

# Upgrading the regulatory and policy framework on firearms

*Project SAFTE generated new insights into illicit firearms markets in Europe and terrorist access to those markets. EU policy agendas on firearms and terrorism converged significantly after the terrorist shootings in Europe in recent years. To more effectively counter illicit firearms markets and terrorist access to these markets, it is important to move away from an event-driven approach towards a long-term, structural strategy. To be successful, such a strategy needs to be both comprehensive and proactive. This implies combined efforts in at least three closely interdependent areas: improving the intelligence picture, upgrading the policy and regulatory framework, and strengthening operational capacities and cooperation. This fact sheet gives an overview of Project SAFTE's main recommendations for upgrading the regulatory and policy framework on firearms.*

## Preventing the influx of illicit firearms into the EU

Cross-border smuggling of firearms into the EU remains one of the most important supply sources for illicit firearms markets in Europe. Heightened and continued attention must be directed towards the trafficking of illicit firearms from outside the EU.

The firearms currently being smuggled into the EU come primarily from the Western Balkans. The **increased availability of military-grade assault rifles from the Balkans** has increased access to such weapons for criminals and terrorists with criminal connections in the traditionally closed illegal firearms market. Providing EU assistance to programs such as those run by the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) is an effective means of cutting off supply. Sharing expertise with countries in this region to strengthen border controls is another way forward.

**Firearms smuggled from the Western Balkans** were often surplus weapons, firearms originating from plundered weapons storage facilities, or weapons that in one way or another ended up in the hands of a wide range of non-state players during the conflict in the former Yugoslavia in the 1990s.

EU support and security cooperation with third countries must be expanded to other risk areas. At present, illicit firearms markets in Europe are stocked with **Turkish-made blank firing guns** that are known to the criminal milieu to be cheap and easily convertible to live-firing weapons. **Future post-conflict zones in the EU neighbourhood**, such as the Middle East and North Africa (MENA) region and Ukraine, in turn, risk bringing about a significant influx of assault rifles and even heavier

military weapons into Europe in the near future. **Illicit firearms trafficking should therefore be systematically incorporated into EU security and policy dialogues** with key partner third countries, with the main focus on the MENA countries, Ukraine and Turkey. An important role in restricting (future) extra-EU sources of illicit firearms should be assigned to the European External Action Service (EEAS) and explicitly included in the current revision of the EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition.

## Closing loopholes in EU and national legislation

Several forms of firearms diversion within the EU constitute significant supply mechanisms for European illicit firearms markets. A number of these result from loopholes and differences in national legislations that are exploited by both criminals and gun enthusiasts. These **loopholes have also enabled terrorists to acquire**

**firearms.** The absence of internal border controls in the EU allows traffickers to move easily from one member state to another. This means that national loopholes have in fact become European loopholes.

The EU should take action to close the loopholes in national firearms legislation. This can be done by **amending the 1991 Firearms Directive to bring Flobert guns and alarm weapons under its scope.**

The EU should **adopt technical specifications for alarm and signal weapons** to ensure that they cannot be converted to live-firing firearms.

New and existing EU firearms provisions need to be adopted consciously and quickly in national legislation. The European Commission should intensify its efforts to **monitor the implementation of EU firearms legislation by EU member states.**

The **absence of adequate deactivation standards** in some EU member states has resulted in the accumulation of reactivated firearms, including military-grade guns, on the illicit markets and in the hands of criminals and terrorists throughout Europe. The adoption of common EU deactivation standards in 2015 seems to have resolved this legislative loophole, but a new loophole has emerged in its immediate aftermath: real firearms modified to unregulated 'Flobert' calibres, which can be legally bought without authorisation in several EU member states.

Another major loophole is the **conversion of blank firing guns.** Differences in legislation between member states facilitate their illicit acquisition. The EU Firearms Directive excludes alarm and

signal weapons from its application field if they can be used 'for the stated purpose only' and cannot be converted to live-firing firearms. However, there are no clear standards as to what constitutes convertibility. Consequently, large differences in interpretation and implementation exist among EU member states. The registration and licensing requirements governing the acquisition and sale of alarm pistols can also differ significantly from one member state to another. These differences have boosted illicit firearms trafficking between EU member states and increased the availability of such weapons to criminals and terrorists.

## Reducing the number of illicit firearms through surrender programs

To directly reduce the number of illegal firearms already in circulation, voluntary surrender programs can be introduced. Their advantage is that they remove illicit firearms from the black market. They can be made traceable, neutralised or destroyed, resulting in a significant reduction in the possible security risks related to illicitly owned firearms. Member states should therefore adopt **voluntary surrender programs tailored to the specific context** of their illicit firearms market, designed to achieve clear goals and accompanied by several supporting measures (e.g. providing sufficient means for registering surrendered firearms).