



Notification Number: 1997/258/F

Decree relating to the marketing conditions regarding certain objects resembling firearms.

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Issue of comments by : Italy,Netherlands

Message

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ATT. MS. BAKKE-D'ALOYA

TELEX 002

COMMUNICATION FROM THE COMMISSION - SG (97) D/51259/2



DIRECTIVES 83/189/EEC, 88/182/EEC AND 94/10/EC
TRANSLATION OF TELEX 001
NOTIFICATION 97/0258/F

- 3B1 : 9701259.EN

1. Structured Information Line

TLX 002 IND- 97 0258 F-- EN ----- 970528 --- ---

2. Member State

France

3. Department Responsible

Délégué Interministériel aux Normes
32, rue Monge
75005-Paris

3. Originating Department

Ministère délégué aux Finances et au Commerce Extérieur
Direction Générale de la Concurrence, de la Consommation et
de la Répression des Fraudes.
59, Boulevard Vincent Auriol
75703 Paris cedex 13

4. Notification Number

97/0258/F

5. Title

Decree relating to the marketing conditions regarding certain
objects resembling firearms.

6. Products Concerned

Objects resembling firearms intended to fire solid
projectiles when they generate an energy greater than 0.02
joules and less than or equal to 2 joules.

7. Notification Under Another Act

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8. Main Content

This text subjects the marketing of these products to certain
conditions:

- the ban on selling, distributing free of charge or
providing to minors free of charge or in return for
payment, except within the context of gun clubs or
fairground shooting
galleries where shooting is carried out under the
supervision of an adult;
- the obligation to indicate the power in joules on the



product, the obligatory instruction sheet and the packaging;

- the obligation to indicate a notice of warning (not for use by minors) and a notice of caution (do not fire at point-blank range) on the instruction sheet and the packaging.

9. Brief Statement of Grounds

In the course of the 1994-1995 year, approximately twenty accidents caused by objects resembling firearms were recorded. In the majority of cases, these accidents happened among 10 to 14-year-olds, who have become more and more interested in these products in recent years. Many parents and teachers have expressed surprise that such products could be made available and sold to youngsters;

Confronted with a serious and immediate danger to youngsters in particular, it has been decided to suspend for one year the marketing of these non-essential and dangerous products;

A suspensive order was passed on 19 April 1996 regarding all objects resembling firearms and firing solid projectiles with a power of between 0.08 joules, below which there is no danger, and 2 joules, above which these products are classed as firearms and are subject to regulations on firearms.

This one-year suspensive order lapsed on 19 April 1997. It seemed appropriate to substitute this order with a decree banning the sale to minors of these products in order to prevent the recurrence of the accidents which had been noted.

10. Reference Documents - Basic Texts

Article L.221-3 of the Consumer Code.

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

Since the aforementioned suspensive order of 19 April 1996 has now lapsed, it has once again become possible to sell these products, which have been the cause of a certain number of accidents.

It is therefore essential that the decree passed within the framework of article L.221-3 of the Consumer Code and intended to replace this suspensive order takes effect as soon as possible.

13. Confidentiality

No



14. Fiscal measures

No

D. WILLIAMSON
COMEUR
NNNN