



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 4 April 2008 (08.04)
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ADDENDUM TO "I/A" ITEM NOTE

from : General Secretariat of the Council
to : COREPER/COUNCIL

No. Cion prop. : 7258/06 CRIMORG 49 MI 63 CODEC 492

Subject : Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons **[first reading]**
– Adoption of the legislative act (LA + S)
Statements

**STATEMENT BY THE COMMISSION
ON PERSONAL DATA PROTECTION**

The Commission notes that the processing of personal data under this Directive is subject to compliance with Directive 95/46/EC and cannot prejudice the level of protection of individuals with regard to the processing of personal data under the provisions of Community and national law, and in particular does not alter the obligations and rights set forth in Directive 95/46/EC.

In this respect, the necessity to prolong the minimum period during which the registers containing information on the owners of weapons are kept from ten to twenty years should be justified. The Commission is convinced that such processing of personal data is justified in view both of the dangerous nature and longevity of such weapons and of their possible misuse for criminal purposes, which therefore requires the proper tracing of both firearms and their owners.

The Commission further notes that, in view of the purposes of this Directive, and in accordance with the requirements of Directive 95/46/EC, access to the centralised data filing system, or the system guaranteeing access to non-centralised filing systems, should only be available to police and judicial authorities for the prevention, investigation, detection and prosecution of criminal offences.

STATEMENT BY THE COMMISSION ON CRIMINAL SANCTIONS

The Commission welcomes the rapid adoption of the Council Directive amending Directive 91/477 on control of the acquisition and possession of weapons, but regrets that the Council opposed its initial proposal regarding Article 16 on criminal sanctions.

The Commission notes that the Community has competence to establish criminal sanctions in conformity with Article 5 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 Organised Crime.

Accordingly, the Commission considers that any decision to ratify the Protocol would have to be accompanied by a declaration of competence that correctly reflects the scope of the Community competence.

The Commission reserves its institutional rights in this regard.
