



Brussels, 24.7.2020  
COM(2020) 608 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**2020-2025 EU action plan on firearms trafficking**

# 2020-2025 EU action plan on firearms trafficking

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## 1. INTRODUCTION

Early July 2020, Europol, France and the Netherlands announced the results of a large cross-border joint investigation against a major criminal network which led to the seizure of dozens of automatic firearms in the Netherlands. During riots in Dijon (France) at the end of June, youngsters proudly filmed themselves with assault weapons and pistols. At the same time, a police operation in Spain dismantled a large network of firearms trafficking, with the seizure of 730 weapons and 21 arrests throughout the country. These are all examples of the reality of the threat of illicit firearms. Extreme right activists are increasingly under the limelight for the accumulation of weapons. This shows how firearms can increase the danger posed by serious and organised crime, including terrorism. It is estimated that 35 million illicit firearms were owned by civilians in the EU in 2017 (56% of the estimated total of firearms).<sup>1</sup> According to those estimates, illicit firearms would outnumber legally-held firearms in twelve EU Member States.<sup>2</sup>

As an area without internal borders, the EU has played an active part against this threat. It notably reinforced firearms legislation to avoid that weapons fall into the wrong hands.<sup>3</sup> Criminal organisations active in the EU mostly obtain firearms through illicit conversion of non-lethal weapons and through trafficking: either via illicit transfers between EU Member States or via smuggling from outside of the European Union (mostly from south-east Europe).<sup>4</sup> Over the last years, the EU supported the development of strong law enforcement coordination in this field.

Many challenges remain, with a new set of actions being necessary to keep pace with those challenges, as was notably identified by the Commission's Evaluation of the 2015-2019 action plan on firearms trafficking between the EU and the south-east Europe region".<sup>5</sup> The European Union as well as its partners, in particular in south-east Europe, must live up to those challenges by making firearms trafficking a cross-thematic security priority. Due to the comprehensive and multidisciplinary nature of the threat, only a unified action plan can provide a coherent framework for cooperation to intensify the international cooperation according to specific needs, requirements and performance indicators.

The Commission therefore proposes a single action plan for both the EU and south-east Europe partners (Western Balkans, Moldova and Ukraine) around four specific priorities to address remaining legal loopholes and inconsistencies in firearms controls that hinder police cooperation. This action plan will define activities for a shared understanding and a common way forward on how to address the threat of illicit firearms.

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<sup>1</sup> Small Arms Survey, "Estimating Global Civilian-held Firearms Numbers", Briefing Paper, June 2018. Dataset available under [http://www.smallarmssurvey.org/fileadmin/docs/Weapons\\_and\\_Markets/Tools/Firearms\\_holdings/SAS-BP-Civilian-held-firearms-annexe.pdf](http://www.smallarmssurvey.org/fileadmin/docs/Weapons_and_Markets/Tools/Firearms_holdings/SAS-BP-Civilian-held-firearms-annexe.pdf)

<sup>2</sup> HU, IT, BE, AT, LT, LV, FR, DE, SI, PL, RO, NL.

<sup>3</sup> See Annex 1 for further reference.

<sup>4</sup> For the purpose of this Action plan, all partners from the Western Balkans, Moldova and Ukraine will be designated as "south-east Europe".

<sup>5</sup> COM(2019) 293 final, 27.06.2019.

## 2. THE ISSUE

Europol noted in 2019 that the conclusions of its 2017 Serious and Organised Crime Threat Assessment (SOCTA) remain valid and that the proliferation and availability of illicit firearms in EU Member States increase the risk of their use in terrorist attacks and organised crime. It however stated that “shifts in *modi operandi*, routes and the geographical areas affected by some criminal activities may indicate some longer term developments and changes affecting crime”. Illicit trafficking, distribution and use of firearms “remain a high threat”. In particular, the “sale of deactivated, reactivated and converted firearms has increased.”<sup>6</sup> Illicit firearms are more easily accessible online (notably on the dark web) and their trade is increasingly carried out by individual criminals in addition to organised crime groups. Illicit firearms are mostly pistols and rifles (34% and 27% of seizures, respectively).

A recent study<sup>7</sup> identified 23 mass-shooting incidents that occurred in the (semi-) public space in Europe in the period 2009-2018, which killed 341 people. In 2015, Europol had recorded 57 terrorist incidents in which a firearm was used.<sup>8</sup> In 2017, firearms were used in 41% of all terrorist attacks, a slight increase compared to 2016 (38%).<sup>9</sup> The recent case-work of Eurojust confirms that illicit firearms were used in terrorist attacks on several occasions and that trafficking networks interacted with individual terrorists or terrorist organisations. The coordination of cross-border investigations by Eurojust led to the seizure of illicit firearms in several cases.

Such trends are generally confirmed by the latest data collected by the United Nations Office for Drugs and Crime (UNODC):<sup>10</sup> in the EU in 2016-2017, shotguns accounted on average for 30% of seizures, followed by pistols (22%), rifles (15%) and revolvers (8%), with submachine guns and machine guns accounting for most of the remainder (2%). Within Europe as a whole, seizures appear to be more evenly distributed between pistols (35%), rifles (27%) and shotguns (22%). Europe is considered as one of the major starting points for illicit flows, but those flows mostly remain inside the continent. Besides, the types of arms seized include a significant proportion of weapons other than firearms (such as blank-firing and gas weapons), which underlines the threat of conversion of such weapons into illicit firearms.

Europol and law enforcement authorities stress that outlaw motorcycle gangs traffic firearms throughout the EU. Many of the organised crime groups active in firearms trafficking are poly-criminal and also engage in drug trafficking, organised property crime, migrant smuggling, money laundering and violent crime. In some Member States (such as Sweden and Denmark) there has been a notable increase in the levels of homicide and other violent crimes, accompanied by a reported increase in the use of potentially lethal weapons such as firearms, knives and explosives. In Sweden, 40 gun-related deaths occurred in 2017, 33.3% more than

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<sup>6</sup> Europol, “Interim report of new, changing and emerging threats”, Council document 9037/19 of 8.05.2019.

<sup>7</sup> Flemish Peace Institute, *Armed to kill*, Brussels, 3 October 2019.

<sup>8</sup> Europol, TE-SAT 2017: EU Terrorism and Trend Report.

<sup>9</sup> Europol, TE-SAT 2018: EU Terrorism and Trend Report.

<sup>10</sup> UNODC (2020), *Global Study on Firearms Trafficking*, Vienna: UNODC, available at <https://www.unodc.org/unodc/en/firearms-protocol/firearms-study.html>.

in the previous year.<sup>11</sup>

Several threat assessment reports from Europol confirmed that Western Balkans remain among the main supplying regions of trafficking to the EU,<sup>12</sup> and mentioned the need to increase the flow of information and intelligence between the EU and the Western Balkans. The ongoing threat in this region was confirmed by several studies, the most recent of which<sup>13</sup> stresses that weapons used in terrorist attacks in the EU “were acquired through local illicit firearm markets and were found to originate from the Balkans”. This same study also identified the Balkans “as the main supplier of illicit firearms in Europe” and spoke of “the link between the Balkans and small arms used in EU member states in various types of criminal activity.” This is confirmed by the latest UNODC Global Firearms Study,<sup>14</sup> according to which the Western Balkans remain a source of illicit firearms, notably assault rifles, due to significant price differences with Western Europe.

Intra-EU and international law enforcement co-operation offers great potential for improvement. National legal frameworks and definitions remain divergent, which impedes joint approaches, and can still be exploited by criminals. Member States are notably still far from having fully transposed and implemented the Firearms Directive.<sup>15</sup> On 24 July 2019, the Commission sent 20 reasoned opinions to the Member States that had not notified the full transposition of the Directive.<sup>16</sup> In addition, in December 2017, the Commission published an evaluation of the application of Regulation (EU) No 258/2012 on import, export and transit of civilian firearms, which identified loopholes due to a lack of homogeneous implementation.<sup>17</sup> This was followed in April 2018 by a Recommendation calling for strengthening EU rules to improve traceability and the security of export and import control procedures of firearms and the cooperation between authorities in the fight against firearms trafficking.<sup>18</sup>

Despite efforts, notably the UNODC Global Firearms Study funded by the Commission, the intelligence picture remains patchy due to the absence of comprehensive and comparable data on firearms seizures across the continent. Exchange of information for intelligence and profiling purposes is limited by constraints placed by national law to share information (also non-personal data such as ballistics data) outside of a specific investigation. The problem is

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<sup>11</sup> UNODC Global Study on homicides 2019.

<sup>12</sup> Europol reports: Threat Assessment Report on Illicit Trafficking in Firearms (EDOC#673806v7A of June 2013), Intelligence Notification (19/2014); “Firearms in the hands of Terrorist in Europe” (EDOC:#759937v3; May 2015).

<sup>13</sup> *Strengthening Resilience in the Western Balkans: Mapping Assistance for SALW Control*, Small Arms Survey, September 2018.

<sup>14</sup> UNODC (2020), *Global Study on Firearms Trafficking*, Vienna: UNODC, available at <https://www.unodc.org/unodc/en/firearms-protocol/firearms-study.html>.

<sup>15</sup> Directive (EU) 2017/853 of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons, OJ L 137, 24.5.2017, p. 22.

<sup>16</sup> As of 15 April 2020, 17 Member States notified full transposition (AT, BG, DE, DK, IE, EL, EE, FR, HR, IT, LV, LT, MT, NL, PT, RO, FI).

<sup>17</sup> COM(2017) 737 final, 12.12.2017.

<sup>18</sup> C(2018) 2197 final, 17.4.2018.

intensified by a lack of communication and coordination between different administrations, within countries and at transnational level. 20 EU Member States<sup>19</sup> and 4 Western Balkan partners<sup>20</sup> have in place a form of Firearms Focal Point. However, they are often not provided with the appropriate competences (for administrative control, law enforcement data collection, access to databases, tracing, international cooperation, and forensics) and staffing recommended by the best practice guidance developed by national firearms experts.<sup>21</sup>

Moreover, trafficking of firearms is unevenly criminalised: not all unauthorised cross-border transfer of weapons qualify as trafficking, in contradiction with the United Nations' Firearms Protocol.<sup>22</sup> This sometimes leads to lack of enforcement and sanctions. It also limits the confiscation of the proceeds of crime generated by firearms trafficking. Different national approaches prevent joint cross-border operations such as controlled deliveries.

In south-east Europe particularly, important work is still needed to bring national administrations up to the highest standards and ensure efficient control of firearms. The needs range notably from the establishment of national databases, ballistic capabilities to secure stockpile conditions and campaigns of voluntary surrenders. In terms of governance, the Commission's evaluation report of the 2015-2019 Action plan noted that "Cooperation between the EU and the south-east Europe region remains difficult due to the existence of a multitude of stakeholders, which are not always coordinated," an "unnecessary duplication of meetings" and a "lack of integrated and comprehensive budgetary approach at EU level."

New trends are also emerging in the EU and amongst European neighbours, which often face similar challenges. These trends include changes in the conversion techniques for turning blank-firing or gas and alarm weapons into firearms and new concealment methods. Criminals also try to circumvent legislation by changing the barrel of easily available Flobert-calibre weapons (weapons of a small low-power calibre designed for "living-room" shootings). Technological improvements in 3D printing could in the future facilitate the illicit manufacturing of firearms. New distribution patterns are emerging, including trafficking of firearms parts through fast parcel and postal service, which have notably resulted in a shift from exports of traditional conflict weapons from the Western Balkans to imports of new weapons from Western Europe into the Balkans or of unmarked essential components from the United States. Armed conflicts in the EU's eastern neighbourhood also create potential sources of illicit weapons into the EU.

The protracted armed conflicts with wide regional repercussions in the Middle East and North Africa (MENA) continue to be fuelled by diversion and trafficking of firearms. Trafficking in firearms in this region is facilitated by different reasons, including poorly secured stockpiles and diversion of legal firearms, also originating from EU Member States' licit production and

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<sup>19</sup> No Focal Point in Bulgaria, Cyprus, Estonia, Ireland, Latvia, Lithuania, Malta.

<sup>20</sup> No Focal Point in Serbia and Bosnia and Herzegovina.

<sup>21</sup> "Best practice guidance for the creation of national firearms focal points", 15.05.2018, Council Document N. 8586/18.

<sup>22</sup> Protocol of 31 May 2001 against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. Council Decision of 11 February 2014 on the conclusion, on behalf of the European Union, of the 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; OJ L89 of 25.03.2014, p.7.

authorised export. In Africa, firearms trafficking contributes to the instability of the region.

### 3. EU INITIATIVES<sup>23</sup>

Trafficking of firearms has long been identified by the EU as a major threat for citizens. This had led the Commission to define a specific policy to address this issue in the 2013 Communication on Firearms<sup>24</sup> and the 2015 European Agenda on Security.<sup>25</sup> In 2014, the first operational action plan on crime was produced by Member States as part of the **European Multidisciplinary Platform Against Criminal Threats** (EMPACT Firearms) in the context of the EU Policy Cycle 2014-2018, under the section on “Firearms”.<sup>26</sup>

Since 2002, the EU has been providing assistance to the Western Balkans through a consecutive number of CFSP Council Decisions providing financing for small arms control projects worth almost EUR 30 million overall. The activities covered have included a multitude of areas, contributing to enhanced small arms control and combating and preventing arms trafficking. The latest such CFSP Council Decision, representing an unprecedented amount of EUR 11.8 million, was proposed by the High Representative and adopted by the Council in December 2019 and is valid for 4 years. The major implementing partner for the EU of the assistance provided to the region has been the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC<sup>27</sup>). It applied a comprehensive regional approach to control of firearms in the region, including improved marking, tracking and record keeping; improved law enforcement; enhanced physical security and stockpile management; awareness raising and gender policy; and transparency of arms exports. This sustained, longstanding support to the Western Balkans has contributed to the building of trust amongst the region’s national authorities and has helped to enhance regional co-operation.

In December 2014, the EU and its Western Balkan partners endorsed an **action plan on the illicit trafficking of firearms between the EU and the south-east Europe region** for 2015-2019.<sup>28</sup> Following the Paris terror attacks, the Commission proposed in November 2015 to further strengthen the EU legal framework to close several loopholes, which led to a revision of the Firearms Directive. At the same time, the Commission published a new “**EU action plan against illicit trafficking in and use of firearms and explosives**”.<sup>29</sup>

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<sup>23</sup> See Annex 1 for more details.

<sup>24</sup> Communication from the Commission to the Council and the European Parliament on “Firearms and the internal security of the EU: protecting citizens and disrupting illicit trafficking”, COM (2013) 716 of 21.10.2013.

<sup>25</sup> Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, COM (2015) 185 final of 28.4.2015.

<sup>26</sup> Doc. 16726/3/13 REV 3 RESTREINT UE/EU RESTRICTED.

<sup>27</sup> SEESAC is a joint initiative of the UNDP and the Regional Cooperation Council, established in 2002.

<sup>28</sup> 14 November 2014, Council Document 15516/14, adopted by the Council of 4 and 5 December 2014 (Council Document 16526/14); EU – Western Balkans Ministerial Forum on Justice and Home Affairs of 12 December 2014 in Belgrade.

<sup>29</sup> COM(2015) 624 final, 2.12.2015.

In 2018, the Joint Communication of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy on “**Elements towards an EU Strategy against illicit Firearms, Small Arms & Light Weapons and their Ammunition**”<sup>30</sup> was endorsed by the Council, turning it into a fully-fledged EU Strategy.<sup>31</sup>

The willingness of the Western Balkans authorities to jointly address the remaining gaps through a regional approach was recently articulated through the development of the Roadmap for a sustainable solution to the illicit possession, misuse and trafficking of SALW and their ammunition (hereafter the Regional Roadmap<sup>32</sup>) adopted at the London Summit of the Berlin Process on 10 July 2018. This initiative later received EU financial support through a Council Decision of 19 November 2018.<sup>33</sup>

The development of actions between the EU and non-EU countries in the field of the law enforcement aspects of the fight against trafficking of firearms has been developed mainly through EMPACT Firearms. It focused on the development of national capabilities against trafficking of firearms, on the development of operational exchange of information with Member States and Europol and of joint control operations.

The Commission, through the Internal Security Fund - Police, financially supported and promoted several studies such as the EFFECT,<sup>34</sup> FIRE<sup>35</sup> and SAFTE<sup>36</sup> research programmes, to improve knowledge on the illicit trafficking of firearms covering inter alia online trafficking and the diversion of legal trade. The Commission financed the UNODC’s Global Firearms Programme to collect and analyse quantitative and qualitative information and data on trafficking in firearms.<sup>37</sup>

The Commission, through the Instrument contributing to Stability and Peace (IcSP), also funded the work of the UNODC Global Firearms Programme towards the implementation of the UN Convention Against Transnational Organized Crime and its Firearms Protocol in

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<sup>30</sup> JOIN(2018) 17 final, 1.06.2018.

<sup>31</sup> Council conclusions of 19 November 2018 – Document 13581/18.

<sup>32</sup> The Roadmap was developed with support of SEESAC by authorities in the Western Balkans through a consultative process. It was adopted at the London Summit of the Berlin Process on 10 July 2018 by Heads of States and Governments of the Western Balkans.

<sup>33</sup> Council Decision (CFSP) 2018/1788 of 19 November 2018 in support of the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) for the implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans, OJ L 293, 20.11.2018, p. 11.

<sup>34</sup> *Examination of Firearms and Forensics in Europe and across Territories*, ed. Professor Erica Bowen and Dr Helen Poole, Coventry University, Calabria University, Arquebus Solutions Ltd, 2016.

<sup>35</sup> *Fighting Illicit Firearms Trafficking Routes and Actors at European Level*, eds. Ernesto U. Savona, Marina Mancuso, Transcrime – Università Cattolica del Sacro Cuore, 31.03.2017.

<sup>36</sup> *Triggering Terror: Illicit Gun Markets and Firearms Acquisition of Terrorist Networks in Europe*, ed. Nils Duquet, Flemish Peace institute, 17 April 2018.

<sup>37</sup> UNODC (2020), *Global Study on Firearms Trafficking*, Vienna: UNODC, available at <https://www.unodc.org/unodc/en/firearms-protocol/firearms-study.html>.

partner countries. INTERPOL has equally received financial support for the creation and development of its Illicit Arms Records and Tracing Management System (iARMS).

The Commission and the Council have also been supporting voluntary collection of illicit firearms, destruction of surplus weapons and ammunition, physical security and stockpile management, capacity development for marking, record keeping and tracing, capacity development for arms export control, and support for embargo monitoring and tracing of diverted weapons.

#### **4. A NEW EU ACTION PLAN 2020-2025**

##### **4.1. Establishing indicators and reporting**

Previous action plans did not include proper **indicators**, which complicated the assessment of their implementation. In 2018, Western Balkan partners and several EU Member States developed useful indicators in the context of the regional Roadmap. Developed by the authorities in the Western Balkans with the support of SEESAC, they were commended by all stakeholders involved.

The Commission proposes that similar indicators be used to evaluate and monitor the efficiency of the new action plan to fight against firearms trafficking, with systematic collection of crime and criminal justice data across the law enforcement agencies (police, customs, prosecutors and court services). Among others, those indicators include the conformity with EU legislation, the number of seizures, the number of prosecutions and convictions for firearms trafficking, the number of export licences and post-shipment checks, the number of established Firearms Focal Points, the number of weapons surrendered, legalised, deactivated or destroyed (see Annex 4 for more details). Where relevant, the corresponding indicators are mentioned below after each action.

Every year the European Commission will ask EU Member States and south-east Europe partners in line with Council Decision (CFSP) 2018/1788 to provide data related to the performance indicators, accompanied when relevant with concrete evidence (for instance destructions), in order to have an updated evaluation of yearly activities. The Commission will support competent authorities by developing methodology and clear guidance for this reporting, in close cooperation with EMPACT Firearms-

##### **4.2. Overarching priorities**

###### *4.2.1. Priority 1: Safeguarding the licit market and limiting diversion*

The European Commission will step up its commitment to ensure that **the Firearms Directive** and its corresponding delegated and implementing acts are correctly transposed and effectively enforced by all Member States. It will keep on using all the powers given by the Treaty to that effect. The implementation of the Firearms Directive by Member States is a priority. The Commission encourages south-east Europe partners to fully approximate their legal control legislation with EU and international standards. [**Action 1.1 – KPI 1**] In order to assist Member States and south-east Europe partners, the Commission will develop with Europol an EU-level firearms reference table enabling an easy classification of firearms according to EU categories. [**Action 1.2**]

As required by the Firearms Directive, the Commission will publish early 2021 a report on its application. In doing so, it will examine ways on how to best address **emerging and future threats**, notably concerning “Flobert” firearms and 3D printing of firearms. [**Action 1.3**]

The Commission will conduct an impact assessment on the EU legislation **on controls for imports and exports of civilian firearms**, [Action 1.4 – KPI 6] in particular to examine ways to improve traceability (harmonised import markings), to exchange of information between national authorities to avoid circumvention of export prohibitions, and to increase the security of export and import control procedures of firearms (more clarity in simplified procedures). It will examine how to ensure consistency between Regulation No 258/2012 and the Firearms Directive, for instance, to better address the imports of easily convertible alarm and signal weapons, or to apply export controls to all weapons regulated by the Directive. To ensure robust enforcement of its rules, the Commission also intends to make applicable the whistle-blower-protection regime put in place with Directive (EU) No 2019/1937<sup>38</sup> to persons who report breaches of Regulation No 258/2012 as amended.

Finally, to support the implementation of the relevant UN international conventions,<sup>39</sup> the Commission will strengthen the capacity of partner countries to implement effective firearms controls and step up its engagement to **converge towards the highest standards** to ensure efficient tracing and to avoid that firearms drift into illicit markets. [Action 1.5 – KPI 1]

#### *4.2.2. Priority 2: Building a better intelligence picture*

The Commission reiterates its recommendation to Member States to **systematically feed the Schengen Information System** with information on lost and stolen firearms, as well as sold weapons which are prone to easy conversion into firearms, and **consult it** when they seize a weapon. [Action 2.1 – KPI 9.8] The Commission will provide its support to initiatives enabling simultaneous searches and/or entries by national authorities in both the Schengen Information System and INTERPOL's iARMS, and urges Member States to respond to INTERPOL's call for volunteers to test the new features. [Action 2.2 – KPI 9.6] It is crucial that all operational and strategic intelligence and risk-related information, relevant for customs, is automatically passed on to the common Customs Risk Management System (CRMS). [Action 2.3 – KPI 9.9] Member States and south-east Europe partners should systematically record stolen and lost firearms in iARMS. [Action 2.4 - KPI 9.6]

Building on the project implemented by the UNODC, the Commission will take action to establish a **systematic and harmonised collection of data on seizures of firearms**, [Action 2.5 – KPI 4] and publish annual statistics as done to analyse drug seizures.<sup>40</sup> This would provide useful information to law enforcement authorities, notably to assist them in identifying new trafficking trends and establishing refined risk profiles. To do so, and based on the preparatory work carried out by various players such as Europol, Frontex, the UNODC, EMPACT Firearms and south-east Europe partners, the Commission will propose a common seizure reporting form. The Commission, in cooperation with Europol, will explore the feasibility of rolling out at EU-level a tool to track in real-time **firearms-related incidents** and develop a permanently up-to-date picture. [Action 2.6 – KPI 10] In doing so, it will draw

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<sup>38</sup> Directive (EU) No 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ of 26.11.2019, L 305/17.

<sup>39</sup> See Annex 1.

<sup>40</sup> Articles 5 and 5a of Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction; OJ L 376, 27.12.2006.

inspiration from the EU-funded 2017 FIRE project<sup>41</sup> and the Armed Violence Monitoring Platform covering south-east Europe.<sup>42</sup>

Trafficking of firearms can also take place on dark web marketplaces. The Commission will implement the preparatory action proposed by the European Parliament on 24/7 monitoring of the darknet. [Action 2.7] Besides, in the framework of the EU Policy Cycle, Europol will continue to assist Member States in gathering information and building a sound intelligence picture on the use of darknet for illicit trade of firearms.

#### 4.2.3. Priority 3: Increasing pressure on criminal markets

The Commission urges Member States and south-east Europe partners to complete the establishment of fully staffed and trained **Firearms Focal Points** in each jurisdiction, as recommended by the Best practice guidance of national experts.<sup>43</sup> [Action 3.1 – KPI 7.1] Such focal points should also be systematically associated to the implementation of the UN Programme of Action on Small Arms and Light Weapons and of the International Tracing Instrument. In order to facilitate EU-level and international cooperation, the Commission will publish a scoreboard of those focal points, clearly setting out their contact details and competences. [Action 3.2 – KPI 7.1]

The Commission calls on all Member States which have not done so<sup>44</sup> to ratify the **United Nations Firearms Protocol**, which facilitates and strengthens cooperation in order to prevent, combat and eradicate the illicit manufacture and trafficking of firearms. [Action 3.3 – KPI 1.5] The Commission will also start a stakeholders' consultation to examine if gaps exist in the legislative framework and assess the need for establishing **common criminal law standards on trafficking of firearms** and illicit manufacturing, in line with Article 83 of the Treaty on the Functioning of the European Union. [Action 3.4 – KPIs 1.5 & 8] In this context, the Commission will examine the feasibility of enabling rules of police cooperation to ensure more systematic tracing of seized weapons, to exchange intelligence outside of specific investigations, share ballistic data more easily and systematically, or carry out controlled deliveries.

The Commission invites Member States and south-east Europe partners to **improve cooperation among law enforcement authorities (customs, police and border guards), but also with prosecutors and forensics specialists**, to tackle the principal sources and routes of illicit firearms, drawing inspiration from the South East Europe Firearms Experts Network [Action 3.5 – KPI 3] They should dramatically develop the expertise of their law enforcement authorities about the firearms threat, the legal framework and its international cooperation tool, notably by making better use of the training opportunities offered by CEPOL, and developing cascading training to improve its added value. [Action 3.6 – KPI 7.2]

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<sup>41</sup> *Fighting Illicit Firearms Trafficking Routes and Actors at European Level*, op. cit.

<sup>42</sup> <http://www.seesac.org/AVMP> Funding decision: Council Decision (CFSP) 2019/2111 of 9 December 2019 in support of SEESAC disarmament and arms control activities in South-East Europe reducing the threat of illicit small arms and light weapons and their ammunition, OJ L 318, 10.12.2019.

<sup>43</sup> See above footnote 21.

<sup>44</sup> Germany, Ireland, Luxembourg, Malta. All south-east Europe partners ratified or acceded to the Protocol.

The Commission invites Europol, Member States and south-east Europe partners to keep a focus on firearms cases in the framework of cyber patrolling operations and actions against **dark web marketplaces** by closely coordinating the Cyber Patrol Joint Action Day and dark web investigations with Europol's dark web team. [Action 3.7 – KPI 9.4]

The Commission will also improve **cooperation between law enforcement and parcel and postal operators**, to ensure stricter oversight of shipments containing firearms or their components. It will notably examine the extent to which artificial intelligence can be used to better identify notably through x-ray scanning weapons' parts hidden in the mass of small consignments. [Action 3.8] It will also propose an EU-level memorandum of understanding between parcel operators and police and customs authorities, to improve the communication of data related to firearms and firearms parts and the way they can support one another, based on best practices already implemented at national level. [Action 3.9] This will create a level-playing field, avoiding the establishment of some operators where controls are laxer.

#### 4.2.4. Priority 4: Stepping up international cooperation

Cooperation between the EU and non-EU partners need to be stepped up in line with the priorities set out in the 2018 EU Strategy against illicit Firearms, Small Arms & Light Weapons and their Ammunition.<sup>45</sup>

**Cooperation with countries in North Africa and the Middle East** need to be particularly stepped up.

Cooperation with Tunisia, Lebanon and Jordan should be deepened in the tracing of weapons and improvement of weapons control. The Commission will work closely with the High Representative and calls on Member States to commit more personnel for technical assistance to the countries in North Africa and the Middle East. [Action 4.1] Considered a country of origin of many easily convertible, and therefore illicit, gas and alarm weapons, Turkey should also be a prime focus of cooperation. [Action 4.2]. In **Africa**, particularly in the Sahel region, better physical security and stockpile management, record-keeping and weapons control will be encouraged. [Action 4.3] Exchanges of good practices with south-east Europe are already underway.

Considering the high risk of firearms trafficking in **south-east Europe** (understood as covering non-EU partners of the Western Balkans, Ukraine and Moldova), the specificities linked to its geopolitical context, the high number and type of national and international players involved, and the current instability in Eastern Europe, the Evaluation Report of the 2015-2019 action plan demonstrated the need for a new action plan. The latter was also recommended by delegates of all partners attending the third meeting of the Joint Committee between European Union Firearms Experts and South East Europe Experts which was held in Brussels on 24 September 2018. The evaluation Report also underlined the need to involve Ukraine and Moldova in a broader coherent framework cooperation against common threats posed by the illicit trafficking of firearms in the whole region. This also answers the Council's call to involve Ukraine in the relevant Operational Action Plans of the EU Policy Cycle for organised and serious international crime.<sup>46</sup> With regard to Ukraine, the Action Plan shall take

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<sup>45</sup> See above footnote 30.

<sup>46</sup> Council Conclusions on strengthening EU-Ukraine cooperation on Internal Security. Doc.15615/17 of 11.12.2017.

into account the EU's support<sup>47</sup> for Ukraine's efforts to combat illicit trafficking in weapons, ammunition and explosives, in cooperation with the OSCE and SEESAC.<sup>48</sup> The Commission supports with EU funding integrated border management and anti-trafficking activities including through the European Border Assistance Mission to Moldova and Ukraine. The work of Conflict Armament Research in Ukraine supported by Council Decision (CFSP) 2017/2283 is ongoing.

Therefore, as part of this Action Plan, the Commission proposes specific detailed actions and governance for south-east Europe (see section 5 below) to be taken forward in close cooperation with the High Representative and in consultation with partners.

## **5. SPECIFIC ACTIONS FOR SOUTH-EAST EUROPE AND ITS COOPERATION WITH THE EU**

### **5.1. Tailoring activities to the region**

As mentioned in section 2, the evaluation of the 2015-2019 EU-south-east Europe action plan<sup>49</sup> demonstrated that both sides face common challenges and that deeper regional cooperation is essential to better counteract the transnational dimension of illicit trafficking in firearms across the region.

The work carried out in 2018 to develop the regional Roadmap, supported by France and Germany, resulted from a consensual and participatory approach of all Western Balkans partners. It identified many relevant goals and targets, which would be relevant in an action plan. Based on this, the Commission proposes in Annex 3 a set of specific activities, which integrate the Roadmap, in line with the Council Decision funding its implementation.<sup>50</sup>

All jurisdictions of the region face similar challenges. However, not all partners will reach their objectives at the same pace and different stages of progress will call for different ambitions. At the right time, those actions should also include in an appropriate manner Ukraine and Moldova. The Commission, in cooperation with the High Representative, will engage with these two countries to discuss ways and means to integrate them in the overall framework.

This south-east Europe-specific actions have been defined by the Western Balkans authorities through the development and adoption of the regional Roadmap, which is annexed to Council Decision (CFSP) 1788/2018. Leading to the overarching goal of the Action Plan - combatting illicit trafficking of firearms and ammunition, it keeps focus on three main strands, providing more clarity and structure than the 2015-2019 Action Plan, notably to address remaining legal loopholes and inconsistencies in firearms control that hamper police and judicial cooperation:

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<sup>47</sup> Council Decision (CFSP) 2019/2009 of 2 December 2019 in support of Ukraine's efforts to combat illicit trafficking in weapons, ammunition and explosives, in cooperation with the OSCE; *OJ L 312, 3.12.2019, p. 42.*

<sup>48</sup> See Council Decisions (CFSP) 2018/1788, (CFSP) 2019/2111 and (CFSP) 2019/2113, which provide support to Moldova, Belarus and Ukraine.

<sup>49</sup> See above footnote 5.

<sup>50</sup> Council Decision (CFSP) 2018/1788 of 19 November 2018 in support of the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) for the implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans, *OJ L 293, 20.11.2018, p. 11.*

- Harmonising the legal environment, modernising the administrative structure and facilitating capacity building;
- Increasing stockpile security and stockpile reduction;
- Making law enforcement activities more efficient by facilitating operational cooperation, exchange of information, and cooperation on ballistic analysis.

## 5.2. A modernised governance to ensure efficient delivery

In order to fully deliver on those activities, all partners need to learn from the lessons of the past, in particular by setting up a new type of governance which avoids overlaps or lack of coordination.

### 5.2.1. Meeting funding needs to address challenges

The Commission commits to deepen its engagement with south-east Europe partners and allocate dedicated financial resources to bring them up to the required standards. In addition to the EUR 11.8 million granted in December 2019 by the Council<sup>51</sup>, the Commission intends to mobilise and earmark available means of the Internal Security Fund and the Instrument for Pre-accession Assistance to meet the most urgent challenges. In the context of the negotiations of the multi-annual financial framework, the Commission calls on Member States to respond to the needs by agreeing ambitious budgetary solutions and mobilising their national experts on the ground.

The Commission together with the High Representative will convene a **steering committee of key implementing partners and donors** including Member State representatives, the European External Action Service, relevant United Nations Agencies (UNDP and UNODC) and NATO. The ambition of this steering committee would be to ensure the strategic global coordination of donors, including those which are not part of the steering board of the United Nations' Multi-Partner Trust Fund for the implementation of the Roadmap. In dialogue with the governments of the region, the Commission will propose a Memorandum of understanding between those participants, aiming at reaching joint decisions of the projects to be financed. In full respect of the legal autonomy of the donors, and in full respect of the applicable decision-making procedures under the Treaties, such memorandum could set out how the committee would develop a regional and national budgetary planning and receive consolidated financial reporting of all relevant activities and instruments. This would provide all donors and stakeholders with a comprehensive up-to-date vision of the planned or implemented activities, as well as their cost. To ensure synergies of efforts and effective liaison with SEESAC, coordination of donors at local level will be stepped up, and a coordination function will be ensured, notably by designating a regional firearms coordinator, working in one of the EU delegations in south-east Europe, such as the EU delegation in Belgrade.

### 5.2.2. A holistic steering to implement the south-east Europe activities

The Commission proposes to streamline the work of the existing bodies to improve coordination. The political steer should continue to be given by the Council in the EU, as well

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<sup>51</sup> Council Decision (CFSP) 2019/2111 of 9 December 2019 in support of SEESAC disarmament and arms control activities in South-East Europe reducing the threat of illicit small arms and light weapons and their ammunition, OJ L 318, 10.12.2019.

as by Justice and Home Affairs and, as appropriate Foreign Affairs and other ministerial meetings between the EU and south-east Europe partners.

To ensure the regional strategic steering of the activities, all national inter-ministerial bodies convening all institutions relevant for small arms control (Small arms commissions) should continue to meet, with the presence of EU representatives. As is now the practice, Roadmap coordination meetings would be organised together with them and facilitate the review of progress in the implementation of the Roadmap, sharing of the lessons learnt and discuss closing the remaining gaps.

At regional law-enforcement level, it would also be appropriate to streamline the panoply of existing bodies.<sup>52</sup> The Commission suggests that joint meetings between EU and south-east Europe experts take place in the framework of EMPACT Firearms, where Western Balkan partners are already invited.

At all levels, the Commission calls on authorities to send participants entrusted with a clear mandate to deliver a position and take commitments or provide input on possible deliverables.

Finally, with respect to administrative management, since 2002, SEESAC has notably facilitated processes of the small arms commissions, of the south-east Europe firearms expert network, and the coordination of the regional Roadmap. It has provided substantial technical assistance to partners of the region, which is praised by all stakeholders on the ground. This process should continue, in line with EU Council Decisions (CFSP) 2013/710, 2016/2356, 2018/1788 and 2019/2111, in a spirit of transparency with respect to the overall budget management through the steering committee of donors. In particular, planning of meetings, budgetary and reporting documents should be presented in line with the integrated approach, after consultation with the Commission.

The Commission attaches the greatest importance to guiding and supporting the partners towards meeting the various commitments and using the indicators to measure the results, such as the biannual reporting of the progress in the implementation of the regional Roadmap to SEESAC and the planned mid-term evaluation of the implementation of the regional Roadmap under Council Decision (CFSP) 2018/1788. It will therefore use the full leverage of the accession process to discuss and monitor steps taken in view of implementing the action plan. This means that Justice and Home Affairs Sub-Committee meetings as well as the annual country reports will be used to take stock of progress made. The accession negotiations in Chapter 24 – Justice, freedom and security, will be used to help meeting the objectives of the action plan. As regards non-enlargement countries, an update of progress will be discussed in the context of the Sub-Committees on Justice and Home Affairs, Rule of Law Platforms or other existing fora.

## **6. CONCLUSIONS**

Fighting the illicit access to firearms must be a cross-thematic security priority for the European Union, its Member States and its partners. It instigates individual physical insecurity and increases the risk of domestic violence that may escalate into homicide, or that firearms may be used to commit suicide. It helps in addressing other forms of criminal activities, such as terrorism, illicit drugs trafficking, trafficking of human beings, smuggling

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<sup>52</sup> European Firearms Experts, EMPACT Firearms, South-East Europe Firearms Expert Network and its embedded South-East Europe Firearms Expert Group, Joint Committee of firearms experts from the EU and Western Balkan partners.

of migrants, maritime piracy, counterfeiting, environmental crime, or organised property crime. The Commission calls on the European Parliament, the Council, Member States and south-east Europe partners to fully recognise the need to step up actions in this area at national level, at EU level and through international cooperation.

The Commission believes that the comprehensive and multidisciplinary character of this action plan can provide a coherent operational framework for the EU and its Member States within the EU's borders, and proposals for cooperation and assistance to fight firearms trafficking in and with south-east Europe.

The Commission notably calls on all EU institutions, law enforcement authorities and stakeholders, both within the EU and in south-east Europe, to live up to the challenges mentioned in this action plan. The Commission calls on the European Parliament and the Council to endorse this Action plan and support and harness the full potential of each strategic priority.