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Judgment of the Court in Case C-234/21 | Défense Active des Amateurs d'Armes and Others

Prohibition of semi-automatic weapons: Member States wishing to maintain previous authorisations for those weapons may also provide for this concerning weapons converted to fire blank ammunition

According to the Court of Justice, there is nothing to prevent Member States from providing that holders of semi-automatic firearms converted to fire blanks are entitled benefit from a transitional regime, following their prohibition, where such a regime is introduced for holders of such weapons that can fire real bullets. The objective of ensuring public security for Union citizens is not undermined by the fact that holders of weapons converted in this way may also maintain authorisations already granted.

A dispute was raised between the Association Defence Active des Amateurs d'Armes ASBL (DAAA) and two Belgian citizens, on the one hand, and the Conseil des ministres (Council of Ministers, Belgium), on the other, concerning the reform of the loi sur les armes (Law on weapons) which entered into force in 2019¹. Under that provision, certain types of semi-automatic weapons converted to fire blanks which were sold freely in Belgium until the beginning of June 2019 were prohibited. Since that time, holders of such weapons no longer have the option to keep them as they are now in possession of a prohibited weapon. By contrast, owners of genuine semi-automatic firearms (which have not been converted and are therefore capable of firing real bullets) who lawfully purchased and registered them before 13 June 2017 benefit from a transitional regime allowing them to retain them.

DAAA asserts that (i) that situation entails a difference in treatment between persons possessing a weapon falling within those two categories and (ii) the EU directive that the Belgian reform sought to transpose² infringes, inter alia, the right to property and the principles of equal treatment, non-discrimination and the protection of legitimate expectations. The Cour constitutionnelle (Constitutional Court, Belgium), hearing the case, asks the Court whether, by not authorising Member States to provide for transitional arrangements for persons who, before 13 June 2017, lawfully purchased and registered a semi-automatic firearm which was converted for the sole use of firing blanks, the relevant provision of the directive is invalid.

Sitting as the Grand Chamber, the Court confirms the validity of the provision in question, which does not infringe either the right to property or the principles of equal treatment, non-discrimination and the protection of legitimate expectations.

That provision, contrary to the premiss on which DAAA bases its view, in fact authorises the Member States to maintain previous authorisations for all the semi-automatic firearms concerned, including those converted for the sole use of firing blanks. It is for the Belgian Constitutional Court to draw the appropriate conclusions from that finding as regards consideration of the validity of the exclusion of such weapons from the transitional regime implemented by the Belgian legislature, which has been brought before it.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which

have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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 is 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 Most of the provisions of that reform constitute the partial transposition of [Directive \(EU\) 2017/853](#) of the European Parliament and of the Council of 17 May 2017, amending Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons. Meanwhile, that directive was repealed and replaced by [Directive \(EU\) 2021/555](#) of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons.

² See endnote 1.