



**COUNCIL OF
THE EUROPEAN UNION**

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from : General Secretariat
to : COREPER/Council

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8310/1/07 REV 1 CRIMORG 69 ENFOPOL 62

Subject : Draft Council Conclusions on limiting the availability of arms and explosives to terrorists and criminals and on adopting and enhancing pertinent security measures in the framework of the European Union

1. At its meetings of 26-27 April 2007 and 22-23 May 2007, the Article 36 Committee discussed relevant ongoing and planned projects on “Combating crime involving arms and explosives – Increasing joint efforts at European Union level” (doc. 8310/1/07 REV 1 CRIMORG 69 ENFOPOL 62).
2. In that context, considering it is necessary to effectively continue and rapidly conclude current projects and measures, and with a view to promoting the initial process, Germany and Portugal submitted the following proposal for Council conclusions on limiting the availability of arms and explosives to terrorists and criminals and on adopting and enhancing pertinent security measures in the framework of the European Union.
3. The Article 36 Committee agreed on this proposal at its meeting on 22 and 23 May 2007.
4. Therefore, COREPER is invited to submit the conclusions as contained in annex to the Council for approval.

**Proposal for
COUNCIL CONCLUSIONS**

**on limiting the availability of arms and explosives to terrorists and criminals and on adopting
and enhancing pertinent security measures in the framework of the European Union**

THE COUNCIL OF THE EUROPEAN UNION,

- bearing in mind that the illegal acquisition and use of arms and explosives poses a serious threat to citizens of the European Union, and that terrorists take advantage of the devastating effects of explosives to carry out attacks intended to kill, injure and terrify people, the recent attacks in Madrid, London and other places being upsetting examples;
- believing that crime prevention and counter-terrorism should not merely focus on investigations of security authorities to track down (potential) offenders and to uncover and foil their plans, but that it is also important “to ensure terrorist organizations and groups are starved of the components of their trade” and “to ensure greater security of firearms, explosives, bomb-making equipment, and the technologies that contribute to the perpetration of terrorist outrages”, as the European Council pointed out in its Declaration of 25 March 2004;
- considering that the higher the obstacles to illegal acquisition and use of firearms and explosives the more terrorists and criminals will be prevented from preparing and carrying out violent offences;
- noting that numerous efforts are being made by various actors at EU level to further limit the actual availability of arms and explosives to criminals and terrorists; some of these efforts aim at adapting conventional instruments of arms and explosives law; partly they are intended to develop new control, security, information and monitoring mechanisms which are to include also substances and products which can be used to make explosives although this is not their actual purpose; further efforts are intended to intensify cross-border police cooperation in combating crime related to arms and explosives and to facilitate the exchange of relevant information between police authorities;

WELCOMES that at its meeting on 26-27 April 2007 the Article 36 Committee asked the Presidency, on the basis of a detailed report to promote the effective continuation and rapid conclusion of current EU work to further limit the availability of arms and explosives to criminals and terrorists;

WELCOMES that Portugal intends to focus also on the security of explosives and fight against crime related to arms and explosives during its upcoming EU Council Presidency;

CALLS UPON all responsible bodies of the European Union and its Member States to make every effort to swiftly complete ongoing EU activities;

WELCOMES the Commission's efforts in the development of an EU Action Plan on Explosives and in particular the work of the Explosives Security Experts Task Force;

WELCOMES that the Committee established by Article 36 of the Treaty on European Union intends to thoroughly examine in early 2008 whether and which further EU action needs to be taken;

CONSIDERS that the following aspects should be taken into account in future developments

- Joint and coordinated action by Member States prevents the creation of different levels of security in different areas and facilitates intergovernmental cooperation in counter-terrorism and crime prevention;
- Intelligent and flexible control, information and monitoring mechanisms are needed for substances and products which may be misused by terrorists and criminals to produce explosives; practicable and well-balanced systems targeting specific sources of risk need to be developed; against the background of internal market freedoms these systems can be effective only if they are implemented in and uniformly applied by all Member States; common standards in this field reduce the distortion of competition caused by different costs to businesses and citizens;

- Technological progress facilitates the development of new explosives and detonators; at the same time it facilitates the development of new detection devices and deterrents; to achieve a high and uniform security level in Europe it is essential that Member States closely cooperate in research and development, exchange their findings and, if applicable, coordinate their strategies; it is recommended to initiate European projects and use available European funds;
 - An intensive exchange of police information about crime related to arms and explosives among Member States not only helps investigate offences but also facilitates the analysis and identification of overall organization and procurement structures; in this context it is particularly important to rapidly set up a central database at Europol for storing data on EU-wide offences involving explosives and arson with a terrorist background.
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