

Rules on export and import authorisations and transit measures for firearms

Regulation (EU) No 258/2012

This briefing is one in a series of implementation appraisals produced by the European Parliamentary Research Service (EPRS) on the operation of existing EU legislation in practice. Each briefing focuses on a specific EU law that is likely to be amended or reviewed, as envisaged in the European Commission's annual work programme. Implementation appraisals aim at providing a succinct overview of publicly available material on the implementation, application and effectiveness to date of specific EU law, drawing on input from EU institutions and bodies, as well as external organisations. They are provided by the Ex-Post Evaluation Unit of the EPRS to assist parliamentary committees in their consideration of new European Commission proposals, once tabled.

SUMMARY

Regulation (EU) No 258/2012 lays down procedural rules at EU level for export, import and transit of firearms, their parts and components and ammunition. Its overall strategic objective is to reduce the risk of illicit trafficking in firearms for civilian use by ensuring coherence across EU Member States with regard to rules on external trade. The regulation is part of an overall legal and operational framework intended to prevent, detect, investigate and prosecute firearms trafficking. In this regard, the regulation implements Article 10 of the United Nations (UN) Firearms Protocol, a key international agreement adopted in 2001 and ratified by the EU, to ensure firearms traceability.

Neither the legislative proposal reviewing the regulation, mentioned in the 2021 Commission work programme, nor the impact assessment are available yet. However, the 2017 Commission evaluation of the regulation had already found scope to address a number of shortcomings. Based on this evaluation, the Commission established that these shortcomings were mainly derived from a lack of clarity in certain parts of the regulation, and legal mismatches generating security risks.

The review of Regulation (EU) No 258/2012 also aims to align the regulation's scope with that of Directive (EU) 2021/555 (the 'Firearms Directive'), already revised, and Council Common Position 2008/944/CFSP (as amended), in order to close the gaps between diverging procedures – in particular, gaps concerning diverging import procedures for convertible alarm and signal weapons, and semi-finished unmarked essential components – which cause the smuggling of these weapons and components to prevail.

Background

Firearms are defined as 'any portable barrelled weapon that expels, is designed to expel or may be converted to expel, a shot, bullet or projectile by the action of a combustible propellant'. Firearms are often considered as a **driving force for organised crime** in the European Union (EU), as they facilitate trade in illegal drugs and trafficking in human beings, and fuel urban gang conflict through the supply of stolen, smuggled and converted replica guns. Moreover, violent acts carried out through the use of illegal firearms, and public shooting incidents, generate insecurity and severely **undermine public confidence in national authorities**.

The lifecycle of a weapon begins with its manufacture. Once a firearm has been legally manufactured, it can be used for many years for legitimate purposes, such as hunting and sports. At the end of its lifecycle, a firearm should be deactivated or destroyed. However, **criminals exploit vulnerabilities** in this lifecycle by forging documents to enable false transactions, or converting deactivated or gas¹ and alarm² weapons into operational ones. In this regard, **a major current threat** consists of the increased use of converted alarm and signal weapons. Without appropriate measures, firearms can easily be diverted away from the legal market and **smuggled illegally** between conflict zones, into organised crime or the hands of terrorists.

Thus, controlling firearms trafficking through policy-making and legislation is essential. The EU can play a role in disrupting criminal markets through its laws enabling common EU standards, through funding streams, through police and customs cooperation and engagement with third countries and international organisations.

Harmonised rules at EU level are important to avoid lack of transparency, confusion in interpreting the rules, uncertainty and delays.

Legal framework

International and EU legal framework

Initiatives to **increase international coordination and convergence** in the field of arms export controls have been ongoing since the early 1990s, both at EU level and on a global scale. The **main EU initiatives** on this subject include: the [Council Common Position 2008/944/CFSP \(as amended\)](#), defining common rules governing control of exports of military technology and equipment; Directive (EU) 2021/555 (the '[Firearms Directive](#)'), setting minimum standards regarding acquisition and possession of civilian firearms, and intra-EU transfers; [Directive 2009/43/EC](#), simplifying terms and conditions of transfers of defence-related products within the Community; and [Regulation \(EU\) 2015/2403](#), establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable.

[Regulation \(EU\) 2015/2403](#) was revised by Commission Implementing [Regulation \(EU\) 2018/337](#), designating a competent public authority to verify that the deactivation of the firearm has been carried out in accordance with the specifications established in the regulation. It also established that the verifying entity must mark all the essential components modified for the deactivation of the firearm.

On a global scale, a **key initiative** relating to the implementation of Regulation (EU) No 258/2012 is the [Protocol](#) against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the [United Nations \(UN\) Convention against Transnational Organised Crime](#) (the 'UN Firearms Protocol', or UNFP). This protocol was the **first global legally binding instrument** to introduce **general criteria for controls of all firearms**, including domestic gun control and trade in 'civilian' weapons (i.e. not designed for military conflict).

In 2010, **only 13 EU Member States were contracting parties to the UN Firearms Protocol**.³ Furthermore, those that were contracting parties tended to implement the provisions of Article 10 UNFP in a **heterogeneous manner**, which led to a **lack of common EU rules** on imports, exports and transit of some weapons. The incoherent implementation of Article 10 at national level gave

rise to issues in fulfilling EU international obligations, owing to the subsequent lack of transparency, confusion in interpreting the rules, uncertainty and delays.

Other issues included the **lack of a level-playing field for exporters and importers**, generating costs for trade; insufficient and difficult cooperation between EU Member States on **tracing international transfers of firearms**; and **risks of diversion of civilian firearms** from the legal to the illegal market.

These issues encouraged the adoption of Regulation (EU) No 258/2012 in March 2012, which not only made the EU a party to the UN Firearms Protocol for the purpose of implementing Article 10 UNFP, but also **addressed the issues at EU level**, in an attempt to **harmonise regulatory divergences and legal loopholes** of which criminals could avail themselves.

Regulation (EU) No 258/2012

Regulation (EU) No 258/2012 lays down procedural rules at EU level for export, import and transit of firearms, their parts and components and ammunition. Annex I to the regulation contains a list of the firearms, their parts and ammunition that require an export authorisation.

These export authorisations contain the information necessary to **trace the exported firearms and their parts**, including country of origin and export and final recipient, and a description of the quantity of firearms and related items. EU Member States have the obligation to verify that the importing third country has issued an **import authorisation**. In cases of transit of weapons and related items through third countries, each transit country must give notice in writing that it has no objection. Member States must refuse to grant an export authorisation if the person applying has any previous record concerning illicit trafficking or other serious crime. **The regulation applies only to firearms, their parts and essential components and ammunition for civilian use, and not to those intended specifically for military purposes.**

Furthermore, the regulation only addresses trade with and transfers from or to third countries, and in this regard is based on the principle that firearms and related items should not be transferred between states without the knowledge and consent of all states involved. The regulation does not concern possession, acquisition or transfers within the EU; these are governed by the [Firearms Directive](#).

A key prevention objective of Regulation (EU) No 258/2012 is improving firearms tracing, from manufacturer to last legal purchaser. Thanks to enhanced traceability of firearms, national authorities have an improved information base at their disposal, which may allow them to better combat illicit trafficking through the design of more effective preventive and repressive measures. Preventing firearms trafficking includes monitoring legal transfers of firearms, stepping up controls, and enhancing cooperation between EU national authorities.

Other key objectives of the regulation include providing for a **harmonised implementation of the provisions** across all Member States, in line with Article 10 UNFP, and ensuring a more **effective information exchange between national authorities**, to facilitate collaboration in tracing and controlling firearms, and to prevent and investigate their possible diversion from the legal market.

In addition to these three objectives, a fourth, less explicit objective can be identified: facilitating the legitimate international trade of firearms, and supporting the European industry by providing a sound regulatory environment with as little regulatory burden as possible.

The review of Regulation (EU) No 258/2012 aims to ensure that its objectives are achieved to the full extent, as scope for improvement has been found through the evaluation of the regulation when in practice.

Scope and procedure of the review

The legislative proposal mentioned in the 2021 [Commission work programme](#) and the impact assessment are not yet available. Nevertheless, the 2017 Commission [evaluation](#) of Regulation (EU) No 258/2012 had already found **scope to address a number of shortcomings**, namely **lack of clarity** regarding certain parts of the regulation, and **legal mismatches** generating security risks.

In particular, the evaluation indicated that the scope of Regulation (EU) No 258/2012, relating to the type of weapons and individuals concerned, was not in line with the Firearms Directive, implying a **lack of common EU rules** on imports, exports and transit of some weapons. The scope of this regulation also led to confusion with that of the Common Position, and import markings often did not comply with the requirements of the UN Firearms Protocol.

The resulting implementation differences in Member States, particularly the **diverging importing procedures** of convertible alarm and signal weapons, and semi-finished unmarked essential components, were found to lead to the **smuggling of these weapons** and components, and to the **tracing of seized firearms** becoming too complex owing to the fragmentation of different databases.

Such mismatches in procedures also caused national competent authorities to grant an export authorisation in cases where similar transactions had been refused by other Member States. Moreover, stakeholders' complaints about the **burdensome procedures** pointed towards the regulation's **failure to reduce administrative burden** for companies.

To tackle these issues, **four policy options were envisaged**: a **non-legislative option**, a **legislative clarification**, **new legislative provisions** and a **mix of the above**. The details of what each of these options would entail are as follows:

- *Non-legislative option:*
 - shared best practices / adopted guidelines;
 - increased cooperation with non-EU countries of transit;
 - increased reporting in the Firearms export coordination group;
 - shift in focus of the arms export system towards civilian firearms;
- *Legislative clarification:*
 - aligned definitions and scope of Regulation (EU) No 258/2012 with those of the Firearms Directive;
 - deepened differentiation between civilian and military firearms;
 - increased conformity checks of imports of alarm and signal weapons;
 - digitalisation of procedures and specification of the nature of 'simplified procedures';
 - clarification of the role of customs and competent authorities;
- *New legislative provisions:*
 - improved risk assessment;
 - compulsory marking of the first country of import;
 - better controls of 'semi-finished' unmarked components;
 - computerised data-filing systems for import and export authorisation of firearms;
 - increased controls on the actual end-use of exported firearms;
 - shared analysis of general statistics and systematic exchanges of information by electronic means on refusals;
 - publication of 'binding weapons classification information' by the Commission;
 - set up of a 'white list' of non-EU countries for which the agreement to the transit is assumed in the absence of an express refusal;
 - direct information exchange between customs authorities and licensing authorities.

European Commission

The most recent ex-post evaluation by the Commission of the implementation of Regulation (EU) No 258/2012 dates to 2017. The following section includes all available evaluations, studies and recommendations by the Commission concerning this regulation, and highlights various aspects that could be subject to improvement.

Commission evaluations

Study in view of a report evaluating the implementation of Regulation 258/2012 (2017)

The [study](#), published in November 2017, assessed the extent to which Regulation (EU) No 258/2012 served its purpose in an **effective and efficient manner, relevant to EU needs**, and is coherent with and complementary to international and EU instruments in the field of arms control.

The study indicated that, overall, the **objectives, measures and definitions provided for in Regulation (EU) No 258/2012 were relevant**, in particular concerning exports. In this regard, the **export control procedures appeared to be adequate** in light of their purpose. However, the relevance of the regulation was found to be lower with respect to **licensing systems for imports and rules of transit, which lack harmonisation**.

The study also emphasised that only an EU regulation would be capable of ensuring the harmonised implementation of the rules in all Member States, and that the ratification of the UN Firearms Protocol by the EU as a whole had **eliminated the legal loopholes open to criminal exploitation**. Nevertheless, the **regulatory and administrative landscape remained disparate**, giving rise to a lack of unity in the export control mechanism.

As to the regulation's effectiveness, despite a lack of harmonisation, the Member States appeared to all have made **progress in applying the UNFP uniformly**. The Commission stated that there was no evidence that the regulation's aims had been achieved at the price of unreasonable cost – which further **emphasised the regulation's efficiency**.

Finally, concerning **consistency**, the study indicated that Regulation (EU) No 258/2012 may still be improved by **better aligning the regulation's scope** with that of the Council Directive on control of the acquisition and possession of weapons. Similarly, **removing overlaps** between the scope of this regulation and that of the Common Position would improve **complementarity**.

Commission staff working document (2017)

The December 2017 [staff working document](#) provided an overview of the evaluation of the procedures and dispositions established by Regulation (EU) No 258/2012. It focused, in particular, on evaluating if these procedures and dispositions had allowed for the **achievement of its predefined objectives**. The staff working document also provided an overview of the assessments conducted to understand whether the objectives intended by Regulation (EU) No 258/2012:

- › had been achieved in the most efficient way;
- › were still pertinent with respect to existing needs and the added value it brought along;
- › were still coherent with and complementary to national and EU legislations on the subject of firearms and security.

The evaluation established that the implementation of Regulation (EU) No 258/2012 had **achieved the predefined objectives**. However, it found that some aspects of the legislation were not coherent with other EU rules.

The regulation's **objectives remain relevant** to the present context because of persisting instability of the international political environment in various regions worldwide. The regulation also contributed positively to the **harmonisation of rules** in terms of export, import and transit, allowing

the EU to better fulfil its international engagements. Furthermore, the regulation **helped improve the traceability of firearms** for civilian use.

Nevertheless, according to the staff working document, various deficiencies needed addressing. These included, for instance, the compulsory marking of weapons, which the regulation does not cover, and the export of essential components, for which export procedures and role in the single market remained a source of confusion.

As such, the objective of **improving the exchange of information** between Member States had only been **partially achieved**. This was exemplified by the fact that the refusal of authorisation of export was not systematic, and that episodes of authorisations conceded in certain states but forbidden in others persisted.

Regarding the objective of better market functioning through **facilitation of international legal transactions**, the evaluation noted that nothing indicated that the regulation had helped improve the **external position of EU exporters**. Moreover, it was found that the regulation produced **further administrative charges**.

Furthermore, the evaluation deemed the general strategic objective of the regulation – **fighting against arms trafficking** – to not be linked sufficiently to the provisions it established. Hence, the added value of the regulation in this regard could not be demonstrated.

The evaluation equally argued that the regulation's **pertinence, added value and efficiency were damaged** by its uneven application across Member States. The freedom given to Member States as to the choice of procedure **exposed exporters to administrative complexity and inequality of treatment**.

Finally, the evaluation noted various **deficiencies with regard to coherence and complementarity**, causing discrepancies with respect to Directive 91/477/EEC (as amended) and the Common Position.

Overview of Commission recommendations

A 2017 [study](#) in view of a report evaluating the implementation of Regulation (EU) No 258/2012 presented some **recommendations for improving the regulation**. The Commission recommended, for example:

- › a further definition of rules harmonising national implementation;
- › an improvement in the regulation's design and its consistency with other EU initiatives in the area of firearms control;
- › an enhanced enforcement of the regulation intended to strengthen provisions on record-keeping and simplified procedures in a uniform way;
- › exchanges to improve national implementation processes, and increased cooperation with third countries to facilitate the procedure for obtaining transit authorisations and identifying the relevant authorities in the transit countries that can issue the transit consent.

Furthermore, an April 2018 [Commission recommendation](#) on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition outlined several suggestions, including:

- › checking the background and verifying criminal records of individuals applying for an export authorisation through the European criminal records information exchange system (ECRIS);
- › establishing inspection systems and processes to check whether the conditions for granting an export authorisation are met;
- › verifying (on the Member States' side) that conditions for granting an export authorisation align with the conventional arms export control information system (COARM);

- › guaranteeing the traceability of firearms, through an additional marking with the identification of the country of import and year of import, and verifying the marking and deactivation certificate of deactivated firearms exported to third countries.

As for cooperation between Member States, the Commission urged Member States to establish an **electronic system for submitting applications for export authorisations**, and a **single national database of authorisations and refusals**. The Firearms Committee will also assess regulatory solutions in the future modernisation of Regulation (EU) No 258/2012, as mentioned in the [report](#) on the application of Directive (EU) 2021/555, the latest version of the Firearms Directive. The Commission also emphasised the need for Member States to notify each other about any actions modifying export authorisations through the use of **COARM**. It indicated that Member States should ensure **direct access of all national competent authorities** to information on the refusals of export authorisations of other Member States in the COARM information system, and that **customs authorities should exchange risk information** on the movement of firearms.

Action plans

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. As the western Balkans were identified as one of the main supplying regions of trafficking to the EU, the action plan was intended to provide a **consistent framework for cooperation between the EU and the region** by setting goals and actions to **increase cooperation**, based on those partners' specific needs, and help them better **fight against firearms trafficking**. The evaluation of the action plan showed that both sides face common challenges, and that **deeper regional cooperation is essential** to counteract the transnational nature of illicit trafficking in firearms across the region more effectively.

The new [2020-2025 EU action plan on firearms trafficking](#) is also a single action plan for both the EU and south-east Europe partners (western Balkans, Moldova and Ukraine). It aims to address **remaining legal loopholes and inconsistencies in firearms controls** that hinder police cooperation. These include: **harmonising the legal environment**, modernising the administrative structure and **facilitating capacity building**; increasing **stockpile security and reduction**; and making **law enforcement activities** more efficient by facilitating operational cooperation, exchange of information, and cooperation on ballistic analysis.

Owing to the comprehensive and multidisciplinary nature of the threat, only a **unified action plan** is considered capable of providing a coherent framework that can curb illicit firearms transfers between EU Member States or their smuggling from outside the EU. In practice, this action plan defines activities and a common direction for the countries involved to jointly fight the threat of illicit firearms, on the basis of **four overarching priorities: safeguarding the licit market and limiting diversion**; building a **better intelligence picture**; increasing **pressure on criminal markets**; and stepping up **international cooperation**.

European Parliament

European Parliament resolutions

As there were no relevant parliamentary resolutions relating to Regulation (EU) No 258/2012 in the 8th and 9th legislative terms, this section presents **three resolutions from the 7th legislative term**.

In October 2011, the European Parliament adopted a [resolution](#) on the proposal for a regulation implementing Article 10 of the United Nations' Firearms Protocol, and **establishing export authorisation and import and transit measures for firearms, their parts and components and ammunition**. The Parliament highlighted, in particular, the role of **export authorisations**. It called on Member States to carry out the obligations imposed on them by Regulation (EU) No 258/2012

and by the Common Position. **Simplified procedures** should apply for re-export or temporary export.⁴

Moreover, the Parliament called for no export authorisation to be required for **hunters or sport shooters** asking for temporary export during a journey to a third country, or for re-export following the temporary admission to their shooting activities, if some accompanying conditions were fulfilled.⁵ The export authorisations should be granted by the **competent authorities of the Member State** in which the exporter is established, and the time-length of this process should not typically exceed **60 working days**. In addition, the period of validity of an export authorisation should not exceed the period of validity of the **import authorisation**, issued by the importing third country. An export authorisation should be refused if the person applying for it had a **criminal record** concerning any conduct that constituted an offence punishable by a maximum deprivation of liberty of at least four years.

In its resolution, the Parliament also mentioned **deactivated firearms**, and in this regard, required Member States to arrange for deactivation measures to be verified by a competent authority. It urged Member States to provide for the issuance of a **certificate or record** attesting to the deactivation of the firearm, in accordance with the Common Position.

On 10 December 2013, the Parliament adopted a [resolution](#) on the draft Council decision on the conclusion of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. The Parliament gave its consent to the conclusion of the protocol, which provided for **specific measures** to prevent, investigate and prosecute the **offences stemming from the illicit manufacturing of and trafficking in firearms**.

Parties to the protocol undertook to **cooperate extensively** at the bilateral, regional and international levels to implement the **strongest possible legislation** consistent with their national legal system; **control licit arms flows** and **prevent their diversion into illegal circuits**; and **facilitate the investigation of related offences**.

Specific measures mentioned in the protocol include the **confiscation, seizure and destruction of firearms illicitly manufactured or trafficked**; the maintenance of records for at least 10 years in order to **identify and trace firearms**; the issuance of **licences for the import and export of firearms** and of a **transit authorisation** prior to their actual transfers; and the **marking of firearms** permitting identification of the manufacturer of the firearm, as well as country and year of import.

Members' written questions

[Written question](#) by **Andreas M \ddot{u} lzer (NI, Austria)**, 25 November 2013

Subject: 'Tightening of firearms legislation'

In this question, the Member reminded the Commission of its plans to tighten firearms legislation in the EU, recalling the figures it had reported on the number of people killed by firearms in Europe every year (some 1 000). The Member also stated that about 80 million civilian firearms were in circulation. In this context, he inquired about the existence of EU-wide figures on the use of registered and unregistered firearms, and on cross-border regulation of firearms in the EU.

[Answer](#) given by **Ms Malmström on behalf of the Commission**, 15 January 2014

The Commission answered that no statistics were available yet on the figures concerning the use of registered and unregistered firearms. However, it had launched studies dealing with legally obtained firearms misuse and criminal use of illegal firearms. Regarding cross-border regulation of firearms in the EU, the Commission cited two directives and one regulation: Directive 2008/51/EC concerned the acquisition, possession and transfer of weapons; Directive 2009/43/EC concerned intra-community transfers of defence-related products; and Regulation 258/2012 aimed to combat illicit arms trafficking through improved tracing and control of exports of civilian firearms from the EU.

Written question by Carlo Fidanza (EPP, Italy), 9 January 2014

Subject: 'Transposition of Regulation (EU) No 258/2012'

Through this question, the Member reminded the Commission of the purpose of Regulation (EU) No 258/2012. He also highlighted the significant role of the arms manufacturing sector in Italy, and the increased red tape it had to endure following the regulation's implementation. However, the Member argued that in other Member States, there had been a lax approach to implementing this new regulation, leading to imbalances in time and cost across Member States. He therefore enquired about the Commission's plans of checking the regulation's transposition across Member States in order to prevent unfair competitive advantages of certain companies.

Answer given by Ms Malmström on behalf of the Commission, 19 February 2014

The Commission replied that it was closely monitoring the implementation of Regulation (EU) No 258/2012, as demonstrated by the setting up of the coordination group of experts of competent national authorities. According to the reply, this group meets regularly to examine any questions concerning the application of the regulation.

Written question by Andrew Henry William Brons (NI, United Kingdom), 6 February 2014

Subject: 'Firearms licensing'

In this question, the Member inquired about the failure to attempt to determine the percentages of people killed with legal and illegal firearms in the Commission [communication](#) 'Firearms and the internal security of the EU: Protecting citizens and disrupting illegal trafficking'. The Member argued that this information was vital to understand the role of illegally held (as opposed to legally held) firearms in criminal activity, and to avoid the useless penalisation of legal holders of firearms. He also inquired about any correlations between convictions for firearms crime and demographic factors.

Answer given by Ms Malmström on behalf of the Commission, 4 March 2014

The Commission answered that it took into account all existing statistics on the subject in preparing that communication, however the level of detail necessary to provide a breakdown into the proportion of people killed with legal or illegal weapons was insufficient. Although the Commission prioritised the gathering of more accurate data on firearms-related crime, the data coming from the Schengen Information System suggested that many firearms in illegal circulation stemmed from the diversion of firearms in lawful circulation. The Commission also specified that it had no plans to prepare a study on correlations between convictions for firearms crime and demographic factors.

Written question by Harald Vilimsky (ENF, Austria), 19 November 2015

Subject: 'Tightening up the weapons laws'

In this question, the Member enquired about the Commission's plan to tighten up the EU's weapons laws. As this revision will also cover signalling weapons, the Member asked about the statistics relating to the conversion of signalling weapons into firearms, and about the modalities of purchasing such weapons in the future. In addition, the Member enquired about the Commission's source of information concerning the (previously deactivated) firearms reactivated by the terrorists in the Paris attacks.

Answer given by Ms Avramopoulos on behalf of the Commission, 11 February 2016

The Commission answered by citing the Commission regulation setting common standards for the deactivation of firearms, and the proposal to review the legal framework on firearms provided by the Firearms Directive. This proposal concerned the record-keeping of deactivated firearms, and the bans on sales of certain types of firearms, even if already deactivated. It would also provide common criteria for 'alarm and signal weapons' in order to prevent their convertibility into real firearms. On this, the Commission highlighted that addressing the risk of convertibility of weapons into firearms was a key recommendation from the directive's evaluation studies. As for the reactivated weapons used in the Paris attacks, the Commission said that the proposed amendment to the Firearms Directive should be helpful in detecting and preventing such activities.

Relevant research and EPRS publications

Extensive research has been conducted on the processes behind firearms trafficking and its underlying regulation. The [Global Study on Firearms Trafficking 2020](#) by the United Nations Office on Drugs and Crime (UNODC) gathered data on firearms trafficking in 81 countries for the years 2016 and 2017. During each year, a total of 550 000 firearms were seized, and pistols, in particular, appeared to be the world's most seized firearm. The study also emphasised that most firearms seizures are made within national territories, and that transnational trafficking flows seem to be mostly concentrated within continents. However, in contrast with other parts of the world, outgoing flows from countries in Europe aim mostly at the trafficking of weapons across continents.

UNODC stated that **Europe is the main manufacturing region of firearms** seized across the world. In this context, the European multidisciplinary platform against criminal threats (the [EMPACT](#) programme) plays a key role: it provides for a four-year [EU policy cycle](#) on organised and serious international crime to address the most serious criminal threats affecting the EU. In particular, combating the trafficking of illegal firearms is one of its main objectives. However, as discussed by a [regional analysis report](#) by UNODC (Illicit Trafficking in Firearms, their Parts, Components and Ammunition to, from and across the EU), significant **national differences in the number of seized firearms** can be observed in the EU, with some Member States reporting thousands of seized firearms annually, and others reporting much lower seizures. For this reason, an **enhanced operation cooperation between national law enforcement agencies (LEAs)** is needed, as highlighted by a [Project ECOFIT report](#) (Options for Enhancing Operational Instruments in the area of Firearms Trafficking), both at EU level and on a global scale.

The [Project FIRE report](#) (Fighting Illicit firearms trafficking Routes and actors at European level) is an exploratory study focusing on **illicit trafficking of firearms in the EU**. It provides recommendations on how to improve the fight against and the prevention of such trafficking, based on evidence deriving from its evaluations. An [EPRS briefing](#) on understanding EU policy on firearms trafficking also focuses on the EU illicit firearms market, stating that the best proxy for estimating its scope and value are firearms seizures. As illicit firearms trafficking also increases the risk of firearms acquisition and possession for instance by terrorists, the briefing also discusses EU legislative measures to prevent firearms trafficking by means of the adoption of the Firearms Directive and its revisions.

On this topic, the [appraisal](#) of the EU legal framework on illicit firearms trafficking after [Directive 2017/853/EU](#), which is a revision of the original Firearms Directive, emphasised the undeniable progress of the EU legislation on civilian firearms currently in place after the revised directive's entry into force. Despite the need to further improve the EU regulatory framework, the appraisal discussed how this revision hindered the legal acquisition of certain high-capacity weapons, strengthened cooperation between EU countries, improved traceability of firearms, and addressed several issues relating to the provisions regulating converted firearms.

In this regard, a [paper](#) on monitoring the response to converted firearms in Europe discussed legislation on convertible firearms before and after the implementation of Directive 2017/853/EU, based on research conducted by the [Small Arms Survey](#). According to this paper, although the directive's implementation contributed to greater harmonisation in national legislation and helped curb the spreading trafficking in converted firearms, **interpretation of certain standards and procedures remains inconsistent**. Therefore, **improving the strategic intelligence picture** of illicit firearms trafficking in Europe remains critical to **detecting emerging threats**.

As the criminal use of converted firearms includes terrorist attacks, an [EPRS briefing](#) on the fight against terrorism discussed **increased EU spending to counter terrorism**, and stronger **financial cooperation with third countries**, including through the [Instrument contributing to Stability and Peace](#). The briefing also mentioned the [Special Committee on Terrorism \(TERR\)](#) set up by the Parliament to evaluate the **efficiency of existing tools**, making recommendations for immediate and longer-term actions to prevent terrorism and protect EU citizens.

On the same topic, a [report](#) by Project SAFTE, an international research project funded by the Commission, aimed to improve the intelligence picture on illicit gun markets across the EU, focusing

on terrorist access to these markets. In particular, it conducted an eight-country study⁶ and an assessment of the illicit possession and proliferation of firearms in the EU, as a means of addressing the link between the EU's internal and external security dimensions in illicit firearms trafficking.

Consultations and citizens' enquiries

The Commission conducted a [public consultation](#) on the implementation of Regulation (EU) No 258/2012, which ran from 1 March to 24 May 2017, to give EU citizens and all interested parties the possibility to express their points of views on this matter. The consultation intended to assess, in particular, export procedures; the division of responsibilities between the responsible bodies; and possible full, partial, mistaken or non-implementation of the regulation's provisions. Moreover, it aimed to examine the economic situation, competitiveness and structure of the firearms sector in the EU from an external trade perspective, including major trends, developments and international comparisons, the relevance of the categories of weapons, and the consistency with the amended legal framework for firearms in the single market. As only eight respondents took part in the consultation, the sample was too small to be representative. It was therefore not possible to classify answers according to points of view, and draw valid conclusions.

MAIN REFERENCES

Duquet N. (ed.), [Triggering Terror: Illicit Gun Markets and Firearms Acquisition of Terrorist Networks in Europe](#), Project SAFTE, 17 April 2018.

Immenkamp B., [EU policies – Delivering for citizens: The fight against terrorism](#), EPRS, European Parliament, June 2019.

Jongleux B. and Florquin N., [Monitoring the Response to Converted Firearms in Europe](#), Non-Proliferation and Disarmament Papers, No. 70, October 2020.

Mancuso M. and Manzi D., [Options for Enhancing Operational Instruments in the Area of Firearms Trafficking. Final Report of Project ECOFIT](#), Transcrime – Università Cattolica del Sacro Cuore, 2021.

Neville A., [Understanding EU policy on firearms trafficking](#), EPRS, European Parliament, February 2022.

Savona E. and Mancuso M. (eds), [Fighting Illicit Firearms Trafficking Routes and Actors at European Level. Final Report of Project FIRE](#) (www.fireproject.eu), Transcrime – Università Cattolica del Sacro Cuore, 2017.

ENDNOTES

- ¹ Salute and acoustic weapons, i.e. firearms specifically converted for the sole use of firing blanks, for use such as in theatre performances, photographic sessions, film and television recordings, historical re-enactments, parades, sporting events and training.
- ² Alarm and signal weapons refer to devices with a cartridge holder that are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and that are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.
- ³ At the time, five Member States (Czechia, Ireland, France, Hungary, Malta) had neither signed nor acceded to the UNFP, while nine others (Denmark, Germany, Greece, Luxembourg, Austria, Portugal, Finland, Sweden and the United Kingdom) only signed it without any ratification.
- ⁴ 'Temporary export' means the movement of firearms leaving the customs territory of the EU and intended for re-importation within a period not exceeding 24 months.
- ⁵ The conditions include the provision to the competent authorities of the reasons for the journey, in particular by producing an invitation or other proof of the hunting or sport shooting activities in the third-country of destination, of: one or more firearms; their essential components, if marked, as well as parts; and their related ammunition, limited to a maximum of 800 rounds for hunters, and a maximum of 1 200 rounds for sport shooters.
- ⁶ The eight countries include Belgium, Denmark, France, Croatia, Italy, the Netherlands, Romania and the United Kingdom.

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