.

3. Polavtomatsko dolgocevno strelno orožje, razen tistega iz razreda A ali B.

4. Enostrelno kratkocevno orožje za strelivo z robnim vžigom in s skupno dolžino najmanj 28 cm.

5. Vsako strelno orožje v tem razredu, ki je bilo predelano za streljanje s slepimi naboji, dražljivimi ali drugimi aktivnimi snovmi ali pirotehničnim strelivom ali v rekvizitno ali akustično orožje.

6. Strelno orožje, razvrščeno v razred A, B ali C, ki je bilo onespobljeno v skladu z Izvedbeno uredbo (EU) 2015/2403.

7. Enostrelno dolgocevno strelno orožje z gladkimi cevmi, ki je dano na trg ... [15 mesecev po datumu začetka veljavnosti te direktive o spremembi] ali po tem datumu.

III.

For the purposes of this Annex, objects which correspond to the definition of a 'firearm' shall not be included in that definition if they:

- (a) are designed for alarm, signalling, life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only;
- (b) are regarded as antique weapons where these have not been included in the categories set out in Part II and are subject to national laws.

Pending coordination throughout the Union, Member States may apply their national laws to the firearms listed in this Part.

IV.

For the purposes of this Annex:

- (a) 'short firearm' means a firearm with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres;
- (b) 'long firearm' means any firearm other than a short firearm;
- (c) 'automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull on the trigger;
- (d) 'semi-automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire only one round with one pull on the

III.

V tej prilogi predmeti, ki ustrezajo definiciji za "strelno orožje", niso zajeti v to definicijo, če:

- (a) so bili zavrjeni kot stalno neprimerni za uporabo z onesposobitvijo, ki zagotavlja, da so vsi bistveni deli strelnega orožja trajno neuporabni in jih ni mogoče odstraniti, zamenjati ali prirediti, da bi strelno orožje na kakršen koli način ponovno usposobili;
- (b) so oblikovani za preplah, signaliziranje, reševanje ljudi, klanje živali, ribolov s harpuno ali za industrijske oziroma tehnične namene, če se lahko uporabijo samo za navedeni namen;

Dokler ne pride v celotni Skupnosti do koordinacije, lahko države članice za strelno orožje, naštetu v tem razdelku, uporabljajo svojo državno zakonodajo.

IV.

V tej prilogi:

- (a) "kratkocevno orožje" pomeni strelno orožje s cevjo, ki ni daljša od 30 cm, ali katerega skupna dolžina ne presega 60 cm;
- (b) "dolgocevno strelno orožje" pomeni vsako strelno orožje, ki ni kratkocevno strelno orožje;
- (c) "avtomatsko strelno orožje" pomeni strelno orožje, ki se avtomatsko napolni vsakič, kadar se izstrelil naboj, in s katerim se lahko izstrelijo več kot en naboj z enim potegom sprožilca;
- (d) "polavtomatsko strelno orožje" pomeni strelno orožje, ki se avtomatsko napolni vsakič, kadar se izstrelil naboj, in s katerim lahko izstrelimo samo en

trigger;

(e) 'repeating firearm' means a firearm which after a round has been fired is designed to be reloaded from a magazine or cylinder by means of a manually-operated action;

(f) 'single-shot firearm' means a firearm with no magazine which is loaded before each shot by the manual insertion of a round into the chamber or a loading recess at the breech of the barrel;

(g) 'ammunition with penetrating projectiles' means ammunition for military use where the projectile is jacketed and has a penetrating hard core;

(h) 'ammunition with explosive projectiles' means ammunition for military use where the projectile contains a charge which explodes on impact;

(i) 'ammunition with incendiary projectiles' means ammunition for military use where the projectile contains a chemical mixture which bursts into flame on contact with the air or on impact.

naboj z enim potegom sprožilca;

(e) "repetirno strelno orožje" pomeni strelno orožje, ki je oblikovano tako, da se o izstrelitvi naboja ročno spet napolni iz nabojnika ali cilindra;

(f) "enostrelno strelno orožje" pomeni strelno orožje, ki nima nabojnika in se napolni pred vsakim strelom z ročno vstavitvijo naboja v ležišče naboja ali v nišo za polnjenje ob zaklepu cevi;

(g) "strelivo s prebojnim učinkom" pomeni strelivo za vojaško uporabo, pri katerem je izstrelek ovit in ima prebojno trdo jedro;

(h) "strelivo z eksplozivnim učinkom" pomeni strelivo za vojaško uporabo, pri katerem izstrelek vsebuje polnjenje, ki ga raznese ob udarcu;

(i) "strelivo z zažigalnim učinkom" pomeni strelivo za vojaško uporabo, pri katerem izstrelek vsebuje kemično zmes, ki se vname ob stiku z zrakom ali ob udarcu.

ANNEX II

EUROPEAN FIREARMS PASS

The pass must include the following sections:

- (a) identity of the holder;
- (b) identification of the weapon or firearm, including a reference to the category within the meaning of the Directive;
- (c) period of validity of the pass;
- (d) section for use by the Member State issuing the pass (type and references of

PRILOGA II

EVROPSKO DOVOLJENJE ZA STRELNO OROŽJE

Dovoljenje mora vključevati naslednje oddelke:

- (a) istovetnost lastnika;
- (b) identifikacijo orožja ali strelnega orožja, vključno z navedbo razreda v skladu s to direktivo;
- (c) rok veljavnosti dovoljenja;
- (d) oddelek, ki ga izpolni država članica, ki ga je

authorizations, etc.);

(e) section for entries by other Member States (authorizations to enter their territory, etc.);

(f) the statements:

‘The right to travel to another Member State with one or more of the firearms classified in category A, B or C mentioned in this pass shall be subject to one or more prior corresponding authorisations from the Member State visited. Such authorisations may be recorded on the pass.

The prior authorisation referred to above is not in principle necessary in order to travel with a firearm classified in category C with a view to engaging in hunting or historical re-enactment activities or with a firearm classified in category A, B or C for the purpose of taking part in target shooting, on condition that the traveller is in possession of the firearms pass and can establish the reason for the journey.”

Where a Member State has informed the other Member States, in accordance with Article 8(3), that the possession of certain firearms classified in category B or C is prohibited or subject to authorisation, one of the following statements shall be added:

‘A journey to... (State(s) concerned) with the firearm ... (identification) shall be prohibited.’

‘A journey to... (State(s) concerned) with the firearm ... (identification) shall be subject to authorisation.’

izdala (vrsta in navedba dovoljenj itd.);

(e) oddelek, ki ga izpolnijo druge države članice (dovoljenja za vstop na njihovo ozemlje itd.);

(f) izjave:

„Za pridobitev pravice do potovanja v drugo državo članico z enim ali več kosi strelnega orožja, razvrščenim v razred A, B ali C, navedenega v tem dovoljenju, je treba pridobiti eno ali več predhodnih ustreznih dovoljenj od obiskane države članice. Ta dovoljenja se lahko vpišejo na to dovoljenje.

Zgoraj omenjeno predhodno dovoljenje načeloma ni potrebno za potovanje s strelnim orožjem, razvrščenim v razred C, za lovske namene ali za uprizarjanje zgodovinskih dogodkov ali s strelnim orožjem, razvrščenim v razred A, B ali C, z namenom sodelovati pri streljanju v tarčo, če ima potnik dovoljenje za strelno orožje in lahko utemelji razlog za to potovanje.

Kadar je država članica v skladu s členom 8(3) obvestila druge države članice, da je posedovanje določenega strelnega orožja, razvrščenega v razred B ali C, prepovedano ali je zanj treba pridobiti dovoljenje, se doda ena od naslednjih izjav:

„Potovanje v ... (zadevno/-e državo/-e) s strelnim orožjem ... (navedba orožja) se prepove.“

„Za potovanje v ... (zadevno/-e državo/-e) s strelnim orožjem ... (navedba orožja) je treba pridobiti dovoljenje.“

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Article 2

A8-0251/107_2016

Člen 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [15 months after the date of entry into force of this Amending Directive]. They shall immediately inform the Commission thereof.

2. By way of derogation from paragraph 1 of this Article, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3) and Article 4(4) of Directive 91/477/EEC, as amended by this Directive, by ... [30 months after the date of entry into force of this Amending Directive]. They shall immediately inform the Commission thereof.

3. When Member States adopt the measures under paragraphs 1 and 2, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

4. Notwithstanding paragraph 1, Member States may, as regards firearms acquired before ... [15 months after the date of entry into force of this Amending Directive], suspend the requirement to declare firearms classified in point 5, 6 or 7 of category C until ... [45 months after the date of entry into force of this Amending Directive].

5. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

1. Države članice uveljavijo zakone in druge predpise, potrebne za uskladitev s to direktivo, do ... [15 mesecev po datumu začetka veljavnosti te direktive o spremembi]. O tem takoj obvestijo Komisijo.

2. Z odstopanjem od odstavka 1 tega člena, države članice uveljavijo zakone in druge predpise, potrebne za uskladitev s členom 4(3) in (4) Direktive 91/477/EGS, kakor je spremenjena s to direktivo, do ... [30 mesecih po datumu začetka veljavnosti te direktive o spremembi]. O tem takoj obvestijo Komisijo.

3. Države članice se v sprejetih predpisih iz odstavkov 1 in 2 sklicujejo na to direktivo ali pa sklic nanjo navedejo ob njihovi uradni objavi. Način sklicevanja določijo države članice.

4. Ne glede na odstavek 1 lahko države članice v zvezi z orožjem, nabavljenim pred ... [15 mesecev po datumu začetka veljavnosti te direktive o spremembi], do ... [45 mesecev po datumu začetka veljavnosti te direktive o spremembi] odložijo zahtevo glede prijave strelnega orožja, razvrščenega v točki 5, 6 ali 7 razreda C.

5. Države članice Komisiji sporočijo besedilo temeljnih določb predpisov nacionalnega prava, sprejetih na področju, ki ga ureja ta direktiva.

Article 3

Člen 3

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Ta direktiva začne veljati dvajseti dan po objavi v Uradnem listu Evropske unije.

Article 4

Člen 4

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament

The President

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For the Council

The President

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Ta direktiva je naslovljena na države članice.

V ...,

Za Evropski parlament

Predsednik

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Za Svet

Predsednik

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