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## Report of France to the 2015 FESAC congress

This year in France, the news is not as good as on the previous years. Why? Because if we have obtained remarkable accomplishments that parliamentarians have written in the law, the administration has not yet given application by decrees and orders. Obviously, the administration is dragging their feet. At a meeting at the highest level of the Ministry of Interior, we heard the following: "*parliamentarians have been very generous with collectors.*"

### What is applied:

The French landscape in weapons has totally changed:

- All weapons whose model year falls before 1900 are classified as collection items except some listed in a special "no-go" list: This list includes French revolver model of 1892, Swiss 1882 and 1882/29 models, Russian *Nagant M95*, Italian *Glisenti* model of 1889, the German *Mauser C96* pistols, and Winchester lever-action rifles or short-barreled pump-action models. So we gained 30 years, from the 1870 old cut-off year set to consider a collection weapon. Hundreds of previously banned weapons become now totally free to own. This is a windfall for the collector!
- All bolt action repeating rifles below 11 shots capacity are classified in category "C". Thus, it is now legal to acquire a military repeating rifle (considered before 2013 as a "warfare weapon", at the same level of an AK-47), simply by producing a hunting or shooting license along with an ID card. Previously, you had to either permanently deactivate the weapon or change their caliber when possible. Again, this is a situation that makes gun collectors very happy. A big thank to parliamentary!

### What is not yet applied:

Collectors have obtained four major benefits: The cut-off year of 1900 to consider a weapon a collector's item; The cut-off 1946 make year for military vehicles; A complementary lists of declassified items for weapons and vehicles; The collector's card.

As we have seen collectors are pleased with these breakthroughs. Without being

naysayers some essential elements are still missing, which have not yet been introduced in the regulations.

- The 1900 cut-off year for weapons:

This poses a problem in the application: the law sets the date for a "model". But what is a "model"? The date of the initial patent? the date of changes/retrofits if substantial? or the date of adoption by an army?

While a *Lebel* (1886 M93) is classified as Category D (collection, free to own), the R35 is considered by the administration as being in category C (hunting, to be registered). The R35 is identical the original 1886 design but with less shots because shorter, and with less firepower. Another example: The *New Army Colt* revolvers and *New Models Navy* are covered by patents that range from 1884 to 1895. But the US military has ordered the same weapons from Colt in 1901, with in only addition of a strap ring; these weapons were called "*1901 model*". Two years later another order was placed for New Army Colt revolvers, with a thicker barrel. Weapons of this order, although strictly identical to 1894 models outside their thicker cannon, were called "*1903 model*". In our opinion these weapons fall under patents prior to 1900, and the Colts' 1901 and 1903 models are to be classified in the category of *collector's items*. But in the absence of agreement with the administration, collectors remain in an untenable legal uncertainty.

It is therefore necessary that mediation be found between the collectors and the administration so that the situation is clarified for the future.

- The list of firearms subsequent to 1900 decommissioning:

Despite the hard work we have done by submitting a list of weapons that meet the legal criteria of "undeniable cultural, historical or scientific interest", no further meeting has led to progress on this issue. Today only the arms of a model subsequent to 1900 previously included in the old list of 1986 (*Borchardt*, some *Bergmann*, *Gabet Fairfax*, *Mars* and *Webley Fosberry* etc.) were included in the current official list.

We understand that some police officers see a dim view a list of post-1900 weapons decommissioning. Also for the "tame", we are proposing a lighter decommissioning list of high "cultural, historical or scientific interest". We relied on the following criteria:

- Rarity, high price
- Model no earlier than 1939 (thus dating back at least 75 years) and recent fabrications prior to 1960 (more than half a century!)
- Absence of recent manufacturing
- Spare parts non commonly available
- Mechanism outdated or unsuitable for an operational use

- Ammunition generally not industrially produced, rare, obsolete or unreliable
- Weapon easy to visually identify and to unambiguously distinguish from subsequent or more widespread models, in order to simplify the work of police and customs officials responsible for monitoring the application of the law and regulations.

We will tell you next year how this initiative will be received.

- The date of 1946 for the vehicles:

The law provides to classify as "collection" all material of a previous model 1946, but adds that the barrels of tanks, armored cars, etc ... must be officially deactivated. We welcome this major step forward, considering that until now, a gas mask of 1914 war was classified as "warfare equipment" and seized by Customs!

- The decommissioning list for material subsequent to 1946:

There has been 24 land armored vehicles set in a declassified list. It is little compared to 60 requested, but it's always good to get.

Note that the communication equipment and gas masks up to 1965 have been decommissioned. This is perfect.

- The Collector Card

The Collector Card has been established in the law in a restrictive framework: to be a legitimate reason for buying weapons of category C, that just as hunters and shooters. It should allow legitimizing the weapons already held if the collector so requests within 6 months. Amnesty so! Valid for 10 years, if not renewed, it will have the disadvantage of not allowing the detention of weapons held under the collector's card. This shows the lack of interest from the map and the legal uncertainty it creates. But it is in the law, the government must put in place or say why, it's a matter of principle!

## **The everyday life in France**

As in each of your countries, life for the collectors is not a "smooth sailing" on the contrary.

### **The collectors hunt is open:**

The events of early January in France around the French cartoonists massacre triggered a wide terrorist hunt. The problem is that is easily assimilated legal firearms

owners to terrorists. It's so easy and headlines are meant to sell paper.

Thus, dreamy collectors whose collection is not perfectly within the law, can be seized of all its weapons. I mean all, not just those that do not comply with the law. It is an invention of the new law that added weapons of category D in the list of weapons that can be seized. Thus, the police can seize a wheel-lock pistol for the unauthorized possession of a Luger! Our association will take action to change this legal provision that is contrary to the right to property.

But to do even better and embellish statistics, collectors get bothered about weapons legally held. Even official experts of the Gendarmerie are wrong, to the detriment of collector, of course. Furthermore, to save money, the Ministry of Justice no longer require to private experts. Thus, the experts consulted are those of the Police or Gendarmerie, which is wrong in the sense of objectivity.

Increased robbery and terrorist threats favor forgetfulness of simple individual freedoms. Occurring in this context, the new law on weapons has raised concern among police unions that collectors become purveyors of criminals. This is because there is not yet sufficient perspective on the newly released weapons. But also that I have not published the book to list them all. Note that this book will be published when the supplementary list will be established and the ambiguity of the definition of "model" removed!

### **Auction sites that connect sellers and buyers of arms**

Several francophone auction sites create problems by presenting on the Internet prohibited weapons, or by linking potential buyers with gun owners who will carry out a transaction without observing the regulations.

In particular *www.natuxo.com* and *www.delcampe.com*, offering in complete freedom, firearms subject to authorization in France or plenty of ammunition often found on the battlefields of the two world wars, whose detention even deactivated is prohibited in France. These transactions are often followed by a postal shipment, which is totally prohibited. There are so many illegal weapons on these sites; it might sound like a provocation! Remember the angler; he will choose a big bait to catch a big fish!

As for the site *www.naturabuy.com* it allows individuals to sell or buy weapons to be declared to the administration (prefecture). And of course, these form are really submitted, as this is evident from reading the offerings.

So we intervened with *Natuxo* and *Naturabuy* to inform them of our point of view. And have published an article in the *Gazette des Armes*, to blame these practices. We left the Belgian *Delcampe* aside: Even though it is in French language with many registered French buyers or advertisers, is not a French site. The Belgians had better watch out ....

## The weapons deactivated out of France

The new regulation finally recognizes the legality of firearms deactivated in the European Union. But it is an illusion, the constraints are almost impossible to fulfill. Three conditions must be met for the deactivation to be legal in France:

- To imprint a proof mark on the deactivated critical parts and to deliver a certificate from the European body who performed or controlled the deactivation; Currently, several European countries provide a certificate with the deactivated weapons but do not stamp a deactivation proof mark.
- A deactivation procedure technically equivalent to the French procedure. And as each country practices a different deactivation procedure, it is easy to say, for a police service, that a foreign deactivation is not equivalent to the French deactivation. Here follows multiple disputes especially around Kalashnikovs. In addition; the deactivation techniques developed by the Saint-Etienne proof house - which is the only one authorized in France to perform the deactivations - vary over time. Thus a weapon imported from Germany in 2013, whose deactivation equivalent at the time to what was done in France, may be no more legally deactivated two years later if Saint Etienne proof house' procedures evolved in the meantime.

## The registration records

The directive imposes to record arms (smooth or rifled bores) in "*a computerized data file, centralized or decentralized, which guarantees access to appropriate authorities*". And for "*each firearm, the file shall record and maintain for at least twenty years, the following data: type, make, model, caliber, serial number, and the names and addresses of the supplier and the purchaser or the holder of the firearm*".

We have seen that Canada has renounced to this file because useless and too expensive.

In France it is the AGRIPPA file. Préfectures' staff is supposed to find weapons in the file and to classify them in one of four categories of the law. But used by non-specialists, this file contains many errors. At last, a new file will be created. It is the gunsmith who will process himself the registration, which then will be validated by "experts". We'll see! This provision will be a restriction of property rights by prohibiting owners from selling their weapons on their own. Many collectors are likely to turn away from weapons of category C in disgust of the many legal obligations in case of resale and probably also because these weapons will lose value at resale. At first, gunsmiths, new mandatory passage, will probably find this reform advantageous for their business, but in a second time it'll also hurt their business because of the number of current buyers who'll turn their heels.

Note that the Préfectures often develop their "personal laws" for the renewal or issuance of authorizations, and require non-statutory documents. The shooter often prefer to kneel down and give whatever the zealous Préfecture employees request,

for fear of becoming "unpopular" and not obtaining his precious authorization. It's like the feudal times where each lord had his own laws!

### **Too many weapons!**

Yep, that's what heard many collectors who have declared (while it was possible) a large number of Category C weapons, even though the regulations do not impose a limit on quantity. It seems that officials are terrified by our old blunderbusses!

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I stop here the list of our grievances, because I do not want you to draw on me a picture of French moaner ... The collector recognizes that although many things are not going, he remains happy in this beautiful country of France, however, provided they are in good standing, and pleasing to the authorities.

My regards to all.

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La Tour du Pin le 2 juin 2015