



PRESS RELEASE No 170/23

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Judgment of the Court in Case C-353/22 | Commission v Sweden (Control of the acquisition and possession of weapons)

Failure of a Member State to fulfil obligations: Sweden is ordered to pay € 8 500 000 for late transposition of the amended Firearms Directive

On 26 July 2019, the Commission called on Sweden to comply with the amended Firearms Directive ¹, by 26 September 2019 at the latest. The period for transposing those amendments into Swedish law had expired on 14 September 2018. In May 2022, the Commission requested the Court of Justice to declare that Sweden had failed to transpose these amendments into its national law. It also requested the Court to order Sweden to pay pecuniary penalties. On 17 July 2023, the Commission informed the Court that Sweden had transposed the amendments at issue into its national law on 1 July 2023.

The Court finds, first of all, that Sweden, as that Member State itself acknowledges, **did not transpose** the amended directive by 26 September 2019. It therefore declares that **Sweden has failed to fulfil its obligation** under the amended directive.

As for the imposition of a lump sum for late transposition of the directive, the Court finds that that failure is undoubtedly serious. This is all the more so since the amended directive introduces stricter rules for the most dangerous semi-automatic or converted firearms and governs the rights and obligations of brokers and dealers in relation to transactions involving suspicious ammunition. Furthermore, the seriousness of the failure is increased by its potential impact on the objectives of public security and protection against cross-border crime.

Finally, the Court notes that the infringement persisted for almost five years, namely from 14 September 2018 to 1 July 2023.

In those circumstances, the Court fixes the amount of the lump sum which Sweden must pay to the Commission for having belatedly transposed the amended directive at **€ 8 500 000**.

NOTE: An action for failure to fulfil obligations directed against a Member State which has failed to comply with its obligations under EU law may be brought by the Commission or by another Member State. If the Court of Justice finds that there has been a failure to fulfil obligations, the Member State concerned must comply with the Court's judgment without delay.

Where the Commission considers that the Member State has not complied with the judgment, it may bring a further action seeking financial penalties. However, if measures transposing a directive have not been notified to the Commission, the Court of Justice can, on a proposal from the Commission, impose penalties at the stage of the initial judgment.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment are published on the CURIA website on the day of

delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ [Council Directive 91/447/EEC](#) of 18 June 1991 on control of the acquisition and possession of weapons, as amended by [Directive \(EU\) 2017/853](#) of the European Parliament and of the Council of 17 May 2017.