



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From:	General Secretariat
To:	COREPER/Council
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Subject:	Draft European Action Plan to combat illegal trafficking in so called “heavy” firearms which could be used or are used in criminal activities

The possession of so called “heavy” firearms¹ which could be used or are used in criminal activities within organised crime groups, as well as lower-level street gangs, is considered to be on the rise in many parts of the European Union. At present, many of those groups and gangs based in the EU have routine access to firearms or are able to rely on various channels to acquire them on demand.

The willingness of these groups to use so called “heavy” firearms which could be used or are used in criminal activities in populated areas and major cities poses a significant threat both to the general public and to law enforcement personnel. Although criminals at all levels in the EU still tend to prefer smaller handguns, there has been a rise in the number of incidents involving so called “heavy” firearms which could be used or are used in criminal activities².

¹ E.g. assault rifles, sub-machine guns and rockets launchers.

² Europol's OC-SCAN threat notice on illegal trafficking and internal circulation of heavy firearms in the European Union (10682/10 ENFOPOL 157 RESTREINT UE).

While the number of so called “heavy” firearms which could be used or are used in criminal activities in circulation in the EU seems to satisfy much of this demand at present, suppliers in South East Europe are able to meet a rise in demand, due to the vast number of stockpiles and weapons in circulation in that region. In addition to criminals and organised crime groups operating across the EU, these stockpiles also serve as a supply for conflict zones outside Europe and for local organised crime groups based in South East Europe.

Accordingly, the threat of firearms, more particularly so called “heavy” firearms which could be used or are used in criminal activities, warrants serious consideration in the risk management practices for EU law enforcement response units.

The Presidency therefore proposed a draft European Action Plan to combat illegal trafficking in so called “heavy” firearms which could be used or are used in criminal activities, including a Control Board containing the indicators for the follow-up of the Action Plan. The draft European Action Plan was first discussed at the European Firearms Experts' meeting on 29 September 2010. The Law Enforcement Working Party at its meetings on 21-22 October and 17 November 2010 discussed and agreed on this proposal.

COSI discussed and agreed to the draft European Action Plan at its meeting of 24 November 2010 subject to a modification requested by the FI delegation (page 9).

On this basis, COREPER is requested to invite the Council to adopt the above-mentioned draft European Action Plan, as set out in Annex.

**Draft European Action Plan to combat illegal trafficking in so called “heavy” firearms
which could be used or are used in criminal activities**

THE COUNCIL OF THE EUROPEAN UNION

WHEREAS

The illicit manufacturing of and trafficking in so called “heavy” firearms which could be used or are used in criminal activities, their parts and components and ammunition is of major concern within the European Union because of the social, political and economic damage it causes to communities and the physical and moral damage that it causes to individuals leading sometimes to their death.

Further, the fight against the illegal manufacturing, trafficking and circulation of Small Arms and Light Weapons (SALW) is a crucial element in achieving the objectives of the European Security Strategy ‘A Secure Europe in a better world’ adopted by the European Council in 2003.

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, which has as its purpose to promote, facilitate and strengthen cooperation between States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is to be taken into account.

Moreover, the European Commission has recently presented a proposal for a Regulation of the European Parliament and of the Council implementing Article 10 of the United Nations' Firearms Protocol and establishing export authorisation, import and transit measures for firearms, their parts and components and ammunition¹, as an additional concrete action addressing the firearms-related issues.

¹ 10963/10 UD 185 ENFOCUSTOM 51 CRIMORG 115 COARM 55 CODEC 561 + ADD 1 + ADD 2 + COR 1 + ADD 1 COR 1 + ADD 1 COR 2 + ADD 2 COR 1 + COR 2 + ADD 1 COR 3 + ADD 2 COR 2.

The Stockholm Programme highlights trafficking in firearms as one of the illegal activities which continue to challenge the EU. The Action Plan implementing the Stockholm Programme includes two specific firearms-related actions: firstly, the proposal for the abovementioned Regulation and, secondly, the proposal on the conclusion (ratification) of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition on behalf of the European Union.

In Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC of 19 June 1991 on control of the acquisition and possession of weapons, measures are laid down for the improvement of the marking and registration of firearms within Member States, including possible common guidelines on deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable.

The work and expertise of the informal European Firearms Experts group (EFE), created under the former Police Chiefs Task Force, should be taken into account. It includes:

- a European Union Firearms Threat Assessment concerning firearms-related crime, ranging from international firearms trafficking and distribution within Member States to the criminal use of firearms and the law enforcement response to firearms crime across the EU,
- follow-up on the work done on:
 - o ‘Firearms-related crime – Information exchange between police services’¹ that shows the necessity ‘to find common denominators among law-enforcement agencies in Europe, with a view to be able to trace firearms that have been involved in criminal activities’, and where the results are compiled in the ‘Manual for Firearms tracing, Identification and Analysis’;

¹ 7329/05 ENFOPOL 27.

- ‘A standard procedure in Member States for cross-border enquiries by police authorities in investigating supply channels for seized or recovered crime-related firearms’¹ recalls that tracing the source of the illegal firearms, i.e. the supply chains, ‘provides a crucial key aid in the systematic combating of arms crime’ and invites Member States to make use of the ‘European Union Manual – Traces on the Ownership of Firearms – A Handbook for Systematic Tracking of Firearms Seized from Illegal Possession or in the Course of Criminal Offences’² which can be found in annex to these recommendations, and the fact that the European Firearms Experts group could have a positive impact on the fight against illegal trafficking in firearms and facilitate the exchange of non-operational information and the international spread of strategic, tactical and operational expertise in the area of illegal trafficking in firearms;

The Action Plan takes into account the outcome of the Organised Crime (OC) Scan Notice ‘Illegal trafficking and internal circulation of heavy firearms in the European Union’ of Europol³, which shows that the use of such firearms in crime is part of the wider threat of ‘access to firearms’ in general.

Therefore, this Action Plan considers the illicit use of and trafficking in firearms with a focus on so called “heavy” firearms which could be used or are used in criminal activities, bearing in mind that the impact of measures that only focus on such firearms would remain limited.

HEREBY

Considers that it is of a great importance to propose actions which should specify how illegal trafficking and internal circulation of so called “heavy” firearms which could be used or are used in criminal activities in the European Union could be better tackled.

¹ 10000/07 ENFOPOL 104 CRIMORG 99 + COR 1.

² The use of this handbook has been already encouraged by the JHA Council of 12 and 13 June 2007 by means of 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.

³ 10682/10 ENFOPOL 157 (RESTREINT EU).

Agrees that actions should be taken in the following areas:

1. improving the existing crime image, i.e. knowledge of present situation, relating to the different aspects of illegal trafficking in so called “heavy” firearms which could be used or are used in criminal activities, the types of offenders, types of weapons available on the criminal market, the different sources of illegal trafficking;
2. strengthening cooperation between the Member States’ law enforcement agencies and EU agencies, and between the latter, in order to dismantle criminal gangs active in the illegal trafficking in so called “heavy” firearms which could be used or are used in criminal activities;
3. strengthening police or administrative control on the different potential sources of the illegal trafficking in so called “heavy” firearms which could be used or are used in criminal activities, and setting up a policy to prevent thefts of such firearms;

In each of the aforementioned areas, the following actions should be taken:

1. Improving the existing crime image by
 - defining the term “so called “heavy” firearms which could be used or are used in criminal activities” in order to create a comparable working notion for data collection purposes, based on doc. 10000/07 ENFOPOL 104 CRIMORG 99 + COR 1;
 - setting up a general data collection plan,
 - o being able to provide quantitative and qualitative data pertaining to so called “heavy” firearms which could be used or are used in criminal activities, irrespective of their national classification, according to common denominators as prescribed in the document ‘Firearms-related crime – Information exchange between police services¹’;

¹ 7329/05 ENFOPOL 27.

- encouraging the use of the manual contained in the document ‘Firearms-related crime – Information exchange between police services’ with a view to creating a more reliable, relevant and useful picture of the illegal manufacturing of and trafficking in so called “heavy” firearms which could be used or are used in criminal activities in Europe;
- continuing existing efforts to trace so called “heavy” firearms which could be used or are used in criminal activities in order to dismantle supply networks, focusing in particular on the exchange of information in the context of cross-border investigations by using the ‘European Union Manual – Traces on the Ownership of Firearms – A Handbook for Systematic Tracking of Firearms Seized from Illegal Possession or in the Course of Criminal Offences’¹;
- ensuring detailed recording of the number and types of illegal firearms seized in law enforcement operations, as well as those recovered in interceptions of multi-commodity shipments (e.g. in drug trafficking operations), as this can contribute to increasing knowledge of illegal trafficking in so called “heavy” firearms which could be used or are used in criminal activities and the smuggling routes being used²;
- improving the information exchange between the CSDP civilian police missions and Europol with regard to the illegal trafficking in firearms, more particularly so called “heavy” firearms which could be used or are used in criminal activities, based on experience with the existing agreement between CSDP civilian police missions and Europol.

¹ Annex to 10000/07 ENFOPOL 104 CRIMORG 99 + COR 1.

² On the basis of a proposal of the Commission at the EFE plenary meeting of June 2010, the EFE is already considering to collect figures relating to offences committed at national level (even in the absence of a trans-national dimension) with the aim of increasing the knowledge about illegal trafficking.

- feeding the Europol Information System database in order to provide information that could help to improve the level of knowledge and benefit the investigations to be undertaken at European level, including raising the Member States' awareness of the need to fully comply with the legal requirement of supplying Europol with the information and intelligence necessary for it to carry out its tasks.

2. Strengthening cooperation between the law enforcement agencies of the Member States and EU agencies by:

- ensuring regular meetings of the European Firearm Experts (EFE) within the framework of the Law Enforcement Working Party;
- carrying out joint investigations and reinforcing practical police cooperation, focused on firearms traders dealing in so called “heavy” firearms which could be used or are used in criminal activities, who are based in the EU, in order to make the Member States more aware of the need to use the alerts notices of Europol to report important thefts, for example, from military facilities or from private owners¹, within the EU as quickly as possible, since these are considered to be a potentially important source for the illegal trafficking in such firearms;
- organising expert meetings by judicial authorities and police forces on investigation techniques (best practices, JIT, etc.);
- considering the need to use existing possibilities for operational analysis at Europol²;
- investigating and monitoring flows of so called “heavy” firearms which could be used or are used in criminal activities, especially those leaving the South East European region for the EU;

¹ Without prejudice to the requirements of Art. 100, §3(c) of the the Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 239, 22.09.2000, p. 19).

² Based on Art. 10(4) of Council Decision 2009/371/JHA establishing the European Police Office (Europol) (OJ L 121, 15.5.2009, p. 37).

- drafting a European manual on the fight against internet-based illegal firearms trafficking and promoting the monitoring of the internet with the aim of detecting illegal trade in and distribution centres for so called “heavy” firearms which could be used or are used in criminal activities;
 - making better use of the existing instruments concerning the tracking of suspicious financial transactions and money trails, with the overall aim of dismantling criminal organisations involved in the illegal trafficking in so called “heavy” firearms which could be used or are used in criminal activities.
3. Strengthening police or administrative controls and setting up a prevention policy for thefts by:
- organising and participating in police control operations on certain critical points and itineraries for example by using risk profiling systems and scanning technology for controls at the borders in order to detect illegal trafficking in so called “heavy” firearms, which could be used or are used in criminal activities, from and to Europe and to propose joint operations with the countries of origin of those illegal firearms;
 - continuing actions for the South East European region aimed at ensuring control of the management of their firearms stocks as well as of the relevant data for tracing purposes;
 - increasing the number of controls on international weapons fairs as these can be considered one of the main platforms where illegal trafficking and trade in so called “heavy” firearms which could be used or are used in criminal activities take place;
 - developing a handbook including guidelines for national authorities in order to prevent thefts of firearms at critical distribution points;
 - exploring the possibility of
 - o organising amnesties in the Member States using their respective policies and procedures;
 - o encouraging similar initiatives in the South East European region;with the final aim of considerably reducing the circulation of firearms stockpiles;

Proposes that the follow-up of this Action Plan should be ensured annually by the Standing Committee on operational cooperation on internal security (COSI) on the basis of indicators contained in the enclosed Control Board set out in annex.

Draft European Action Plan to combat illegal trafficking in so called “heavy” firearms which could be used or are used in criminal activities – Control Board

1. Improving the existing crime image by

		Short Term	Middle Term	Long Term	Pilot + Other actors	Indicators
1. defining the term “so called “heavy” firearms which could be used or are used in criminal activities”		X			EFE	- definition of the working notion of “so called “heavy” firearms which could be used or are used in criminal activities”
2. setting up a general data collection plan	<ul style="list-style-type: none"> being able to provide quantitative and qualitative data pertaining to so called “heavy” firearms which could be used or are used in criminal activities, irrespective of their national classification, according to common denominators as prescribed in the document “Firearms-related crime – Information exchange between police services” 		X		MS	- evaluation of the improvement of Europol’s Firearms Situation Reports - report: once a year
	<ul style="list-style-type: none"> encouraging the use of the manual included in the document “Firearms-related crime – Information exchange between police services” with a view to creating a more reliable, relevant and useful picture of the illegal manufacturing of and trafficking in so called “heavy” firearms which could be used or are used in criminal activities in Europe 	X			ALL¹	

¹ ALL= MS, COM, Europol, LEWP and EFE.

	<ul style="list-style-type: none"> continuing existing efforts to trace so called “heavy” firearms which could be used or are used in criminal activities in order to dismantle supply networks, focusing in particular on the exchange of information in the context of cross-border investigations by using the “EU Manual – Traces on the Ownership of Firearms – A Handbook for Systematic Tracking of Firearms Seized from Illegal Possession or in the Course of Criminal Offences” 	X			MS	
	<ul style="list-style-type: none"> ensuring detailed recording of the number and types of seized illegal firearms 		X		LEWP EFE COM	- number of seized illegal firearms - report: once a year
	<ul style="list-style-type: none"> improving the information exchange between the CSDP civilian police missions and Europol with regard to the illegal trafficking in firearms, more particularly so called “heavy” firearms which could be used or are used in criminal activities 	X			Europol COM MS	- numbers of exchanged messages - report: once a year
3. feeding the EIS DB in order to provide information that could help to improve the level of knowledge and benefit the investigations to be undertaken at European level, by complying with the legal requirement of supplying Europol with the information and intelligence necessary for it to carry out its tasks		X			MS	- number of information related to firearms recorded in the EIS each year - report: once a year

2. Strengthening cooperation between the law enforcement agencies of the Member States and EU agencies by						
		Short Term	Middle Term	Long Term	Pilot + Other actors	Indicators
4. ensuring regular meetings of the EFE within the framework of the LEWP		X			LEWP	- report: once a year
5. carrying out joint investigations and reinforcing practical police cooperation, focused on firearms dealers who are based in the EU, in order to make the MS more aware of the need to use the alert notices of Europol to report important thefts, for example, from military facilities or from private owners within the EU				X	MS Europol	- number of joint investigations focused dealers in so called “heavy” firearms which could be used or are used in criminal activities - numbers of messages sent through the alert notices - report: once a year
6. organising expert meetings of senior police officers on investigation techniques				X	CEPOL	- number of organised expert meetings - report: once a year

7. considering the need to use existing possibilities for operational analysis at Europol			X		Europol EFE	- number of operational analysis produced - report: once a year
8. investigating and monitoring flows of so called “heavy” firearms which could be used or are used in criminal activities, especially those leaving the South East European region for the EU	<ul style="list-style-type: none"> expert meeting(s) to be organised with the South East European Region to continue raising awareness of the need of monitoring and tackling the potential sources of illegal trafficking taking due account of existing or past experience 		X		Europol EFE	- organisation of the meeting(s) - number of exchanged information related to the potential sources of illegal trafficking - report: once a year
9. drafting a European manual on the fight against internet-based illegal firearms trafficking and promoting the monitoring of the internet with the aim of detecting illegal trade and distribution centres				X	EFE	- production of the manual

<p>10. making better use of the existing instruments concerning the tracking of suspicious financial transactions and money trails, with the overall aim of dismantling criminal organisations involved in the illegal trafficking in so called “heavy” firearms which could be used or are used in criminal activities</p>			X		MS	<p>- number of initiated cases on suspicious financial transactions - report: once a year</p>
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3. Strengthening police or administrative controls and setting up a prevention policy for thefts by

		Short Term	Middle Term	Long Term	Pilot + Other actors	Indicators
11. organising and participating in police control operations on certain critical points and itineraries as well as using risk profiling systems and scanning technology for controls at the borders, in order to detect illegal trafficking in so called "heavy" firearms, which could be used or are used in criminal activities, from and to Europe and to propose joint operations with the countries of origin of those illegal firearms			X		MS	- number of organised controls - report: once a year

12. continuing actions for the South East European region aimed at ensuring control of the management of their firearms stocks as well as of the relevant data for tracing purposes				X	COM¹	- number and type of actions taken - report: once a year
13. increasing the number of controls on international weapons fairs as these can be considered one of the main platforms where illegal trafficking and trade in so called “heavy” firearms which could be used or are used in criminal activities take place	<ul style="list-style-type: none"> • drawing up of a manual on the control of weapons fairs 	X			EFE	- numbers of controlled weapons fairs - report: once a year - production of the manual

¹ Within the framework of the existing programmes/instruments.

14. developing a handbook including guidelines for national authorities in order to prevent thefts of firearms at critical distribution points	<ul style="list-style-type: none"> the Secretariat of the European Crime Prevention Network (EUCPN) will check the feasibility to enter this project under the ISEC programme as a Framework Partnership in order to obtain a co-financing from the Commission for the execution of it 			X	Secretariat of EUCPN	- production of the handbook
15. exploring the possibility of: <ul style="list-style-type: none"> organising amnesties in the Member States using their respective policies and procedures; encouraging similar initiatives in the South East European region. 				X	MS COM¹ (respectively)	- number and type of actions taken - numbers of voluntarily rendered firearms - report: once a year

¹ Within the framework of the existing programmes/instruments.