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# Regulations Amending the Firearms Licences Regulations

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Brief presented to:

**The Department of Public Safety and Emergency Preparedness**

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*Polysesouvient est un groupe de citoyens bénévoles, dont de nombreux témoins, survivants et familles des victimes du massacre du 6 décembre 1989, qui œuvrent pour un meilleur contrôle des armes et dont les objectifs sont endossés par l'Association des Étudiants de Polytechnique, l'Association des étudiants aux cycles supérieurs de Polytechnique, le CA de l'Association des diplômés de Polytechnique, l'Ordre des ingénieurs du Québec, l'École Polytechnique, l'École de technologie supérieure et plusieurs associations étudiantes de génie du Québec.*

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## A) INTRODUCTION AND SUMMARY

PolySeSouvient is a Canadian gun-control advocacy organization comprised of survivors and families of victims of the 1989 École Polytechnique massacre. We are dedicated to promoting public safety through effective firearms regulation.

We appreciate the opportunity to provide input on the proposed amendments to the Firearms Licences Regulations, as published in the [Canada Gazette, Part I, Volume 158, Number 52](#), on December 28, 2024.

The proposed regulations require manufacturers and importers to submit technical specifications of what they consider new non-restricted firearm models to the RCMP. However, there is no requirement for these businesses to wait for the RCMP's assessment before introducing the firearms to the market. This approach allows firearms to be sold based on the manufacturer's or importer's classification, which may be erroneous. As drafted, the regulations do nothing to prevent misclassifications.

The proposed regulations are not what former Public Safety Minister Dominic LeBlanc Minister [promised](#), which is “To complement these measures, regulatory changes will be made to impose a mandatory physical inspection by the RCMP of all new firearm models before they enter the Canadian market. These regulatory measures will ensure that no firearm enters the Canadian market without having been properly listed or classified by competent government authorities.” This follows an earlier government [commitment](#) to “make regulations under the Firearms Act to ensure that firearms are classified correctly BEFORE entering the Canadian market”.

The preauthorization process needs to include a mandatory inspection of the physical firearm, or the predetermined technical specifications provided by the manufacturer, by the RCMP before a new model it can be introduced to the Canadian market.

## B) MISCLASSIFICATIONS

Earlier, in our October 16, 2022, [brief on C-21](#) to the Standing Committee on Public Safety, we recommended that the government “introduce new regulations to implement a pre-authorization process for all new models of firearms entering the market, so that only those that are deemed non-restricted or restricted and given Firearm Reference Number (FRN) by the relevant authorities would be legal.

We noted that there is no legal obligation for the government to ensure new models of firearms “[deemed non-restricted](#)” are inspected by government authorities before they can enter the market. In fact, most inspections are carried out [by the industry itself](#). We argued that all new models should be prohibited unless having been subject to mandatory physical inspection by the RCMP, which would then classify them and give them an FRN - before being allowed on the market.

Indeed, in Canada, pharmaceutical and even [natural health product](#) companies can't introduce a product on the market without prior authorization from Health Canada. A preauthorization process for dangerous products like guns should have been in place a long time ago.

Unsurprisingly, the current system opens the door to industry misclassifications, as the RCMP explains in [this 2014 memo](#):

Occasionally, it comes to the attention of the CFP that a firearm has been incorrectly described, or that a FRT record generated for a specific firearm describes an incorrect classification. Following physical inspection of the firearm by the CFP, the FRT record may be updated to properly reflect the appropriate classification of the firearm based upon the established criteria in the Code. Such amendments can affect the registration status of the firearm (e.g. a restricted firearm becomes prohibited). It is important to note that this is not a form of reclassification, but rather an update of an earlier determination based on new information. However,

The current flawed system led to the 2015 [Swiss Arms/CZ 858 fiasco](#), where the RCMP [noticed](#) the wrong classification for thousands of prohibited weapons after they had entered the market as restricted or non-restricted firearms. Many of these could be concerted to fully automatic mode. More recently, three Canadian firearm businesses imported and registered hundreds of fully automatic military surplus [Tavor X95](#) weapons, as wrongly classified restricted firearms for commercial sale in Canada.



Misclassifications resulting from the current system has been flagged [a long time ago](#) by the RCMP, years before the Swiss Arms/CZ858 fiasco. It had named a number of models that were misclassified as “restricted” or “non-restricted” (depending on barrel length) including prohibited weapons like the Norinco Type 97A that were originally fully automatic.

**The Walter Model G22 is a non-restricted firearm with a bull-pup design. Its classification was originally interpreted by the CFP in 2004 based on information provided by engineers and an examination of a prototype. However, a subsequent inspection in 2005 by the RCMP determined the bull-pup stock to be a prohibited device (because it reduces the overall length of the firearm such that a substantial part of the reloading action or the magazine-well is located behind the trigger of the firearm). There are currently 84 Walter Model G22's with this prohibited device.**

*Norinco Type 97A firearms*

Between October 2006 and November 2007, sixty Type 97A firearms were imported in two separate shipments from China. The firearms were classified at the time as non-restricted and restricted based on information provided by the importer's verifier and technical specifications from the manufacturer. Forty of the firearms, which were distributed to 35 individuals and one business, were subsequently physically inspected by the RCMP and determined to be purpose-made fully automatic firearms that had been temporarily modified to be semi-automatic.

The Idea of adding a preauthorization process has considerable political support. It was raised by Bloc Québécois Public Safety Critic Kristina Michaud in early March 2023 during a SECU hearing on amendments G-4 and G-46. She suggested that the current process should be improved by legislating that any new model be automatically prohibited until the RCMP analyzes & classifies it, and only then can the manufacturer introduce it on to the Canadian market. As for the NDP, its Public Safety Critic Peter Julian, on May 1<sup>st</sup> 2023, was adamant on closing "massive loopholes" for manufacturers and importers as we "basically have an honour system" right now regarding classification. He said he wants a system where manufacturers "don't have the ability to classify their own firearms" which "stops firearms from coming on the market in the first place" with the government "preventing" instead of "acting afterward" as when firearms are banned "after they come on the market."

### C) ONLY REQUIRING A FRT NUMBER IS NOT EFFECTIVE

Solely requiring an FTR-number before market entry, as was proposed earlier by the former minister Marco Mendicino (May 1, 2023) in no way solves the problem of manufacturers misclassifying models. In fact, manufacturers can get a number now without having a new model inspected by the RCMP, which is the main reason why some models are misclassified.

Arguably the worst cases of misclassification are those related to the Swiss Arms Family and CZ858 models, which while prohibited by law were classified by importers as "restricted" or "non-restricted". In both cases, manufacturers received an FRT-number prior to entering the market – uninspected.

Swiss Arms Classic Green Rifles and its variants

In 2001, a Canadian importer requested a classification opinion of the Swiss Arms rifles in order to authorize their importation and registration in Canada. The RCMP reviewed documentation provided by the importer and the manufacturer which portrayed the Swiss Arms rifles as semi-automatic variants of the Swiss Arms SG 540. Based upon these documents, the RCMP created FRT records naming the firearms as non-restricted or restricted, depending on the barrel length. They were subsequently imported, registered and sold in Canada.

In the [recent Tavor X95 case](#), the weapon had also received an FRT-number:

However, the existence of a firearm reference number did not appear to help in the Tavor case.

The RCMP says the firearms were imported and registered using a firearm reference number that corresponds to the semi-automatic Tavor X95, instead of the reference number for the Tavor X95 MSW.

#### D) PROPOSED REGULATIONS

The new rules would require manufacturers or importers to send technical specifications to the RCMP before they enter the market. Yet manufacturers could still sell what they consider to be non-restricted models on the Canadian market. The [Regulatory Impact Analysis Statement](#) specifies that “the proposed regulations would require manufacturers and importers to share information about the batch being manufactured or shipment of being imported. Additionally, businesses would not be required to wait for a response from the Registrar. This would ensure manufacturing and importation activities continue and supply chains are not interrupted.”

The only difference with the status quo is that RCMP will have the technical information in their possession. There is no new requirement for the RCMP to verify and certify that a non-restricted model is correctly classified before it enters the market, meaning misclassifications can continue. As before, the RCMP will have to play catch-up once they get around to inspecting the technical data.

The failure to codify pre-inspection into law and to ensure that the rules cannot be undermined by a different government renders the proposed regulations ineffective. Left unchanged, it will leave Canadians at greater risk from gun violence than they would under the rules the government promised. The watering down of promised gun control measures is a problem [that has been observed](#) in the past.

#### E) RECOMMENDATIONS

Misclassifications carry many public safety risks and would also jeopardize the ban on assault weapons expected to be completed in the coming months. As they stand, the proposed regulations fail to ensure RCMP vetting and classification are accomplished before new firearm models can be sold in Canada. They do not prevent misclassifications – which is the whole point of the promised measure.

- 1) **The following core principle needs to be codified into the regulation: Both a mandatory inspection (a physical one or one based on detailed and predetermined specifications that the**

manufacturer needs to provide) and the actual classification of any new model need to be carried out and completed by the RCMP before the firearm can be manufactured, imported or sold in Canada. Industry should not be the ones determining the classifications of their guns.

- 2) For practical purposes, the regulation could be amended to explicitly state that any new model requires an FRT number before entering the market AND that the RCMP can only provide an FTR number after it has inspected and classified the model in question.
- 3) The regulations should establish clear guidelines and reasonable timelines for the RCMP's assessment process, providing efficiency and transparency. This will also give manufacturers and importers predictable timeframes, facilitating compliance without causing undue delays.
- 4) Finally, the regulations should include robust incentives for manufacturers to provide accurate information, including penalties for non-compliance.

## F) CONCLUSION

We urge the Department of Public Safety and Emergency Preparedness to implement these recommendations to strengthen the proposed amendments to the Firearms Licences Regulations. Implementing a mandatory RCMP pre-approval process for new firearm models is essential to prevent misclassifications and enhance public safety.