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NOTE

From:	Presidency
To:	Law Enforcement Working Party
No. prev. doc.:	15815/14
Subject:	Results of the European Firearms Experts (EFE) meeting held on 14-15 April 2015 in Helsinki (Finland) - Assignment of commercial security staff - Piracy against vessels

On 14-15 April 2015 the bi-annual meeting of European Firearms Experts (EFE) and its thematic working groups took place in Helsinki (Finland).

The meeting was attended by delegates from 22 Member States and 2 Associated countries, as well as participants from the Commission, Europol, Frontex and Interpol.

The LEWP is invited to:

- take note of the report of the aforementioned meeting, prepared by EFE, set out in Annex I;
- take note of the report and the expert recommendations of the EFE Working Group "Assignment of commercial security staff - Piracy against vessels" set out in Annex II, and inform the Commission about the report.

**Results of the European Firearms Experts (EFE) meeting held on
14-15 April 2015 in Helsinki (Finland)**

The EFE plenary meeting was opened by the Finnish representative at the LEWP, Mr Jaakko Sonck and by the EFE chair, Mr Ian Head.

The EFE Chair presented the state of play in relation to the **Operational Action Plan (OAP) “Firearms” 2015 in the framework of the EU Policy Cycle**. He outlined 22 actions that were agreed for 2015 and noted that EFE is involved in half of them (11): leading one and supporting 10 others. The driver of one of the actions explained the ways to improve tackling firearms trafficking since the Paris shootings in January 2015. It was also mentioned that Europol was invited to finance 13 out of 22 actions under this OAP.

A representative of **Europol** provided an update on **Focal Point (FP) “Firearms”**, aimed at supporting investigations into firearms trafficking and manufacture. It was noted that it was being considered to expand the scope of the FP to include explosives. Difficulties with staffing were mentioned and the fact that funding opportunities for additional staff from Member States, focusing on firearms linked to terrorism, were being looked at. Member States were encouraged to submit as much firearms intelligence as possible into this FP to ensure that firearms remain a priority.

The EFE received information from the Commission on the **possible new legislation on firearms**.

The results of various EFE working groups are detailed below:

- Working Group “SEEC”: The aim of the Working Group was to improve cooperation with the Western Balkans in order to reduce the flow of firearms into the rest of Europe. One principal step was to support setting up a similar expert network in the Western Balkans region. The countries of the region have now set up a South Eastern Europe Firearms Expert Group (SEEFEG), similar to EFE. It was agreed that the Working Group should continue its activities and ensure communication with the experts of the countries of the region.

- Working Group “Assignment of commercial security staff/Piracy against vessels”: following the consultation with Member States via a questionnaire (CM 5686/13) and on the basis of the analysis of the replies, the Working Group prepared a report and recommended that all Member States should establish appropriate standards based on their national legislation. The EFE agreed on the report and on the need to bring it to the attention of the LEWP and the Commission.
- Working Group “Registration and Tracing” invited the Commission to participate in this group, to which the representative of the Commission agreed. A questionnaire in relation to firearms tracing and marking will be sent to all Member States.

Discussion took place on the Glossary of Firearms Terminology (14983/14), which had been updated in line with suggestions by France in order to bring it more in line with EU legislation. Experts were invited to provide further comments by 14 May 2015¹.

Deactivation of firearms was also discussed in relation to deactivation standards, following the meetings in the Commission on 18 December 2014 and 25 March 2015, with further discussions due to take place on 4 May 2015.

Visiting experts gave presentations on firearms moving across Europe and on joint work between police and customs to tackle illegal firearms in Sweden. A representative from Frontex gave presentations on the role of Frontex in relation to tackling firearms trafficking and on the ongoing operation in relation to firearms.

The next EFE meeting is scheduled to take place on 13-14 October 2015 at Europol in The Hague (NL).

¹ Note that after this deadline the updated Glossary was agreed by EFE in June 2015 and is set out in 10048/15.

Report by the EFE Working Group:

"Assignment of commercial security staff - Piracy against vessels"

concerning evaluation of the laws regulating commercial and industrial businesses on privately-contracted armed security personnel or private maritime security companies onboard vessels,

as agreed by EFE at its meeting on 14-15 April 2015 in Helsinki (Finland)

1. Background

The spiralling incidents involving piracy are causing shipping companies to also assign armed private security forces on their vessels in order to better fend off attacks by pirates. New questions which impact the control of weapons crime and the prevention of arms trafficking are therefore arising where government action and police co-operation are concerned. The questions are complex since various types of authorisation may be required for the handling of firearms within the scope of commercial protection missions. It is also highly important to establish what persons and companies may be assigned firearm permits of this kind and what standards have to be reached in order to guarantee the responsible handling of weapons and their safe storage and to prevent an inflow onto the illegal market.

At the plenary meeting in 2013, the European Firearms Experts (EFE) addressed this subject and, in a first step, agreed to conduct a survey in the Member States as well as Iceland, Liechtenstein, Norway, Switzerland.

To this end, a questionnaire with 15 questions was drawn up and was communicated to the Law Enforcement Working Party (CM 5686/13).

Out of the 32 countries contacted, 29 replied by the end of 2014 and from these 25 countries made a contribution by completing the questionnaire.

2. Main conclusions drawn from the replies

The replies give a good overview of how different the legal situation in the countries surveyed is. The major part of legal provisions covers vessels which are registered under the national flag of the country surveyed.

2.1 A detailed breakdown

In many Member States there basically does not seem to be any legal prohibition on the assignment of armed, private (commercial) security personnel.

The countries Iceland, the Netherlands, Poland and Portugal prove to be exceptions here since their legislation forbids the assignment of armed, private (commercial) security forces. Admittedly, the general legislation regarding the assignment of armed, private security personnel on ocean-going vessels is not uniform. Many countries only regulate assignment to vessels flagged to their own country while assignment to vessels flagged to a third country is not regulated at all in many countries.

Central points of contact appear to be in place in most Member States for these questions (see Annex "Points of contact"). Several points of contact exist in some countries, for example, one on the question relating to the approval of security companies and a further contact point for the authorisation of licences for the handling of firearms.

Also most countries appear to have regulations concerning the licences for private persons and security companies which follow the general national standards, but differ greatly from country to country. This also applies to the question as to whether licences from another Member State are recognised and/or whether these persons and companies are registered under "other flag states".

There are also clear differences between the countries with regard to the type of firearms and ammunition that can be approved for this purpose. However, it seems to be widely accepted that there is a ban on firearms with a calibre of over .50 BMG and that firearms which enable *fully automatic fire* are not allowed.

There was no consistency in the replies concerning the export licences (possibly because the question was somewhat vaguely formulated). However, in this instance the countries were meant to take into consideration that in the case where a vessel manned with armed security personnel leaves EU waters, it basically has to take into account that these firearms, even if they are later returned to EU territory, come under the scrutiny of export laws and legislation and if necessary, require appropriate licences.

There were also strong inconsistencies with regard to the question on floating armouries. This relatively new development means that commercial companies/service providers send specially equipped ships (firearms, ammunition, night-vision devices) into sea areas in order to directly outfit clients (security personnel) on the spot with firearms, ammunition and special equipment or to place no longer needed material into proper storage. It can be assumed that this trend will go up for practical reasons and that the number of floating armouries will peak.

2.2 Conclusion

The implementation of international legal agreements requires that firearms undergo on-going supervision and registration and that responsible state action be geared towards preventing the firearms falling into the wrong hands. A lack of proper regulations or proper registration will create possibilities that firearms end up in the hands of criminals/terrorists with the intention of armed aggression against governments and their citizens. For this it is also important that private and commercial security personnel only receive firearms when these clients have been vetted to establish their personal suitability and reliability, and it can be ruled out that, in the case of authorised handling, these firearms and ammunition end up in the hands of criminals. In particular, effective control poses a special challenge in the case of the armed protection of ocean-going vessels since the firearms from the European Union territory enter international waters and remain there for at least a longer period of time (in particular where floating armouries are concerned).

For this reason, it would appear to make sense to establish and monitor transparent and enforceable standards in the field of licencing and authorisation procedures for firearms. It would also make sense against the backdrop of a global business to record the holders of authorisations, the authorisations themselves and, if appropriate, also firearms, in a central European database and to be in a position to query them there.

2.3 Recommendation

The EU as well as the Member States should guarantee the proper handling of guns and ammunition in the light of the international commitments concerning the illicit manufacturing of and trafficking in firearms, their parts and components as well as ammunition. Therefore all Member States should establish appropriate standards based on national legislative regulations including definition of offenses and appropriate sanctions. National legislative regulations are to be seen without any alternative².

² Non-legislative solutions such as industrial standards and supervision/certification by non-governmental bodies seem inappropriate in relation to this important matter.

Points of contact in relation to the assignment of commercial security staff - Piracy against vessels

country	country code	competent body	postal address	telephone number	fax number	internet address	e-mail address		
Belgium	BE	FPS Home Affairs Directorate-General Security and Prevention	Waterloolaan 76 1000 Brussels						
	BE	Directorate Private Security Contact persons:							
	BE	Dominique Van Dam (Dutch-speaking)						02/557.34.80	Dominique.vandam@ibz.fgov.be
	BE	Anne-Laure De Crem (French-speaking)						02/557.34.39	Anne-Laure.DeCrem@ibz.fgov.be
Bulgaria	BG	Ministry of Interior National Police Chief Directorate	1715 Sofia, Bulgaria 1 Alexander Malinov blvd				no more details available		
Croatia	HR	Ministry of sea, traffic and infrastructure Department of Merchant Shipping, Ministry of Communications and Works, Republik of Cyprus					no more details available		
Cyprus	CY	Danish Ministry of Justice, Security and Prevention Division	Slotsholmsgade 10, 1216 Copenhagen K	00357 25 848 100			maritime.security@dms.mow.gov.cy		
Denmark	DK	Conseil National des Activités Privées de Sécurité	2-4-6 boulevard Poissonnière CS 70023 - 75009 Paris	0033 1 48 22 20 40		http://www.cnaps-securite.fr/	jm@jm.dk		
France	FR	Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA), Referat 224	Frankfurter Straße 29 - 35 65760 Eschborn	0049 6196 908-393	0049 6196 908-800		pbs@bafa.bund.de		
Germany	DE	Department of Justice, St. Stephen's Green a) Ministry of Interior - Department of Public Security [temporary authorisations] b) concerned Prefect	Dublin 2				no more details available		
Ireland	IE	Police Department under the Ministry of Interior of the Republic of Lithuania Public Police board, Licensing Division	Saltoniškių st. 19, LT-08105 Vilnius, Lithuania	00370 5 27 19767	00370 5 27 17951		leidimai.pd@policija.lt		
Italy	IT	Government Commissioner for Maritime Affairs	19-21, Boulevard Royal, L-2449 Luxembourg	00352 247-84453			cam@cam.etat.lu mal@sjofartsdir.no		
Lithuania	LT	Norwegian Maritime Authority					Postmottak@sjofartsdir.no		
Luxembourg	LU	General Inspectorate of Romanian Police Directorate for Public Order	Bucharest, 83-85 George Coşbuc street, district 5	0040 213351859			ordinepublica@politiaromana.ro		
Norway	NO	Ministry of Interior Intervención Central de Armas y Explosivos (ICAE)					no more details available		
Romania	RO	Ministry of the Interior, Cuerpo Nacional de Policía; Unidad Central de Seguridad Privada					no more details available		
Slovenia	SI	Transportstyrelsen Swedish Transport Agency	60173 Norrköping SWEDEN				kontakt@transportstyrelsen.se		
Spain	ES	Department for Transport [in conjunction with the] UK Home Office				http://www.dft.gov.uk https://www.homeoffice.gov.uk	no more details available		
Sweden	SE								
United Kingdom	UK								