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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE
EUROPEAN PARLIAMENT**

**Firearms and the internal security of the EU: protecting citizens and disrupting illegal
trafficking**

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Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking

1. INTRODUCTION

Firearms have lawful and responsible civilian uses, and their manufacture, sale and purchase are a part of the EU's internal market¹. Firearms in the wrong hands, however, can have devastating consequences for citizens and communities. There are still far too many victims of gun-related violence in the EU². In the first decade of the 21st century there were over 10 000 victims of murder or manslaughter, killed by firearms, in the 28 Member States of EU,³ and every year there are over 4 000 suicides by firearm⁴. On average, there are 0.24 homicides and 0.9 suicides by firearm per 100 000 population per year in the EU⁵. The presence of powerful and often illegally-held firearms in particular in deprived urban areas can create a sense of insecurity among citizens.

The gunmen responsible for horrendous shootings in recent years, in the schools in Tuusula (2007) and Kauhajoki (2008), and in Cumbria (2010) and Alphen aan den Rijn (2011), were mentally unstable adults and yet were licensed to possess a firearm. In Winnenden (2009) an adolescent used a pistol which had been insecurely stored in his parents' bedroom. In the attacks in Liège in 2011, the gunman drew from a huge personal arsenal including military weapons and collectors' items which he had purchased and converted. These specific incidents alone claimed the lives of 61 people, including 19 children⁶.

Illegally-held firearms, meanwhile, are often used to coerce and to intimidate victims of organised crime. The illegal import and sale of these weapons, as well as their production, provide lucrative business for the EU's estimated 3600 organised crime groups.⁷ Terrorists and extremists have used firearms to instil fear and to kill: seven died in the Toulouse and Montauban attacks in 2012, and two in the 2011 Frankfurt airport incident⁸.

There are an estimated 80 million legally-held civilian firearms in the EU. While there are no precise statistics, the many firearms in illegal circulation are often the result of theft or

¹ Producers in the EU made almost 2 million civilian firearms in 2011, equivalent to an estimated 20% of global production, see 'The Global Regime for Transnational Crime,' Council on Foreign Relations, Issue Brief, July 2, 2012) and additional figures in Annex 2.

² Eurostat, 'Trends in crime and criminal justice', 18/2013

³ Period 2000-2009. Source: UNODC Global Study on Homicide 2011. This is a partial figure as for most Member States statistics for the whole period are unavailable.

⁴ GunPolicy.org

⁵ See Annex 2. There are wide discrepancies between Member States from zero homicides by firearm in Malta to 0.71 per 100 000 in Italy, and from 0.7 firearms per 100 population in Lithuania and Romania to 45 in Finland. Sources: UNODC, Small Arms Survey, GunPolicy.org.

⁶ Figure includes the six gunmen who committed suicide after their attacks.

⁷ Europol, Serious and Organised Crime Threat Assessment 2013. 'Firearms are often trafficked by well-structured, organized criminal groups... that are usually engaged in trafficking drugs or other lucrative illegal commodities'; United Nations Office on Drugs and Crime (UNODC), 'Digest of Organized Crime Cases', 2012, p.101.

⁸ Europol, TE-SAT 2013 - EU Terrorism Situation and Trend Report. The weapons used were a Colt 45 pistol and an Uzi submachine gun (Toulouse/ Montauban) and a 9 mm FN P35 pistol (Frankfurt).

diversion from their lawful lifecycle, of being illegally imported from third countries and of the conversion of other objects into firearms. Almost half a million firearms lost or stolen in the EU remain unaccounted for, the overwhelming majority of which are civilian firearms, according to the Schengen Information System⁹. In one Member State, France, the authorities reported a 40% increase in seizures of stolen civilian and military weapons between 2010 and 2011¹⁰. Large amounts of powerful military grade weapons have since the mid-1990s reached the EU from the Western Balkans and former Soviet Bloc countries,¹¹ often trafficked in small quantities and hidden in vehicles like long distance coaches to avoid detection¹². Recent upheavals in North Africa and the Middle East carry a risk that surplus and stolen military arms will reach European criminal markets along similar routes. Firearms, parts and components are also, to an increasing extent, traded online and delivered through mail order, postal or express delivery services. Law enforcement authorities in the EU are concerned that firearms which have been deactivated are being illegally reactivated and sold for criminal purposes, that items such as alarm guns, air weapons and blank-firers are being converted into illegal lethal firearms, and that criminals may very soon exploit 3D printing technologies for assembling home-made weapons or making components to be used for reactivating firearms. An overview of some of the trafficking routes which have been reported by firearms experts in Member States is illustrated below.

Trafficking routes as reported to the European Firearms Expert group¹³

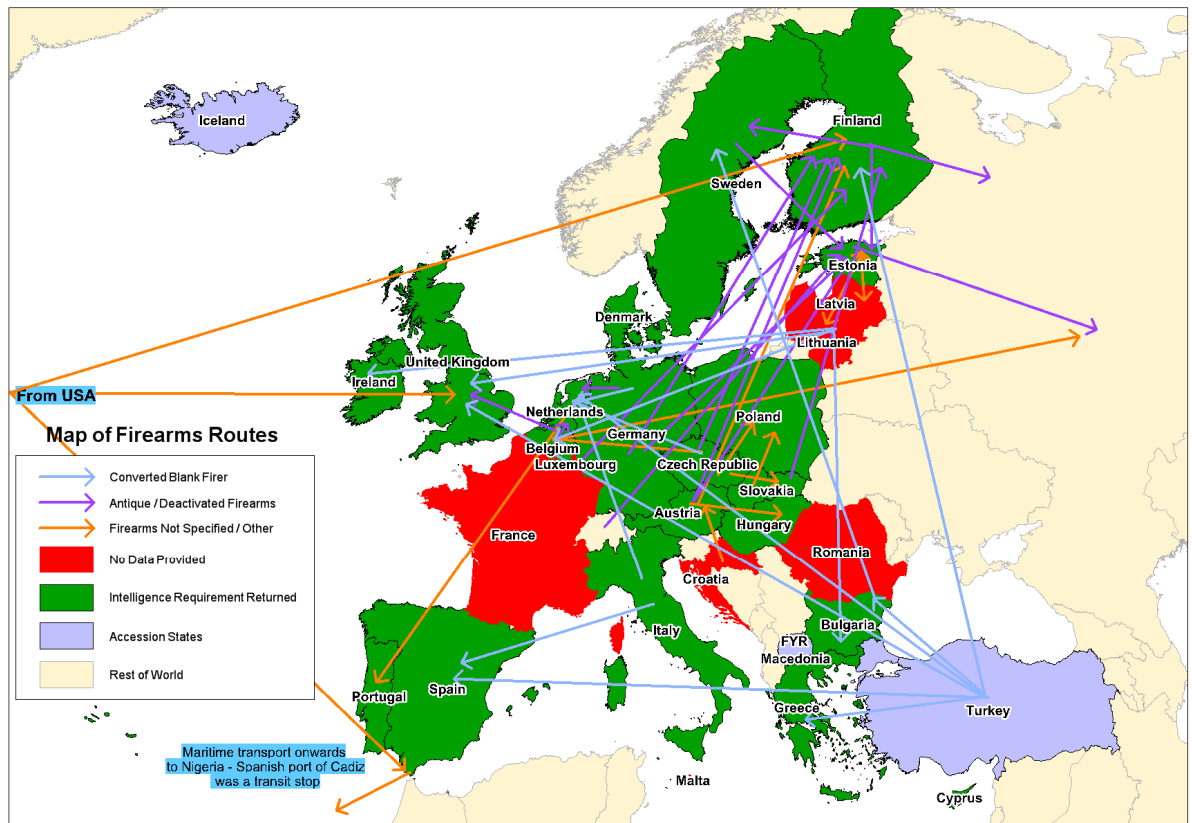
⁹ The second generation Schengen Information System is an EU computer system which enables Member States authorities to share data (e.g. type and serial number) on firearms reported as lost, stolen or misappropriated.

¹⁰ Source: French police.

¹¹ Precise estimates of the size of these stores are impossible, and those available vary widely, partly because volumes are dynamic. In one recent study, defence stockpiles in Bosnia and Herzegovina in 2011 were estimated at 76 000 pieces of small arms and light weapons and 100 000 metric tonnes of ammunition, and in Montenegro in 2011 at 28 000 weapons and 7000 metric tonnes of ammunition; Pierre Gobinet, 'Significant Surpluses: Weapons and Ammunition Stockpiles in South-east Europe', Small Arms Survey, The Regional Approach to Stockpile Reduction and the US Office of Weapons Removal and Abatement, Dec 2011.

¹² Source: European Firearms Expert group; Convertible Weapons in the Western Balkans, SEESAC, 2009. In UK in 2010/11 63% of the 2534 stolen firearms were stolen from residential premises; Homicides, Firearms Offences and Intimate Violence 2010/11: Supplementary Volume 2 to Crime in England and Wales 2010/11, Kevin Smith et al, Home Office Statistical Bulletin 2012.

¹³ Based on input from Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Ireland, Estonia, Germany, Greece, Hungary, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, UK.



The misuse of firearms¹⁴, be it legally-owned civilian weapons or civilian or military weapons which have been illicitly manufactured or obtained, is a serious threat to the EU's security from both an internal and an external perspective¹⁵. This communication proposes an integrated policy for addressing this threat, through legislation, operational action, training and EU funding. Building on steps already taken at international, EU and national level, it focuses on four priorities (see Annex 1 listing all actions proposed).

¹⁴ At EU level there are two similar but distinct definitions of weapons. (1) 'Firearm' is defined in EU internal market and common commercial policy as '...any portable weapon that expels, is designed to expel or may be converted to expel shot, bullet or projectile by the action of a combustible propellant...' (Directive 2008/51/EC, cited above and Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition, OJ 94/1, 30.3.2012. Firearms designed for military use are excluded from the scope of the legislation to which this definition applies. (2) The term 'small arms and light weapons' is generally used in United Nations fora and in the field of the EU's Common Foreign and Security Policy. Although there is no agreed international definition for this term, the EU considers that it covers automatic and semi-automatic machine guns and rifles which are designed specifically for military use (Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP). This Communication addresses the security risks associated with all weapons whether understood to be 'firearms' or 'small arms', or 'civilian' or 'military'.

¹⁵ Council Report on the Implementation of the European Security Strategy - Providing Security in a Changing World; The EU Internal Security Strategy in Action: Five steps towards a more secure Europe, COM(2010) 673.

- (1) *Safeguarding the licit market for civilian firearms* through new EU standards on which firearms can be sold for civilian use, how firearms should be marked, and how to licence persons who wish to possess and to use firearms.
- (2) *Reducing diversion of firearms into criminal hands* through the development of effective standards on safe storage of civilian firearms and on how to deactivate civilian and military firearms, and greater efforts to reduce illicit trafficking of firearms (whether civilian or military) from outside the EU.
- (3) *Increasing pressure on criminal markets* through better cross-border cooperation between police, customs and border guards and by assessing the need for common EU rules on which offences linked to firearms should be criminalised and what level of criminal sanctions should be imposed by Member States.
- (4) *Building better intelligence* by gathering and sharing more information on firearms crimes, and by targeted training of law enforcement officers.

These priorities draw on discussions with law enforcement authorities, the views of victims of gun violence, NGOs and authorised manufacturers retailers and users, as well as responses to a public consultation conducted by the Commission in March-June 2013¹⁶.

This communication responds to the call by the European Parliament for more action to identify and to address vulnerabilities in the lifecycle of firearms, to safeguard lawful production, sale and possession of firearms, to disrupt criminal supply chains and to deter illicit use¹⁷. It complements the EU's actions in other key security areas, including the fight against organised crime and terrorism, and the EU's 2005 strategy on illicit accumulation and trafficking of small arms and light weapons and their ammunition¹⁸.

The Commission will carry out further, thorough analysis to gain a better understanding of the the problems set out in this communication, and their underlying causes. It will consult stakeholders, including the European Parliament, Member States, legal manufacturers and federations of users of civilian firearms with a view to presenting new proportionate and, if necessary, legislative proposals in 2015 based on an impact assessment¹⁹.

2. THE NEED FOR ACTION AT EU LEVEL

Over the last decade, the EU has taken a number of steps to address the security threat that firearms pose to the internal security of the EU.

This year the EU concluded (within the extent of its competence) the UN Firearms Protocol²⁰ which will strengthen controls on the transfer of handguns, pistols and other small arms into, out of and within the EU. On a global level, it is hoped that the recently adopted Arms Trade

¹⁶ Consultation on a common approach to reducing the harm caused by criminal use of firearms in the EU; http://ec.europa.eu/yourvoice/index_en.htm

¹⁷ The Interim Report on Organised Crime, CRIM Committee European Parliament highlights in particular more action on marking and illicit trafficking.

¹⁸ EU Strategy to combat illicit accumulation and trafficking of SALW and their Ammunition, Council document 5319/06.

¹⁹ Article 1 (12) of Directive 2008/51/EC requires the Commission to present an evaluation, by 2015, on the situation resulting from the application of this Directive, accompanied if appropriate by proposals.

²⁰ Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

Treaty²¹ will prove to be a milestone for controlling the arms trade. The treaty commits State Parties to assess all exports with a view to the eradication of illicit trade in weapons and so to contribute to peace and security and to prevent serious violations of international humanitarian or international human rights law.

These international agreements, although essential, represent the first step towards a fully effective response. The EU has therefore sought a balanced approach to regulating the lawful circulation of civilian (i.e. non-military) firearms in the internal market, to disrupting the illicit circulation and use of civilian firearms, and to standards on the transfer and brokering of conventional military arms.

In terms of legislation, the Firearms Directive (Council Directive 91/477/EEC as amended by Directive 2008/51/EC) laid down rules for the acquisition and possession of non-military weapons and created a 'European Firearms Pass' for licenced hunters, sports shooters, collectors and dealers to travel within the EU. Through Regulation No 258/2012 ('the Firearms Regulation'), the EU requires authorisation of exports of non-military firearms to countries outside the EU in line with the UN Firearms Protocol. Since 1998, under the Common Foreign and Security Policy, the EU has maintained a Code of Conduct on Arms Exports, replaced in 2008 by a Common Position, including a common list of military arms and minimum standards guiding national licensing policies²². Directive 2009/43/EC seeks to simplify the licensing procedures for the transfer of such arms within the EU²³. Minimum standards are also in force on brokering of conventional arms between third countries which takes place on a Member State's territory²⁴.

As a customs union, the EU has developed in recent years a common framework consisting of risk criteria and IT systems for managing risks relating to the movement of goods crossing the EU external border as part of the commercial supply chain. The Commission has recently highlighted the challenges in risk management faced by EU customs authorities, and has made several proposals for improving customs capabilities including better use of information, data sources and other tools and procedures for pinpointing risks and analysing commercial supply chain movements²⁵.

²¹ The Arms Trade Treaty was adopted by the UN General Assembly on 2 April 2013. It establishes common international standards – which included principally human rights and humanitarian law - governing the international trade in the main categories of arms, which includes small arms and light weapons. It covers all conventional arms, including firearms, components and ammunition, regardless of their final use. State Parties to the treaty are required to consider these common standards when deciding whether to authorise arms transfers. The treaty will enter into force once it has been ratified by 50 states. The Commission proposed in May 2013 a Council decision authorising EU Member States sign the treaty .

²² The EU Code of Conduct on Arms Exports adopted by the Council on 8 June 1998; the Common Military List of the European Union, adopted by the Council on 13 June 2000 is regularly updated; the code of conduct was replaced by Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, OJ L335/99.

²³ Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 on simplifying terms and conditions of transfers of defence-related products within the Community, OJ L146, 10.6.2009.

²⁴ Common Position CFSP/468/2003 on the control of arms brokering, OJ L156/79, 25.5.2003.

²⁵ Commission communication on Customs Risk Management and Security of the Supply Chain, COM(2012) 793.

On an operational level the EU has established the European Firearms Expert group to promote information exchange and cooperation²⁶ and in 2010 adopted an action plan to facilitate tracing and cooperation against firearms trafficking²⁷. Member States and the Commission, on the basis of Europol's 2013 EU Serious and Organised Crime Threat Assessment, have made the disruption of illicit manufacturing and trafficking in firearms one of the EU's nine law enforcement priorities for 2014-17²⁸.

In terms of external action, the EU in 2005 adopted a strategy to combat the illicit accumulation and trafficking of small arms and light weapons and their ammunition. The strategy sets down three principles underpinning the EU's action in the field of small arms and light weapons – prevention, cooperation with partners and support to multilateralism. This complements and contributes to the implementation of the UN Programme of Action on the Illicit Trade in Small Arms and Light Weapons and the International Tracing Instrument²⁹ by combining all the instruments and policies available to the EU for tackling all facets of the firearms issue. A total of around 21m EUR from different EU budget lines was deployed in 2011-13 to support disarmament, demobilisation and reintegration and to counter illicit trafficking in firearms and small arms and light weapons around the world. For example, the EU is supporting physical security and stockpile management activities in Libya and the wider region³⁰, the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons, regional centres for firearms control in Central America (CASAC) and Africa (RECSA), the OSCE Secretariat, the United Nations Office for Disarmament

²⁶ European Firearms Expert Group was established in 2004 to facilitate exchange of information and to promote cooperation fighting illegal arms trading and possession. It supports the Law Enforcement Working Party of the Council and includes firearms experts from each EU Member State, from Europol and from associate members Liechtenstein, Norway, Switzerland and Turkey.

²⁷ Council Recommendation on a standard procedure in Member States for cross-border enquiries by police authorities in investigating supply channels for seized or recovered crime-related firearms, 12 and 13 June 2007; Council Conclusions on a European Action Plan to combat illegal trafficking in so called “heavy” firearms which could be used or are used in criminal activities, December 2010.

²⁸ In 2010, the EU established a multi-annual policy cycle on the fight against serious international and organised crime in order to ensure effective cooperation between Member States law enforcement agencies, EU Institutions, EU Agencies and relevant third parties and to deliver coherent and robust operational action targeting the most pressing criminal threats facing the EU. The first full policy cycle runs from 2014-7, following the 2013 serious and organised crime threat assessment and the definition of a multiannual strategic plan (in July 2013) and an operational action plan (October 2013); Council conclusions on the creation and implementation of a EU policy cycle for organised and serious international crime, 3043rd Justice and Home Affairs Council meeting, Brussels, 8 and 9 November 2010.

²⁹ The 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects is a politically binding document which was adopted by all UN Member States by consensus and provides for a global commitment to a comprehensive approach to promote, at the local, national, subregional, regional and global level the prevention, reduction, and eradication of the illicit trade in small arms and light weapons in all its aspects as a contribution to international peace and security. It encompasses a wide variety of activities, including stockpile management and security, transfer controls, record-keeping, destruction, information-sharing mechanisms and DDR. It does not seek to control transfers to non-state actors or civilian small arms possession. Implementation is reviewed at Biennial Meetings of States and regular Review Conferences (the last Review Conference took place in August – September 2012 in New York). The International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, adopted by the United Nations General Assembly on 8 December 2005.

³⁰ Council Decision 2013/320/CFSP; this is part of the EU's comprehensive approach to support the transition process to democracy, sustainable peace and security in Libya; EU Border Assistance Mission in Libya.

Affairs, several civil society organisations³¹ and INTERPOL's firearms tracing system (see below). The Commission with the European External Action Service has developed a proposal³² for the Instrument for Stability covering the period 2014-2020 under which further funding for tackling firearms trafficking could be directed towards partner countries, supplemented by assistance from Member States law enforcement. Candidate countries for accession to the EU, meanwhile, are required to align national legislation with existing instruments³³ concerning the export, brokering, acquisition, possession and trafficking of weapons.

However, as the examples and statistics referred to above demonstrate, more action is needed. According to firearms experts, differences in national legislation on firearms are exploited by criminals, increasing the risk of illicit circulation across borders³⁴. That calls for approximation of national firearms legislation. A lack of solid EU-wide statistics and intelligence hampers effective policy and operational responses, and has contributed to firearms being downgraded in relation to other serious crimes, despite recognition of firearms as a key facilitator for crimes such as drug trafficking. The last joint customs operations focused on firearms was in 2006³⁵, and it was unable to make any seizures due to a lack of investigative leads and precise knowledge of routes of firearms trafficking. Action at an EU level can help build that basis of intelligence and statistics to address knowledge gaps and to inform dialogue between Member States on best practices.

The EU must also look at what can be done to disrupt the illicit trade in firearms more directly. The lifecycle of a weapon begins with its manufacture and ends with its destruction. At any of the intervening stages of sale, possession, trade, storage and deactivation the weapon is susceptible to diversion into criminal hands. Stronger action targeting the most vulnerable areas in the lifecycle of the firearm, from production through to destruction, would facilitate both legal trade in the internal market and law enforcement cooperation in identifying and disrupting organised criminal groups, which is a priority for the EU Internal Security Strategy and the 'policy cycle' for fighting serious and organised crime³⁶.

3. PRIORITY 1: SAFEGUARDING THE LICIT MARKET FOR CIVILIAN FIREARMS

Consistent controls on firearms in the internal market provide certainty for lawful producers and owners of firearms, as well as facilitating cross-border police cooperation in efforts to disrupt criminal activities. However, considerable divergences remain in the national application of rules on which firearms are authorised, on procedures for clearly identifiable markings and on licensing for trade and possession of a weapon.

3.1. Task 1: Clarifying which firearms are banned and which require a licence

The Firearms Directive recognises that certain firearms such as automatic weapons (listed under Category A) are so dangerous and have such negligible legitimate civilian usefulness,

³¹ Examples of organisations supported by the EU are the Stockholm International Peace Research Institute and Saferworld.

³² Regulation scheduled for adoption in autumn 2013.

³³ Firearms Directives (1991 and 2008), Council Decision 2011/428/CFSP of 18 July 2011 in support of United Nations Office for Disarmament Affairs activities to implement the United Nations Programme of Actions to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

³⁴ Source: European Firearms Expert group.

³⁵ Operation Fireball targeted lorries originating in the Western Balkans and entering the EU through its eastern border.

³⁶ See footnote 29 above.

that they should not be allowed for civilian use³⁷. The EU requires that other types of weapons (Category B) such as semi-automatics and single-shot rifles, which are deemed to be less dangerous, may be used by sport-shooters and hunters subject to authorisation. Other lower risk firearms (Category C) like long firearms with single shot rifled barrels are subject to less stringent requirements - such as a declaration to authorities of where the weapon is held - or no restrictions (Category D) for single shot long firearm with smooth-bore barrels, for example. These are minimum requirements and Member States may choose to apply stricter standards.

Building on its recent assessment of the scope for simplifying these rules³⁸, where it was concluded not to propose a reduction in the number of categories, the Commission has begun reviewing this issue in a wider context including the potential for reducing illicit trade between Member States which apply different rules, and for facilitating cross-border law enforcement cooperation.

As a second step, the Commission will weigh at a technical level the value of certain types of firearms currently permitted for civilian use, like semi-automatic weapons, against the security risks, and consider whether it would be more appropriate to further restrict access to these weapons.

Third, the Commission will assess the need to go beyond the current scope of the Firearms Directive and to address, in the light of Member States' experiences, the need for regulation of the sale and possession of items such as air guns, replicas, antique weapons and deactivated weapons which may readily be converted into or used as firearms³⁹. In parallel the Commission will propose common guidelines on deactivation standards for ensuring that deactivated firearms are rendered irreversibly inoperable.

Given that a firearm can only inflict harm with ammunition, the Commission will examine ways of preventing acquisition and misuse of ammunition by criminals, for example through marking and imposing limits on the maximum size of ammunition magazines for lawful civilian-type weapons.

Finally, the Commission will consider ways of providing greater legal certainty to economic operators and to law enforcement by defining and clarifying in EU law various technical firearms-related terms in the existing glossary produced by the European Firearms Expert group, for example in relation to deactivation and marking systems.

3.2. Task 2: Establishing an EU standard on marking

Firearms placed on the EU market carry different markings consisting of symbols and/or numbers which were impressed or engraved at the point of production, import or sale⁴⁰.

³⁷ See Annex to Directive 2008/51/EC.

³⁸ COM(2012) 415; Concerning the possible advantages and disadvantages of reducing the classification to two categories of firearms (prohibited or authorised) with a view to improving the functioning of the internal market for the products in question through simplification, the report concluded that 'there would be no clear benefit in a compulsory restriction of the classification at EU level to only two firearms categories if treated in an isolated way.'

³⁹ E.g. the UK imposed a general handgun ban in 1997 and in 2006 restrictions on the sale of air weapons and a prohibition on import and sale of 'realistic' imitation weapons; Lithuania imposed a ban on gas pistols in 2012.

⁴⁰ Depending on the manufacturer's choice and national legal requirements, markings may include the manufacturer, model, calibre or cartridge designation, proof house and year of proofing and serial number. A proof house is a technical facility that examines firearms in countries where proofing and other technical measures are mandatory. Countries may have one or several proof houses, which may be located on manufacturer's premises. Proof houses conduct test firing and tests on safety features of

Markings are meant firstly to guarantee the compliance of the product with existing quality and safety requirements and, secondly, to enable the firearm to be recognised and traced in the event that it is lost, stolen or misused or illegally transferred.

The Firearms Directive contains basic provisions to enable recognition and tracing. Member States are required to ensure the marking of all essential components of the firearm, but they are able to determine marking procedures at a national level including quality and safety issues. Many problems have been identified with illicit weapons and marking requirements. Markings may be erased or tampered with. There is also evidence that a deactivated firearm can be assembled using non-marked parts, which then become difficult or impossible to trace. Law enforcement authorities report that at a crime scene investigators are more likely to recover used ammunition and cartridges, which are generally unmarked, rather than the weapon itself.

The Commission will therefore investigate, in consultation with industry and the Permanent International Commission for Firearms Testing (known as the C.I.P.)⁴¹, the feasibility of an EU marking standard for all weapons, civilian and military, essential components, ammunition and ammunition packaging to minimise the risk of markings being adulterated.

It will aim to develop with international partners a global standard for marking which builds on the International Tracing Instrument, which was agreed by all UN Member States in December 2005⁴².

3.3. Task 3: Simplifying the rules for firearms licensing

It is in the interests of both the safety of the citizen and the smooth functioning of the internal market for there to be a consistent approach to authorisations for firearms dealers⁴³, brokers and owners across the EU. The Firearms Directive refers to the undefined terms 'licences' and 'authorisation' (for category B firearms), 'permits' (in relation to categories C and D), and the need for a 'declaration' (category C) or 'registration' (regarding brokers). Criminals may seek to acquire firearms where national procedures are regarded as most flexible.

The Commission will consider addressing possible gaps in definitions. It will also evaluate, in close collaboration with the European associations of gun manufacturers and owners, the benefits of requiring medical checks as well as criminal record checks as a condition for the lawful purchase and ownership of any firearm, and of time-limited licences subject to renewal, which is already current practice in many Member States in a similar way to driving licences. There may also be value in adopting more common EU standards on the legitimate purposes for owning or using a firearm and on when a licence should be refused.

components, and the devices are then impressed or engraved with markings indicating the type and time of testing.

⁴¹ La Commission internationale permanente pour l'épreuve des armes à feu portatives or C.I.P. is an international organisation, which offers accreditation to proof houses and applies standardised marking requirements which are mandatory in each of the 14 country members, which includes 11 EU Member States (Austria, Belgium, Czech Republic, Finland, France, Germany, Hungary, Italy, Slovakia, Spain, United Kingdom).

⁴² See footnote 30 above. This politically-binding instrument requires, in a similar way to the Firearms Directive, 'either a unique marking providing the name of the manufacturer, the country of manufacture and the serial number, or to maintain any alternative unique user-friendly marketing, permitting ready identification by all States of the country of manufacture.'

⁴³ A dealer is anyone 'whose trade or business consists wholly or partly in the manufacture, trade, exchange, hiring out, repair or conversion of firearms, parts and ammunition.' (Article 1(2), Directive 1991/477/EC as amended by Article 1(1)(c), Directive 2008/51/EC).

Whilst the Firearms Directive already sets out rules concerning registration and authorisation for owners and dealers, the registration of brokers is left to national discretion, and prior authorisation of brokering transactions is required only for transactions between third countries. This may result in illegal activities gravitating to Member States where regulation is less intrusive⁴⁴. Illicit brokering, which is highly lucrative and rarely regulated across the globe, is a potential key facilitator of arms trafficking in the EU⁴⁵: in one Member State (UK) since 2007 there have been 15 successful prosecutions for illicit arms brokering⁴⁶. The Commission will therefore consider the need for compulsory registration and screening of brokers.

The Firearms Directive obliges sellers to report to the police the loss or theft of a firearm, its parts or ammunition and to maintain up-to-date records on the types, quantities, origins and whereabouts of firearms. In order to facilitate further the tracing of lost, stolen or misused firearms, the Commission will consider whether a similar requirement should be applied to any person seeking a license to sell, purchase or put firearms at the disposal of others.

4. PRIORITY 2: LICIT TO ILLICIT: REDUCING DIVERSION OF FIREARMS INTO CRIMINAL HANDS

Criminals will search for ways of subverting even the tightest controls on the licit market, and recent threat assessments (see map in Section 1 above) have drawn attention to the flow of illicit weapons originating in areas of conflict in Europe's neighbourhood and to potential abuse of arms fairs, of online sales and of 3D weapons printing technology. The EU needs to be able to identify the potential vulnerabilities in the market where firearms are produced for criminal purposes or where firearms produced for civilian or military use are diverted to criminal markets at point of sale, use or deactivation. These vulnerabilities, which will be considered in the evaluation report on the Firearms Directive scheduled for 2015, should be addressed through correct implementation of, and updating where necessary, the Firearms Directive, through capacity building and assistance projects in third countries in areas like the destruction of surplus stocks, stockpile management and security, and responsible transfer controls.

4.1. Task 1: Updating controls on sale and illegal manufacture of firearms

Arms fairs are held frequently in many EU Member States and neighbouring countries and present an opportunity to acquire deactivated, blank firing, imitation and antique firearms, including non-antique barrelled guns, which are prohibited in some Member States. The Commission will ensure enforcement of EU standards on transfers of weapons and work with Member States to develop guidance for how to limit the diversion of illicit firearms through arms fairs, and in cases of breaches of these standards, will launch infringement proceedings.

E-commerce is expanding rapidly, and some Member States have highlighted difficulties in taking effective law enforcement action against online sales of weapons. Europol should investigate as part of its wider threat assessment the nature and prevalence of this online market, including the challenges posed by the potential for 3D printing of weapons and

⁴⁴ Article 1(3), Directive 2008/51. A broker is defined as 'any natural or legal person, other than a dealer, whose trade or business consists wholly or partly in the buying and selling or arranging the transfer of weapons', (Article 1(1)(e), Directive 91/477/EC as amended by Article 1(1)(b), Directive 2008/51/EC).

⁴⁵ See, for example, Small Arms Survey, UNIDIR and United Nations Department for Disarmament Affairs, 'Developing a Mechanism to Prevent Illicit Brokering in Small Arms and Light Weapons—Scope and Implications', 2007.

⁴⁶ Source: Stockholm International Peace Research Institute..

ammunition. In line with the Council's 2010 action plan, Europol will develop a manual for combating internet-based firearms trafficking.⁴⁷ The Commission will support the creation of cyber patrol teams in Member States along the lines of those used to tackle drugs trafficking. It will also consider the feasibility and proportionality, from a security perspective, of an outright ban on sale and purchase over the internet of all or certain firearms, components and ammunition in the EU⁴⁸.

Given the concern expressed by a number of Member States, the Commission will consult with national authorities and shipping companies, building on existing collaboration in explosives detection, on how to reduce the risk of illegal delivery of firearms by postal services.

4.2. Task 2: Preventing theft and loss

Stronger market controls can make legally-held firearms more susceptible to theft by criminals. The Commission will assess the scope for minimum standards for secure storage by firearms owners in the EU, including the option of mandatory use of safes, as is already required by law in some Member States. The Commission will work with the firearms industry to explore technological solutions, such as biometric sensors where personal data is stored in the firearm, for ensuring that purchased firearms may only be used by their legal owner. It will carry out a detailed cost-benefit analysis on the question of making such 'smart gun' security features mandatory for firearms lawfully sold in the EU.

4.3. Task 3: Leveraging external action and the enlargement process to reduce the threat of diversion from third countries

In the light of the latest threat assessments, the EU should continue to provide assistance to neighbouring countries and to conflict and post-conflict areas around the world to prevent the diversion, theft and trafficking of small arms and light weapons through more robust national arms export control systems⁴⁹. In line with recent recommendations from the EUSR/ UNDP Conference on Arms Control⁵⁰, candidate countries will be requested to devise and to implement a strategy on small arms and light weapons, including the destruction or securing of arms stores and the adoption of EU standards in firearms risk minimisation. The Commission will integrate security concerns into other relevant dialogues such as visa agreements and assess the robustness of national legal frameworks and arrangements for police and customs cooperation in combating arms trafficking. The EU will continue to include provisions on the regulation of small arms and light weapons in all its relevant international agreements and continue mainstreaming action on small arms and light weapons through its geographic and thematic cooperation instruments.

The EU, in line with its longstanding arms export control assistance programme, will also encourage the universal, full and effective implementation of the Arms Trade Treaty, and foster effective multilateralism for countering the supply and destabilising spread of small arms and light weapons and their ammunition. Cooperation with third countries will be able to draw in particular from the Common Foreign and Security Policy budget, from the

⁴⁷ Building on the 2010 Action Plan to combat illegal trafficking in so called "heavy" firearms (see footnote 28 above).

⁴⁸ Any such measure should not jeopardise legitimate research and development activities seeking to exploit 3D printing and related technologies where there is a clear societal interest.

⁴⁹ 2009/1012/CFSP; 2012/711/CFSP.

⁵⁰ A ministerial conference on 'Arms Control in the Context of EU Enlargement' involving the Office of the Special Representative of the European Union, United Nations Development Programme (UNDP) in Bosnia and Herzegovina took place on 18 and 19 June 2013.

Development and Cooperation Instrument, the European Neighbourhood Instrument, the Instrument for Pre-Accession Assistance and the Instrument for Stability⁵¹.

4.4. Task 4: Promoting destruction as the preferred means of disposal of surplus firearms

The Commission is aware of significant differences in deactivation standards between Member States and there have been reports of homicide by means of illegally reactivated firearms. This may be the result of inappropriate implementation of the Firearms Directive⁵², such as where parts which were deactivated in accordance with one Member State's rules are transferred to other Member State applying more stringent standards. The Commission, in reviewing guidelines on deactivation in accordance with the Firearms Directive, will assess the effectiveness of national standards on deactivation for civilian and military arms and evaluate the necessity of legally binding common standards for the whole EU.

The Commission considers that destruction is the most effective and cheapest method of eliminating the risk of firearms. It will examine how best to support and to promote destruction instead of deactivation. On this basis, the EU will continue to assist third countries in reducing their surplus stocks of small arms and light weapons and their ammunition by destruction and by enhancing adequate management and security of remaining stockpiles.

5. PRIORITY 3: INCREASING PRESSURE ON CRIMINAL MARKETS

Operational cooperation at EU level has in recent years led to seizures of illegally held firearms, usually as part of action targeting drugs trafficking or traffic police operations, although comprehensive statistics are lacking. False, forged or misleading documentation is used to smuggle arms into the EU and for detection authorities need to check the physical content of consignments entering the EU, both at the external border and at the customs office of the destination where goods are customs cleared. The decision to prioritise firearms under the 2014-17 serious and organised crime policy cycle now offers an unprecedented opportunity for concerted action by the EU over several years.

5.1. Task 1: Guidance to law enforcement officers

This new drive needs to be supported by clear guidance for law enforcement officers. The Council has sought to standardise procedures concerning cross-border investigations into seized or recovered crime-related firearms⁵³; these guidelines should be evaluated and if necessary updated.

⁵¹ COM(2011) 840 final, 2011/0406 (COD), Proposal for a Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation; COM(2011) 839 final, 2011/0405 (COD), Proposal for a Regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument; TAIEX IPA (international pre-accession) Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance, OJ L210/82. On the Instrument for Stability see footnote 33 above

⁵² Member States are required to 'make arrangements for the deactivation measures... in order to ensure that the modifications made to a firearm render it irreversibly inoperable'; Annex I, Part III, Directive 91/477/EC.

⁵³ EFE manual called 'Traces on the ownership of firearms – A handbook for systematic tracking of firearms seized from illegal possession or in the course of criminal offences <http://register.consilium.europa.eu/pdf/en/07/st10/st10000.en07.pdf>

5.2. Task 2: Cross-border cooperation to stop illegal possession and circulation of firearms

An overall plan for coherent operational action⁵⁴ has been devised by firearms and customs experts in Member States and Europol as part of the policy cycle. This plan includes:

- coordinated collection and sharing of information on firearms crime involving police, border guards and custom authorities both within Member States and across borders;
- police control operations to tackle the principal sources and routes of illegal firearms, including the Western Balkans and assessing the risk of arms trafficking across the EU's eastern border and from North Africa (in line with Priority 2 Task 3 above);
- encouraging concerted follow-up to firearms-related alerts on the second generation Schengen Information System to ensure that the number of unresolved alerts does not continue to rise; and
- a programme of joint police customs operations under the direction of Member States and Europol and with the participation of the Commission to identify the risk of firearms being trafficked by passenger movements across Member States.

The Commission and the Council with Europol will monitor the effectiveness of these operational activities. The EU Internal Security Fund will be deployed in support of the implementation of actions under the policy cycle for 2014-17⁵⁵.

5.3. Task 3: Building cooperation for tracing firearms used by criminals

One area of law enforcement cooperation which merits particular mention is work on tracing firearms. Tracing is essential for identifying who is responsible for firearms offences and how he acquired the firearm. It can uncover arms trafficking structures and detect offenders, and it helps governments put in place efficient and targeted firearms policies. At present it is unclear whether Member States authorities are equipped to investigate systematically the origin of all weapons they recover or confiscate; the EU should help them to do so, through evaluating the existing tracing manual and the obstacles to its implementation. The Commission will consider the necessity of binding rules in this area, building on the International Tracing Instrument and the international best practices developed by the United Nation's International Small Arms Control Standards (ISACS)⁵⁶. Tracing guidance and rules could include a requirement to upload essential information on seized firearms onto INTERPOL's Illicit Firearms Records and Tracing Management System (iARMS)⁵⁷, which also generates reports on the risk of diversion to criminal uses and facilitates international tracing requests.

The Commission will also strive to enhance ballistic identification capabilities. Facilitating exchange of information and best practice between Member States will encourage new techniques in this field of law enforcement to spread more quickly across the EU. A further

⁵⁴ This will also form a part of wider cooperation in the EU's 7th customs-police cooperation action plan.

⁵⁵ COM(2011) 753 final, Proposal for a Regulation establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

⁵⁶ <http://www.smallarmsstandards.org/>; iARMS is the Interpol system for registering and tracing illicit firearms – see Task 3.

⁵⁷ The EU Instrument for Stability is supporting the ongoing development and roll-out of iARMS; to date 12 EU Member States are participating: Belgium, Czech Republic, Spain, Ireland, Croatia, Hungary, Lithuania, Poland, Portugal, Romania, Slovenia and UK; Council, Fourteenth progress report on the implementation of the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition (2012/II) (2013/C 138/03).

possibility would be the establishment of a central online repository of factual information on ballistics and weapons types, to be maintained by Europol, which builds on INTERPOL's existing Firearms Reference Table and Ballistic Information Network, to help police and customs identify ammunition and weapons.

5.4. Task 4: Strengthening deterrents against the abuse of firearms

Individuals intending to commit firearms offences may be deterred by the strength of criminal sanctions, but criminalisation of offences varies significantly across the EU: for example, in six Member States it is not a criminal offence to fail to mark a firearm at the point of manufacture⁵⁸. Greater consistency between the laws of Member States on what firearms offences are subject to criminal sanctions and on the level of the sanctions could help tackle the demand side of criminal markets. Based on the experience of Member States, and on an assessment of whether existing national penalties have proven to be 'effective, proportionate and dissuasive'⁵⁹ the Commission will examine the need for EU legislation, based on Article 83(1) TFEU, with common definitions of firearms-related offences and minimum criminal sanctions. Commonly-defined offences might include illicit manufacture, trafficking, tampering with markings, illegal possession of a firearm and intent to supply firearms.

6. PRIORITY 4: BUILDING A BETTER INTELLIGENCE PICTURE

A seized firearm provides evidence of its possible use in previous crimes, but through tracing its history it can also unlock investigations into related crimes and criminal organisations⁶⁰. At present, logging and tracing of firearms in the EU is partial and insufficiently coordinated. For example, seizures may be logged on police but not customs databases, or vice versa, while data formats and access rules for various EU systems such as the Customs Risk Management System, the Customs Information System and the Europol Information System are not interoperable⁶¹. The proposals below, combined with better guidance or training on how frontline law enforcement officers might fully exploit data systems with the time and resources available, could make a real impact in addressing these problems.

6.1. Task 1: Gathering more accurate and comprehensive data on firearms-related crime in the EU and globally

Existing IT tools and information sources should be used jointly and intelligently at an operational level at relevant stages of criminal investigations. These systems can also enable the EU to build a clearer overall picture of the phenomenon of firearms crime. The Commission will consult the European Firearms Experts group, Member States' single points of contact for firearms trafficking, national coordination centres for border surveillance, judicial authorities; customs authorities, INTERPOL, the UN Programme of Action's contact points in Member States and third countries and the European Data Protection Supervisor. The EU should develop firearms data collection plan and end-user guidance for exploiting synergies and improving national crime assessments. The plan will include five main pillars.

First, Member States need to be able to carry out national firearms risk assessments. Putting in place computerised data-filing systems on legally held firearms by the end of 2014 (a

⁵⁸ France, Greece, Ireland, Netherlands, Austria and Finland.

⁵⁹ Article 16 of Council Directive 91/477/EEC as amended by Directive 2008/51/EC.

⁶⁰ UNODC, *Digest of Organized Crime Cases*, p.103.

⁶¹ COM(2004) 376 Enhancing police and customs cooperation in the European Union.

requirement of the Firearms Directive⁶²) should assist Member States in this regard and they should exchange experiences of setting up these systems to avoid duplication of effort.

Second, all seized or recovered firearms should be registered by national firearms experts in sufficient technical detail to enable tracing and identification of trends. This information should be uploaded onto the Europol Information System. Where customs first intercept a firearm illegally entering the EU, officers are required to log basic information on the Customs Information System⁶³ before handing the weapon over to firearms experts. Firearms experts should check all seized firearms against databases of lost or stolen firearms including the Schengen Information System (SIS II) and iARMS. National law enforcement applications should be updated to allow the case officer to create, update or delete records in a single transaction (i.e. 'one-stop shopping') which ensures that records are correct in national registers, SIS II and iARMS. Europol, which has access to each of the cross-border systems (Customs, SIS II and iARMS, as well as the Europol Information System), should collate annual statistics, based on anonymised data, on the overall number of seizures and report on any discrepancies or data quality issues.

Third, any report of lost or stolen firearms should result in an alert on SIS II and iARMS. All Member States should ensure all end-users have access to search tools currently available which enable them to make one single search to query national registers, SIS II and iARMS, with all results returned to the user's screen.

Fourth, for more general information sharing on illicit firearms activity Member States should use available secure networks such as Europol's SIENA tool which enables Europol national liaison officers to assist in investigations into other criminal activities such as drugs trafficking where firearms are involved⁶⁴.

Fifth, on a global level, the Commission will work with United National Office on Drugs and Crime (UNODC) to map global firearms trafficking routes and to identify the major hubs of criminal activity to be tackled in future EU and global operations, making full use of the EU's existing tools including the Customs Risk Management System. The EU will support complementary efforts to improve systematic monitoring of weapons flows to and from armed conflict zones to promote international peace and security.

6.2. Task 2: Targeting law enforcement training where it is most needed

On the basis of the operational requirements, CEPOL are currently carrying out as part of the law enforcement training scheme⁶⁵ a 'gap analysis' to identify the training needs for tackling the risk of firearms. National and EU-level training from 2014 must then address these needs. CEPOL should also work with partners in third countries on training law enforcement officers who deal with firearms issues.

7. CONCLUSION

This communication sets out a number of ways in which the EU can help Member States bolster their efforts to reduce the threat posed by the illegal use of firearms. It proposes an

⁶² Article 1(2) of Directive 2008/51/EC.

⁶³ Council Decision 2009/917/JHA. These basic data concerning the place of seizure and origin of weapon in the CIS are stored for customs purposes, namely to better target potential shipments of smuggled firearms through risk analysis. Therefore, data not relevant for customs purposes (e.g. calibre) are not contained in the CIS.

⁶⁴ COM(2012) 735 Strengthening law enforcement cooperation in the EU: the European Information Exchange Model (EIXM).

⁶⁵ COM(2013) 172 Establishing a European Law Enforcement Training Scheme

integrated policy for both improving the internal market in firearms to the benefit of lawful users and also limiting the adverse impact on the EU's internal security caused by criminal misuse. The policy should be implemented through multi-sector involvement, including local authorities, the firearms industry, the Permanent International Commission for Firearms Testing, federations of legal users of firearms, the medical profession, the European Standards Organisation and the European Defence Agency, as well as law enforcement authorities, building on best practice developed under the 'administrative approach' initiative⁶⁶. These tasks will be carried out in full compliance with the fundamental rights and freedoms enshrined in the Charter of Fundamental Rights of the EU, including the rights to privacy and to the protection of personal data.

The Commission will consult stakeholders including the European Parliament and Member States with a view to assessing the different options for tackling the problems identified. If necessary, and supported by detailed assessments of feasibility and of impact on security, industry and lawful firearms users, the Commission will present appropriate proposals, including legislative proposals, in 2015⁶⁷.

⁶⁶ The Stockholm Programme — An open and secure Europe serving and protecting citizens (2010/C 115/01) underlined the need for such an approach as follows: 'the best way to reduce the level of crime is to take effective measures to prevent them from ever occurring [...] by using a multidisciplinary approach which also includes taking administrative measures and promoting cooperation between administrative authorities.'

⁶⁷ This will build on existing resources and will be devised so as to avoid the need for further staff or financial resources in the Commission or any of the decentralised agencies.

ANNEX 1: Priorities and tasks

Priority	Task	Lead (in collaboration with)	Timing
1. Safeguarding the licit market for civilian firearms	1. Clarifying which firearms are banned and which require a licence	COM (EFE, Firearms industry)	2015
	2. Establishing an EU standard on marking	COM (Firearms industry, C.I.P., European Standardisation Organisation)	2015
	3. Simplifying the rules for firearms licensing	COM (Member States, industry, owners)	2015
2. Licit to illicit: reducing diversion of firearms into criminal hands	1. Updating controls on sale and illegal manufacture of firearms	COM (Member States, Europol, European Defence Agency)	2015
	2. Preventing theft and loss	COM (Member States, C.I.P., Firearms industry)	2015
	3. Leveraging external action and the enlargement process to reduce the threat of diversion from third countries	EEAS (COM, UN)	2013-2015
	4. Promoting destruction as the preferred means of disposal of surplus firearms	COM and EEAS (European Defence Agency)	2013-2015
3. Increasing pressure on criminal markets	1. Guidance to law enforcement officers	COM (Member States, Europol)	2014-15
	2. Cross-border cooperation to stop illegal possession and circulation of firearms	COM, EEAS, Member States and Europol	2013-2017
	3. Building cooperation for tracing firearms used by criminals	COM (Member States, Europol)	2015
	4. Strengthening deterrents against the abuse of firearms	COM	2015
4. Building a better intelligence picture	1. Gathering more accurate and comprehensive data on firearms-related crime in EU and globally	COM (Member States, Europol)	2014-2017
	2. Targeting law enforcement training where it is most needed	CEPOL (COM)	2014

ANNEX 2: Statistics

2011 production of civilian firearms in EU-27 (units) (*world in italics*)⁶⁸:

Total: 1 974 156 (*10 255 580*)

Short guns: 806 645 (*1 219 000*)

Long guns 1 167 511 (*5 074 395*)

2011 exports of civil firearms in EU-27 (units)⁶⁹:

Total 1 200 941

Short guns 566 345

Long guns 634 596

2011 imports of civilian firearms in EU-27 2011 (units)⁷⁰:

Total: 195 382

Short guns: 25 958

Long guns: 169 424

2011 exports of civilian and military firearms in EU-28 (Value in EUR)⁷¹:

Total: 931 633 044

National statistics on legal ownership and homicide by firearms⁷²

	Legally held firearms per 100 population	Homicides by firearms per 100 000 population	Suicides by firearms per 100 000 population
Belgium	17.2	0.68	1.96
Bulgaria	6.2	0.67	0.87
Czech Republic	16.3	0.19	1.39
Germany	30.3	0.19	0.94
Denmark	12	0.27	1.16
Estonia	9.2	0.24	1.57

⁶⁸ Source: World Forum of Shooting Activities March 2013 using information from proof houses; composed of official figures from Belgium, Finland, France, Germany, Italy, Spain and UK, estimates for other Member States.

⁶⁹ Eurostat.

⁷⁰ Eurostat. A number of Member States did not report any exports of pistols and revolvers (Austria, Belgium, Bulgaria, France, Romania) and military firearms (Austria, Belgium, Bulgaria, Finland, France, Germany, Italy, Romania).

⁷¹ Source: Peace Research Institute Oslo.

⁷² Source: UNODC, Small Arms Survey, www.gunpolicy.org; these figures may be compared with responses to the Eurobarometer 383 where on average 5% declared that they owned a firearm, varying between 1% in Netherlands and 18% in Cyprus.

	Legally held firearms per 100 population	Homicides by firearms per 100 000 population	Suicides by firearms per 100 000 population
Ireland	8.6	0.48	0.56
Greece	22.5	0.26	0.97
Spain	10.4	0.2	0.42
France	31.2	0.06	2.33
Croatia	21.7	0.39	2.35
Italy	11.9	0.71	0.81
Cyprus	36.4	0.46	0.48
Latvia	19	0.22	0.94
Lithuania	0.7	0.18	1
Luxembourg	15.3	0.62	1
Hungary	5.5	0.07	0.72
Malta	11.9	0	1.68
Netherlands	3.9	0.33	0.24
Austria	21.9	0.28	2.68
Poland	1.3	0.09	0.12
Portugal	8.5	0.41	1.09
Romania	0.7	0.02	0.06
Slovenia	13.5	0.1	2.34
Slovakia	8.3	0.18	0.94
Finland	45.3	0.45	3.34
Sweden	31.6	0.41	1.2
United Kingdom	6.5	0.07	0.18