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IMPACT ASSESSMENT REPORT

Accompanying the document

Proposal for a Directive of the European Parliament and of the Council

on combating firearms trafficking and other firearms-related offences and amending Directive (EU) 2024/1260 of the European Parliament and of the Council

{COM(2026) 102 final} - {SEC(2026) 102 final} - {SWD(2026) 103 final}

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Glossary

Term or acronym	Meaning or definition
Core firearms offences	The core firearms offences cover illicit trafficking, illicit manufacturing, illicit modification of markings and illicit possession.[1] The first three of these offences are mandatory offences according to the UN Firearms Protocol, and the Firearms Directive implicitly requires the criminalisation of illicit possession.
Dual incrimination	In a situation where an act has a cross-border element and involves two Member States, there is dual incrimination when such act is recognised as a crime in both Member Stats. Some acts may, on the other hand, be criminalised in one Member State but not in the other – in such cases, there is no dual incrimination.

[1] See Annex 12 for the legal definition of each offence.

EMPACT	European multi-disciplinary platform against criminal threats. It is a cooperation instrument gathering EU Member States, supported by relevant EU institutions, bodies and agencies (such as, Europol, Frontex, Eurojust, CEPOL, OLAF, EU-LISA, EFCA and others). The platform aims to identify, prioritise and address threats posed by organised and serious international crime. EMPACT runs in four-year cycles and is driven by the EU Member States, third countries, international organisations, and other public and private partners are also associated.
Europol Firearms Hub	A repository of firearms related data managed by Europol. It is currently in development. Upon completion, it will include two modules: automatic exchange of ballistic information and information of firearms seizures in the MS in the context of criminal activities.
Firearms Directive	Directive (EU) 2021/555 of the European Parliament and of the Council 24 March 2021 on the control of the acquisition and possession of weapons. The Directive sets common minimum standards on the acquisition, possession, and commercial exchange of civilian firearms (e.g. firearms used for sport shooting and hunting) within the EU.
JIT	Joint Investigation Team A JIT is an international cooperation tool based on an agreement between competent authorities – both judicial (judges, prosecutors, investigative judges…) and law enforcement – of two or more States, established for a limited duration and for a specific purpose, to carry out criminal investigations in one or more of the involved States
Mandatory offences	The UN Firearms Protocol defines three offences that Member States are required to criminalise (illicit trafficking, illicit manufacturing and illicit modification of marking)
NFFP	National Firearms Focal Point

	NFFPs are central contact point for cross-border requests, investigations and cooperation. The role of NFFP is to gather, analyse and improve the information flow regarding the criminal use and the illicit trafficking of firearms into and within the Member State and across into the EU at a strategic and operational level. It relies on a coordinated collection and sharing of information to enhance the intelligence picture and better inform law enforcement agencies.
Recast Firearms Regulation	Regulation (EU) 2025/41 of the European Parliament and of the Council of 19 December 2024 on import, export and transit measures for firearms, essential components and ammunition, implementing Article 10 of 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 (UN Firearms Protocol). The Recast Regulation introduces a comprehensive system of authorisations and controls for civilian firearms trade with non-EU countries.
SIENA	Secure Information Exchange Network Application SIENA is a platform for the exchange of operational and strategic crime-related information. It is managed by Europol, connecting national law enforcement authorities and other relevant bodies (e.g.: Eurojust, Frontex, OLAF and Interpol).
SIS	Schengen Information System SIS is an information sharing system for security and border management in Europe. Amongst other modules, it includes a database of all lost, stolen or otherwise sought firearms in the EU.
Small arms	“Small arms” are, broadly speaking, weapons designed to be carried and operated by an individual. They include, *inter alia*, revolvers and self-loading pistols, rifles and carbines, shotguns, sub-machine guns, assault rifles and light machine guns.

SOCTA	Serious Organised Crime and Treat Assessment SOCTA is a Europol report that assesses the most threatening criminal phenomena in the EU and identifies priority areas for the EU policy level.
TE-SAT	European Union Terrorism Situation and Trend Report. TE-SAT is a Europol report that provides an overview of the terrorism phenomenon in the EU in a given year.
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
UNODC	United Nations Office on Drugs and Crime

1. INTRODUCTION: POLITICAL AND LEGAL CONTEXT

Illicit firearms are a direct threat to the security of citizens of the European Union[2]. Firearms are a key enabler for other criminal activities. They are the tool of choice for offenders to carry out serious and organised crime-related violence and other forms of serious and organised crime, such as drug trafficking, extortion and racketeering, armed robberies, migrant smuggling and street gang activities[3].

Firearms have long lifespans – unlike other criminal goods such as drugs, they are not consumable and thus even small amounts of trafficked firearms can accumulate over time. Antique firearms are still used for criminal and terrorist purposes.

Research suggests that the criminal demand for firearms is increasing in various EU Member States.[4] A 2021 comparative study on firearms-related violence in Europe has pointed out that **the observed increased availability of various types of illicit firearms to criminals has led to an escalation of criminal firearms-related violence** in several European countries and sometimes also to arms races among criminals[5].

Gang and drugs-related shootings involving illegal firearms have become a regular occurrence in European cities. In a press conference on 12 August 2025, the Brussels public prosecutor reported that 57 shootings had taken place in the city since the start of the year. Some of these shootings were done with Kalashnikov type firearms. Other examples in 2025 include Grenoble (France)[6], Uppsala (Sweden)[7], Örebro (Sweden)[8], Bydgoszcz (Poland)[9], Randers (Denmark)[10], Madrid (Spain)[11], Naples (Italy)[12] to name only a few. Research conducted through the EU funded project INSIGHT, suggests that firearms violence results in around 1,341 deaths and

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[2] Europol, *European Union Serious and Organised Crime Threat Assessment (SOCTA)*, The Hague, 2025, p.61.
[3] idem, p.62.
[4] De Schutter, A. & Duquet, N. (2023), *The nexus between drug markets and gun violence in the European Union*, Flemish Peace Institute and EMCDDA, https://www.euda.europa.eu/drugs-library/nexus-between-drug-markets-and-gun-violence-european-union_en.
[5] Duquet, N & Vanden Auweele, D (2021), *Targeting Gun Violence and Trafficking in Europe*, Brussels, Flemish Peace Institute, https://vlaamsvredesinstituut.eu/wp-content/uploads/2021/12/20211221-rapportTARGET-web-def.pdf
[6] On 16 September 2024, two people were shot by a Kalashnikov-type firearm in a drug-related event, one man died, see https://www.lejsl.com/faits-divers-justice/2024/09/16/l-un-des-deux-blesses-dans-la-fusillade-de-samedi-est-decede
[7] Three people between 18 and 20 were killed in a shooting in a barbershop on 29 April 2025, see https://www.euronews.com/my-europe/2025/04/30/police-in-sweden-say-teenager-under-arrest-after-three-killed-in-uppsala-shooting
[8] On 19 May 2025, an individual opened fire among several people, including children, in a gang-related incident, see https://omni.se/skytten-i-orebro-oppnade-eld-mitt-bland-flera-barn/a/dRezBX
[9] A shooting occured on 11 January 2025, resulting in one injured man and the arrest of a 39-year-old suspect linked to drug-related activities. See https://maps.gunviolence.eu/info/grp-20250114011430568323
[10] A 22-year-old man was arrested for participating in a shooting at Hells Angels' clubhouse in January 2025, see https://www.berlingske.dk/indland/mand-faengslet-for-skud-mod-rockeres-klubhus-efter-nye-beviser
[11] Two men were seriously injured in separate shootings on 15 January 2025, with one incident linked to a drug deal and the other possibly involving violent youth gangs. See https://maps.gunviolence.eu/info/grp-20250116004021456767
[12] A 25-year-old man was fatally shot on 16 May 2025, with the police investigating the organised crime connection, see https://maps.gunviolence.eu/info/ita-00000000000000791044

5,096 injured each year, further highlighting the urgent need for action. At this time, it is however not always possible to determine if these incidents happened with the use of legal or illegal firearms.

Firearms are also the tool of choice for perpetrators carrying out terrorist or right-wing extremism fuelled attacks. On 16 October 2023, 3 peoples were shot with an AR-15 type firearm during a football match in Brussels, outside the stadium, killing two Swedes.[13] In April 2025, France grappled with shooting targeting 7 prisons, described as terrorist attacks, possibly in response to the government's crackdown on drug trafficking[14]. On 31 May 2025, in Puget-sur-Argens, an individual in possession of several firearms fatally shot his neighbour, a Tunisian man, following racist motives[15].

The threat of illicit firearms contributes to the worrying phenomenon of **young Europeans** being roped in criminal activities, with an increasing number **committing and suffering from firearms violence**. The last SOCTA published by Europol observed that individuals involved in gun violence are increasingly younger[16]. The increased availability of illicit firearms has facilitated the gradual trickling-down of the possession and use of firearms to lower segments of the criminal hierarchy in several EU Member States, including younger criminals[17]. This is to be juxtaposed against the rising phenomenon of violence-as-a-service where instigators outsource the commission of crimes to (often young) perpetrators[18]. Findings from the EU funded project TARGET[19] stated that **young men** (under the age of 35), **are the main victims and perpetrators of lethal firearms violence.**

The availability of illicit firearms and the threat they are posing are expected to worsen in the context of Russia's war of aggression against Ukraine. The war has led to a high demand of firearms among military and law enforcement services in Ukraine, with many countries from all the world sending thousands of small arms as part of their military support to Ukraine. Some of small arms lost by both sides of the war are inevitably in unregulated possession in Ukraine. This so far has not resulted in systemic trafficking due to international cooperation and efforts of law enforcement services of Ukraine. However, once the conflict reaches an end, demand for unregulated possession will drastically decrease and will result in a surplus of firearms. Past experiences from the Western Balkans have shown that a part of that surplus is likely to find its way into the illegal market in neighbouring countries. The legacy of

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[13] Guillaume Derclaye, "Attentat à Bruxelles : un individu interpellé en rapport avec l'arme utilisée par Abdesalem Lassoued", *Le Soir*, 25 Octobre 2023, https://www.lesoir.be/545497/article/2023-10-25/attentat-bruxelles-un-individu-interpelle-en-rapport-avec-larme-utilisee-par

[14] Ian Aikman and Jessica Rawnsley, "French prison attacks are 'terrorism' says justice minister", *BBC*, 15 April 2025, https://www.bbc.com/news/articles/cwy75231z90o

[15] A. S., "Meurtre raciste dans le Var : ce que l'on sait", *TF1 Info*, 2 June 2025, https://www.tf1info.fr/justice-faits-divers/var-puget-sur-argens-il-tue-son-voisin-et-publie-des-videos-racistes-2374396.html

[16] Europol, *European Union Serious and Organised Crime Threat Assessment (SOCTA)*, The Hague, 2025, p.33.

[17] Duquet, N. and De Schutter, A *The nexus between drug markets and gun violence in the European Union. Flemish peace institute, Brussel, 2023.*

[18] Europol, 'From instigator to perpetrator: how violence-as-a-service operates', press release, 14 August 2025, https://www.europol.europa.eu/media-press/newsroom/news/instigator-to-perpetrator-how-violence%E2%80%91%E2%80%91%E2%80%91service-operates

[19] Duquet, N. and Vanden Auweele, D., *Targeting gun violence and trafficking in Europe, Flemish Peace Institute, Brussels, 2021*

conflicts in the former Yugoslavia and unrest in Albania has resulted in the Western Balkans region being awash with firearms and the main origin of many of firearms illegally trafficked into the EU[20].

In addition, **recent technological advances**, such as 3D printing which is getting increasingly accessible, will increase this threat. The potential these technologies offer for criminals underscores the need to stay ahead of the curve[21].

Legal context

At the international level, the trafficking of firearms and other firearms-related criminal offences is **regulated by the United Nations,** through the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition[22] (hereafter the UN Firearms Protocol). The UN Firearms Protocol supplements the UN Convention against Transnational Organized Crime and provides for a framework for States to control and regulate licit arms and arms flows. It establishes the basic rules regarding brokering and dealing in firearms, the marking of firearms, how deactivated firearms should not be able to be reactivated, how import, export and information sharing between State Parties should be organised etc. The main objective of this text is to prevent the diversion of firearms into the illegal circuit. The UN Firearms Protocol therefore also requires the cooperation between State Parties to facilitate the investigation and prosecution of related offences.

The UN Firearms Protocol defines a certain number of firearms-related offences such as illicit trafficking, illicit manufacturing and illicit modification of firearms markings. State Parties are required to criminalise these three offences (hereafter the 'mandatory offences'). To date, 25 of the 27 EU Member States have ratified the UN Firearms Protocol and are thus State Parties.[23] The European Union ratified it in 2014[24], however, **the EU has not adopted any specific legal instrument to ensure the implementation of the legal obligations under Article 5 of the Protocol which criminalises the mandatory offences**.

The EU has adopted several instruments in the field of firearms, but only **from the perspective of the legal market.** Therefore, these EU instruments mainly regulate the legal acquisition and possession of firearms. Directive (EU) 2021/555 of 24 March 2021 on the control of the

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[20] De Schutter, A. and Duquet, N., *The nexus between drug markets and gun violence in the European Union*, European Monitoring Centre on Drugs and Drugs Addiction/Flemish Peace Institute, Brussels, 2023 and Joint issue paper UNODC-Flemish Peace Institute, *Firearms and Drugs: partners in transnational crime, Brussels,2023.*

[21] See section 2.2.2.

[22] Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. 31.05.2001. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&clang=_en

[23] Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

[24] Council Decision 2014/164/EU on the conclusion, on behalf of the European Union, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, *OJ L 89, 25.3.2014, p. 7. 11.02.2014*.

acquisition and possession of weapons (the Firearms Directive)[25] sets common minimum standards on the acquisition, possession, and commercial exchange of civilian firearms (e.g. firearms used for sport shooting and hunting) within the EU. Regulation (EU) 2025/41 of 19 December 2024 on the import, export and transit of firearms[26] (the recast Firearms Regulation) introduces the requirement to obtain an import and export authorisations to move firearms across the EU border from and towards third countries. By defining what is legal, both instruments inevitably demarcate what is illegal.

To further support this demarcation, the EU instruments provide definitions for two of the UN mandatory offences, specifically illicit manufacturing and illicit trafficking. Both illicit manufacturing and illicit trafficking are defined, amongst others, based on the absence of the correct authorisations to manufacture or move a firearm. These authorisations are established as part of the legal market in both EU instruments. Therefore, the absence of these authorisations inevitably defines the illicit nature.

Unfortunately, the UN Firearms Protocol and both EU instruments have different scopes. The UN Firearms Protocol establishes rules within and between State Parties, the Firearms Directive establishes rules applicable in the territory of the EU and the recast Firearms Regulation establishes rules at the border of the EU (so between the EU and third countries). This has led to gaps in the transposition of the mandatory UN offences. This is explained in detail as part of Problem driver 1: current legal landscape is too cumbersome and complex for practitioners.

Due to the focus on the legal market, both the Firearms Directive and the recast Firearms Regulation do not set any rules for the penalties applicable to infringements of the legal rules. Instead, it requires Member States to adopt such rules and to ensure that the penalties provided for shall be effective, proportionate and dissuasive.[27] It follows that the penalties for the offences from the UN Firearms Protocol, the Firearms Directive and the recast Firearms Regulation are set by Member States themselves.

As a result, there are **large divergences between Member States in how firearms-related offences are defined and sanctioned**, with national penalties for firearms-related offences varying greatly in their severity. In absence of any specialised EU legislation establishing EU wide minimum rules on the definitions of criminal offences and penalties on firearm-related crimes, the criminal law framework dealing with such offences is fragmented at EU level. This is particularly concerning as **firearms trafficking and other firearms-related offences often involve a cross-border element. The fight against such phenomenon thus requires cooperation between Member States and a common classification of offences**. The inconsistencies and gaps between Member States' criminal laws lead, by nature, to challenges

[25] Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons, *OJ L 115, 6.4.2021*.
[26] Regulation (EU) 2025/41 of the European Parliament and of the Council of 19 December 2024 on import, export and transit measures for firearms, essential components and ammunition, implementing Article 10 of 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 (UN Firearms Protocol) (recast), *OJ L, 2025/41, 22.1.2025*.
[27] Article 23 of the Firearms Directive.

in **cross-border operational cooperation**. Incoherences in the classification of offences and the corresponding penalties **negatively affect enforcement and prosecution**. As the investigation and prosecution of firearms offences become cumbersome, national authorities prefer devoting their efforts in prosecuting other easier offences with lower penalties and lower deterrent effect[28].

A further comparison between the different legal texts can be found in Annex 12.

Political context

The fight against the threat posed by illicit firearms has been a long-standing priority at European level. In 2015, the European Council identified in several statements the fight against illicit trafficking of firearms as one of the measures to fight terrorism on which further progress should be made[29].

Additionally, the fight against firearms trafficking has been identified as a European priority since 2014 by the Member States, with dedicated operational action plans under the framework of the European multi-disciplinary platform against criminal threats (EMPACT). This assessment was recently renewed by the Ministers of Justice and Home Affairs of the Member States for the period 2026-2029[30]. In 2018, in a resolution on 3D printing focusing on intellectual property rights and civil liability, the European Parliament referenced the security concerns raised by the use of 3D technology to manufacture weapons[31].

On top of that, in June 2022, the Council adopted conclusions calling upon the Commission to assess the need to establish minimum rules on offences and sanctions in the field of illegal firearms trafficking[32].

The Commission has repeatedly identified the trafficking of firearms as a major threat to the European Union internal security. ProtectEU[33], the new European internal security strategy unveiled in April 2025, reiterates that firearms are a key enabler of the increasing violence perpetrated by organised crime groups. One of the objectives, is the harmonisation of criminal law standards on illicit firearms trafficking.

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[28] Extracted from conclusions from various meetings and consultations carried out by the Commission in the framework of the stakeholder consultation, reflected in Annex 2.
[29] Council documentation 9422/1/15; 5855/15; 5322/15; 5897/15; 6891/15
[30] Council conclusions on the enhancement of EMPACT and on EU crime priorities for the next EMPACT cycle 2026-2029, Council doc. 9397/25, 13 June 2025
[31] https://oeil.secure.europarl.europa.eu/oeil/en/procedure-file?reference=2017/2007(INI)
[32] Council Conclusions on Protecting Europeans from Terrorism: Achievements and Next Steps, point 47, *Council doc. 9997/22,09.06.2022*.
[33] Communication of from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on ProtectEU: a European Internal Security Strategy, COM(2025) 148 final, 1.04.2025

The threat of firearms trafficking was previously mentioned in the Internal Security Strategy 2015-2020[34], then identified as a crime priority in the 2020-2025 EU Security Union Strategy[35] and the 2021-2025 EU Strategy to tackle Organised Crime[36].

As a result, and to address this threat in a comprehensive manner, the European Commission adopted the 2020-2025 EU Action Plan on firearms trafficking[37]. One of the priorities of the Action Plan is to increase pressure on the illegal market for firearms. This includes identifying how criminals exploit possible gaps in the existing EU legislative framework on the legal possession and acquisition of firearms and on the legal import, export and transit of firearms, and assessing the need to introduce minimum criminal-law rules. The Commission also urged Member States to complete the establishment of fully staffed and trained Firearms Focal Points.

Another key priority identified in the Action plan is the building of a better intelligence picture. In the relevant working groups of the Council in May 2024, Member States agreed on the need to develop a repository at EU level of seized firearms, essential components and ammunition[38].

Sustainable Development Goals

The initiative contributes to Sustainable Development Goal (SDG) 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels), including targets 16.1 (significantly reduce all forms of violence and related death rates everywhere) and 16.4 (by 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime).

Overall, the high number of firearms-related incidents across European cities, the looming threat of firearms flowing into Europe when the conflict in Ukraine ends, the rapid pace of the technical advances and the long-standing political prioritisation of countering firearms trafficking in the Council are among the most relevant reasons justifying urgent EU action.

2. PROBLEM DEFINITION

The problems, underlying problem drivers and consequences that are relevant for the proposal are presented in Figure 1.

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[34] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy to tackle Organised Crime 2021-2025, *COM/2021/170 final, 14.04.2021*

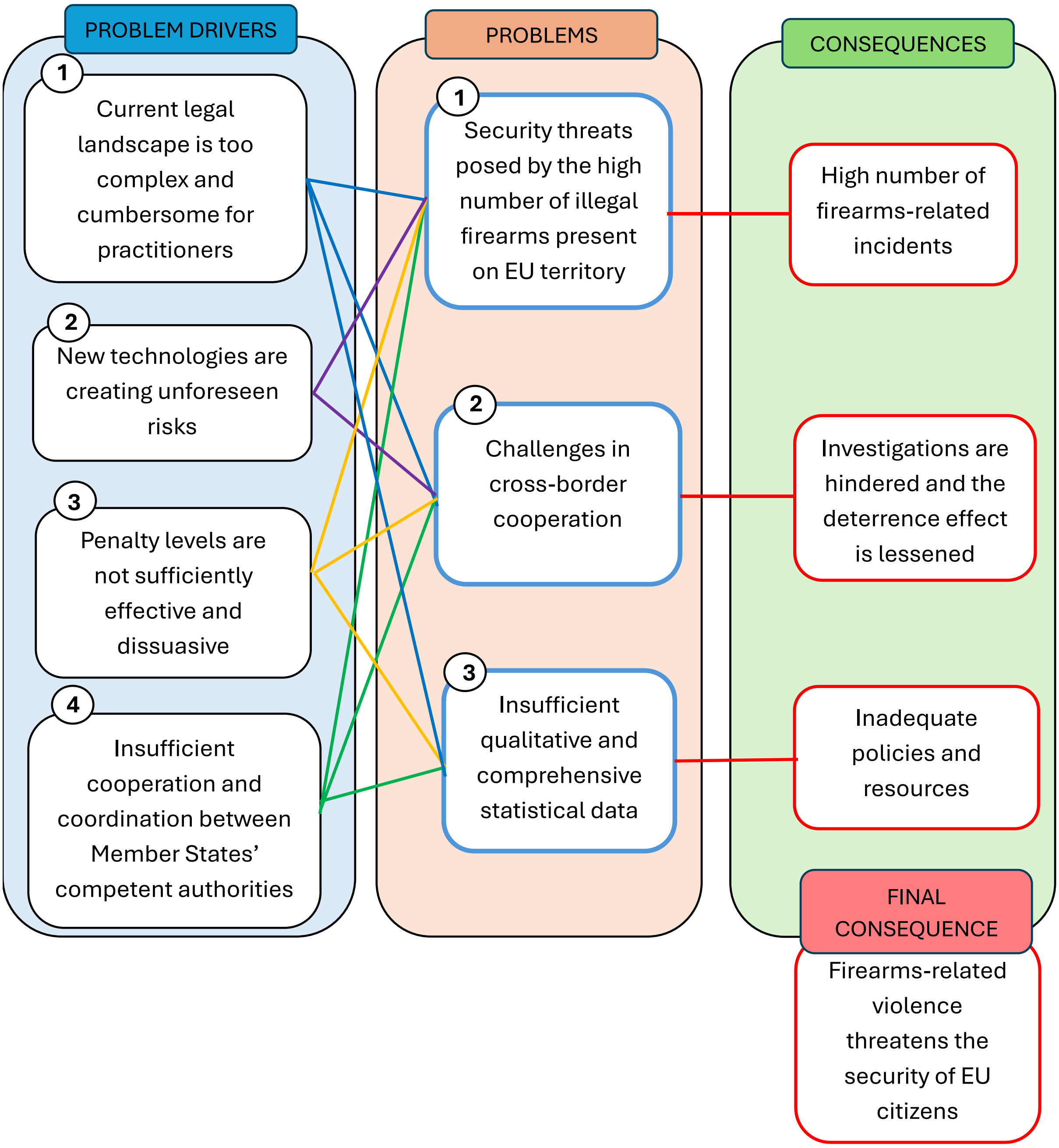
[35] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Security Union Strategy, *COM(2020)605 final, 24.07.2020.*

[36] Communication of from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy to tackle Organised Crime 2021-2025, *COM(2021)170 final, 14.04.2021*

[37] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on 2020-2025 EU action plan on firearms trafficking, *COM(2020)608 final, 24.07.2020.*

[38] Meeting of the Standing Committee on Operational Cooperation on Internal Security (COSI) under the Belgian Presidency on 29 May 2024

Figure 1: Problem tree



2.1. What are the problems?

2.1.1. Security threats posed by the high number of illegal firearms present on EU territory

There is no accurate numbers of incidents committed using illegal firearms in the EU. The records provided by national authorities, when they are available, often do not differentiate between incidents involving legally owned firearms and illegal ones. Nevertheless, available information suggests that this number is high as **the numbers of firearms-related incidents, where firearms have been used to commit a crime, remain high and are on the rise in many places in the EU.**

In the Netherlands, the National Statistics Agency indicated in March 2025 that the number of firearms-related crimes has gone up 24% over the 10 years since 2014[39]. In Brussels, the Belgian Federal Police reported a surge of 65% of shooting incidents between 2022 and 2024[40]. The Swedish National Council for Crime Prevention carried out a study examining gun violence trends in the criminal world since the mid-2000s and found that the number of injuries and deaths from gun violence steadily increased nationwide between 2005 and 2023[41]. In Germany, the Federal Criminal Police Office indicated that crimes involving firearms that were recorded in 2023 were 6.7% higher than in 2022, and 14.5% higher than in 2021[42].

The AI-powered Incident Monitor of the online knowledge platform Gunviolence.eu[43] which tracks firearms-related incidents using open-source media since 2023, has identified 7,591 incidents with firearms in the EU in 2023, and 7,705 incidents in 2024. Similarly, to reports from national authorities, it is not possible to draw any correlation between incidents involving firearms in the EU and illicit firearms as the platform does not differentiate between incidents involving legally owned firearms and illicit ones. Nevertheless, increasing the strictness of rules on legal ownership tends to reduce the number of homicides in the affected country[44]. As the rules on legal ownership have not been loosened in the last years, the increase in incidents is expected to come from an increase in the availability of illicit firearms.

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[39] Dutch National Statistics Office, “Minder misdrijven geregistreerd in 2024”, 4 March 2025, https://www.cbs.nl/nl-nl/nieuws/2025/10/minder-misdrijven-geregistreerd-in-2024

[40] Marie-Laure Mathot, “Fusillades à Bruxelles : voici les cartes qui témoignent d’une augmentation des violences liées à la drogue dans la capitale", *RTBF*, 21 February 2025, , https://www.rtbf.be/article/fusillades-a-bruxelles-cartographie-d-une-augmentation-des-violences-liees-a-la-drogue-dans-la-capitale-11507104

[41] Henrik Angerbrandt, Mariana Dufort & Victor Dudas, "Increased Gun Violence in Sweden", *Report 2024:7*, Brottsförebyggande rådet 2024, https://bra.se/english/publications/archive/2025-01-24-increased-gun-violence-in-sweden#h-Brasassessment

[42] Official website of German Bundeskriminalamt (BKA), *Federal Situation Report on Gun Crime 2023*, 1st August 2024, p. 7, accessible at https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Waffenkriminalitaet/waffenkriminalitaetBundeslagebild2023.pdf

[43] EU funded project INSIGHT, *ISFP-2020-AG-FIRE*, accessible at Firearms Incident Monitor | Gunviolence.eu

[44] Krüsselmann K., Aarten P., Liem M., Firearms and violence in Europe – A systematic review, PLoS ONE 16(4), April 2021, accessible at https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0248955

Although difficult to quantify precisely due to similar limitations, **the threat posed by firearms is considered to inflict significant harm and expense on society.** Based on the research into the size of lethal and non-lethal gun violence in the EU from the project INSIGHT (International Network Studying Incidents with Guns: Harm and Trafficking)[45] firearms violence can be estimated, in the EU, to result in around 1,341 deaths and 5,096 persons physically injured each year[46]. This is not taking into account the trauma and the feeling of insecurity these shootings cause.

The limited picture due to the lack of data is further highlighted as a problem on its own in section 2.1.3 below. Seeking to improve this data through dedicated research would be unlikely to yield accurate results, not least because the lack of data is a structural problem linked to how firearms offences are defined, implemented and recorded at national level.

The main factor fuelling firearms-related violence, especially those used in correlation with other organised crime such as drugs trafficking, is the **high availability of illicit firearms which are being illegally trafficked within and into the EU**[47]. The proliferation of illicit firearms in the EU increases the risk of their use in criminal acts, including terrorist attacks and organised crime. The demand for illicit firearms trafficking within the European Union is largely driven by criminals[48].

The illicit firearms market in the EU used to be a closed market where it was difficult for persons lacking extensive criminal connections to access firearms. It has since evolved to a model where illicit firearms have become more easily available for lower-level criminals and terrorists with the right criminal connections[49]. Law enforcement agencies from various European countries have noted an increased availability of firearms for criminals in their country in the past decade[50]. Some Member States have even observed the existence of criminal firearms pools, where criminals can rent firearms for certain periods of time[51]. An analysis performed by the UNODC, based on the seizure data provided by Member States and research on the illicit flows of firearms, concluded that this evolution occurred mainly due to cross-

[45] EU funded project INSIGHT, under call *ISFP-2020-AG-FIRE*. Accessible at https://vlaamsvredesinstituut.eu/en/project-insight/#:~:text=This%20online%20knowledge%20platform%20offers%20policymakers%2C%20police%20officers%2C,information%20about%20firearms%20violence%20in%20the%20European%20Union

[46] Krüsselmann, K, *Lethal and non-lethal Firearms Violence in the European Union*, Brussels, 2023, p. 12

[47] UNODC and Flemish Peace Institute, Firearms and Drugs: Partners in Transnational Crime, accessible at https://vlaamsvredesinstituut.eu/wp-content/uploads/2024/03/Issue-paper-on-firearms-drugs-links_final.pdf

[48] UNODC, *Illicit Trafficking in Firearms their Parts, Components and Ammunition to, from and across the European Union; regional analysis report*, Vienna,2020, p. 14, accessible at https://www.unodc.org/documents/firearms-protocol/2020/UNODC-EU-Report-A8_FINAL.pdf

[49] UNODC, *Illicit Trafficking in Firearms their Parts, Components and Ammunition to, from and across the European Union; regional analysis report*, Vienna,2020, p. 17, accessible at https://www.unodc.org/documents/firearms-protocol/2020/UNODC-EU-Report-A8_FINAL.pdf

[50] Duquet, N. and De Schutter, A *The nexus between drug markets and gun violence in the European Union. Flemish peace institute, Brussel, 2023.*

[51] UNODC, *Illicit Trafficking in Firearms their Parts, Components and Ammunition to, from and across the European Union; regional analysis report,* Vienna,2020, p.17, accessible at https://www.unodc.org/documents/firearms-protocol/2020/UNODC-EU-Report-A8_FINAL.pdf

border smuggling of firearms from post-conflict countries, the increased availability of easy-to-convert weapons, easy-to-reactivate deactivated firearms and increased online trafficking[52].

Other main channels for the supply of illicit firearms include: diversion from legal supply chains (e.g. illegal sale of historical or antique weapons and army surplus material); targeted thefts of firearms from legal owners (e.g. hunters, collectors or sport shooters); illicit manufacturing (clandestine workshops and gunsmiths); illicit brokering and professional misconduct (tampering with record-keeping and licensing), and; diversion of firearms outside the EU during international transfers[53].

The high number of firearms makes it easier for criminals to access firearms and conduct criminal activities such as drug trafficking, extortion and racketeering, armed robberies, migrant smuggling and street gang activities[54]. The cost on the European society is not only that of the injuries and the deaths resulting from the use of these illicit firearms, but also that of the feeling of insecurity stemming from the criminal activities enabled by these illicit firearms. The increase of violence is most notable in the case of drug trafficking:

> *Drug trafficking is one of the most serious security threats facing Europe today. The situation is escalating, with an unprecedented increase in the availability of illicit drugs in Europe, in particular cocaine from South America. Moreover, the level of violence associated with the drug trade appears to be increasing in Europe.*
>
> Eurojust 2024 Annual Report[55]

> *Some EU Member States are experiencing unprecedented levels of drug market-related violence, often related to the cocaine and cannabis markets. This appears to be concentrated in distribution hubs and in competitive retail markets. Such violence includes killings, torture, kidnappings and intimidation, and often takes place between criminal networks, although innocent people are also victims. This has severe impact on society as a whole, increasing the perception of public insecurity.*
>
> European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), EU Drug Markets Analysis 2024[56]

[52] Idem, p.17
[53] As reported by law enforcement experts (EMPACT firearms and the European Firearms Experts group) and Europol - Sources are sensitive, non-classified documents.-
[54] Europol, *European Union Serious and Organised Crime Threat Assessment (SOCTA)*, The Hague, 2025, p. 62.
[55] Eurojust annual report 2024, p. 26
[56] Key insights for policy and practice – p. 17 - https://www.euda.europa.eu/publications/eu-drug-markets/analysis-key-insights-policy-and-practice_en

Due their illicit nature, it is impossible to accurately quantify the numbers of illegal firearms currently in circulation in the European Union. The 2020-2025 EU action plan on firearms trafficking states that it is estimated that 35 million illicit firearms were owned by civilians in the EU in 2017 (56% of the estimated total of firearms)[57]. This number is based on a study by Small Arms Survey in 2017[58]. However, this number is likely to be outdated and itself relies on sources that are also estimates. Moreover, this number does not only represent the firearms that are being illicitly trafficked or used for criminal purposes. Many of these firearms are in the hands of persons who do not commit criminal activities but rather failed to declare or register their firearms.

Instead, the numbers on firearms seizures are regarded as the best proxy for estimating the scope and value of the scale of illicit firearms. Yet not every Member State has a national database on seized firearms. Furthermore, the data that is recorded is done in an unharmonised manner. Therefore, the inconsistent reporting between Member States does not allow for the drawing of any conclusion on trends. Available numbers solely depict the tip of the iceberg as they only capture a fraction of the criminal activities. This difficulty is further compounded by the lack of reliable and comparable data on other indicators which could help evaluate the scale.

An example of this difficulty is the last global firearms study, carried out by UNODC[59]. Only 19 EU Member States reported to the UNODC the number of illicit firearms seized by their national authorities between 2021 and 2023. However, only 6 Member States reported numbers for all three years[60], while one Member State reported for both 2022 and 2023 and two Member States reported for 2021 and 2023[61].

The total number of seizures that were reported by 16 Member States to UNODC in 2021 amounts to 52,412 illicit firearms seized. In 2022, this number was 21,904 for 13 Member States, and 55, 613 for 11 Member States in 2023.

It is more than likely that this number of seizures is underreported as during the consultation activities, 11 different Member States reported over 36,500 illicit firearms seized in 2022 to the European Commission. Open sources indicate that the number of seized weapons in 2023

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[57] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on 2020-2025 EU action plan on firearms trafficking, *COM(2020)608 final, 24.07.2020.*

[58] Small Arms Survey, “Estimating Global Civilian-held Firearms Numbers”, Briefing Paper, June 2018. Dataset available under http://www.smallarmssurvey.org/fileadmin/docs/Weapons_and_Markets/Tools/Firearms_holdings/SAS-BP-Civilian-held-firearms-annexe.pdf

[59] UNODC, Global Study on Firearms Trafficking, 2020

[60] One additional Member States (Poland) was discounted due to a statistical incoherence with numbers of seizure being above 1000 for three years consecutively, then just 8 in 2023.

[61] Data available in official web of UNODC Global statistical series on crime, criminal justice, drug trafficking and prices, drug production, and drug use. Specific data on firearms trafficking: https://dataunodc.un.org/dp-firearms-arms-seized

in France amounts to two third of that number: the French Ministry of Justice recorded 8,147 convictions in 2023 for illicit trafficking with seized weapons numbering almost 23,000[62].

Another indicator as to the important number of illicit firearms in the EU is the 626,739 firearms registered as lost, stolen or sought in the EU in the Schengen Information System[63]. These various figures offer an incomplete or fragmented view. They remain nonetheless striking and indicative of an upward trend.

To date, the Western Balkans remains the main source of illegal firearms coming from conflict zones, despite the massive inflow of weapons into Ukraine[64]. An example at national level is Sweden where, according to information provided in the project INSIGHT[65], the most common seized semi-automatic pistols during the period 2017-2022 within the region of Stockholm were traced back to Balkan countries (59%). Likewise, the firearms used in terrorist attacks in Paris in November 2015 and Vienna in November 2020 were traced back to the Balkans[66].

However, this could change once the conflict in Ukraine reaches an end. The EU needs to be aware of the mid- to long-term consequences on firearms trafficking which could unfold in a post-conflict situation. The arms trafficking risk from such situation is an order of magnitude larger than that posed by the Balkans[67]. The conflict has led to a soaring demand for firearms among military and law enforcement services in Ukraine, has caused numerous cases of loss of firearms (including losses of Russian military in the territory of Ukraine) and resulted in an increase of firearms-related crimes within Ukraine. According to Ukrainian law enforcement agencies[68], the number of crimes where firearms were used or related to firearms-related offenses increased from 275 in 2022 to 4147 in 2023 and to 13,413 in 2024. The Ukrainian Ministry of Interior indicated that it is estimated there could be anywhere between 1 and 5 million of ‘trophy weapons’ (a weapon found on the battlefield or captured from an enemy) in the hands of the population in Ukraine.

“How many weapons do we have, as we call them, trophy weapons? It is impossible to count. From a million to 5 million are the figures that are mentioned. It's a fireworks display of numbers. Somewhere we will say that after the war there will be 2-3 million, I think, at least firearms. I mean, these are not short-barrelled weapons, these are automatic weapons, these

[62] C. Delbecque, ‘"En dix ans, le marché a radicalement changé" : enquête sur la banalisation du trafic d'armes en France’, *L'Express*, 10 March 2025, accessible at https://www.lexpress.fr/societe/en-dix-ans-le-marche-a-radicalement-change-enquete-sur-la-banalisation-du-trafic-darmes-en-france-3CFCVN6RUFHRFIWEIWOH7H3CK4/
[63] Last information available from EU-LISA on 1 June 2025.
[64] Varisco, A E, : *Types of Firearms Used in Violence in the European Union*. SIPRI, Stockholm, 2023. EU funded project INSIGHT, under call *ISFP-2020-AG-FIRE* .
[65] Varisco,A E, : *Types of Firearms Used in Violence in the European Union*. SIPRI, Stockholm, 2023. EU funded project INSIGHT, under call *ISFP-2020-AG-FIRE* .
[66] Global Initiative Against Transnational Organized Crime , “The Western Balkans is still the criminals’ choice for weapons”, *Risk bulletin 18,* May 2024, accessible at https://riskbulletins.globalinitiative.net/see-obs-018/04-western-balkans-still-criminals-choice-weapons.html
[67] Global Initiative Against Transnational Organized Crime, “Tomorrow’s fire: future trends in arms trafficking from the Ukraine conflict”, February 2025, accessible at https://globalinitiative.net/wp-content/uploads/2025/02/Tomorrows-Fire_conference-report.v1-MR-PB-MR-18-Feb-PB-PG-MR-PB2.pdf
[68] Restricted information in the framework of EMPACT firearms actions.

are grenades, these are mines and more serious weapons that are in the hands of our citizens and will be in the hands of our citizens"

Ukrainian Minister of Interior, Ihor Klymenko[69]

Once the hostilities cease, the military demand for firearms will drastically decrease. It will result in a surplus of firearms and a wealth of opportunities which criminals will seek to exploit. There are already signs that the arms trafficking market is becoming more organised within Ukraine, with larger stockpiles being assembled, including close to the EU border[70]. In August 2024, Ukrainian law enforcement authorities broke up an arms trafficking ring in Lviv, some 70 kilometres from the Polish border, and seized 72 pistols, 20 assault rifles, 29 grenades and almost 49,000 rounds of ammunition[71]. Ukraine could replace the Western Balkans as a principal source of illegal weapons, or the trafficking infrastructure that has been created by Balkan players over the past three decades could potentially be used to smuggle weapons from Ukraine into the EU[72].

At the moment, it is not possible to accurately assess the number of firearms which could potentially be trafficked to the EU. However, the scale of the threat can be inferred from the numbers that Ukrainian authorities have shared with Europol: there are, so far, more than 800,000 (including firearms out of control, from before the invasion of Ukraine by Russia) records of lost and stolen firearms in Ukraine, which is more than the total number of lost or stolen firearms in the EU[73].

Another factor that is likely to contribute into the high number of illicit firearms being available to criminals is the development of new technologies such as 3D printing. Formerly very costly and limited to people with specialist knowledge, the increasing quality and relatively easy accessibility of 3D printing is already providing criminals with new opportunities to exploit and leading to growing availability of home-made firearms.

2.1.2. Challenges in cross-border cooperation

The problem of the security threats posed by the high number of firearms present in the EU has an **intrinsic cross-border element**. One of the main channels for trafficking illicit firearms into the EU is the cross-border smuggling of firearms from post-conflict countries, during which a firearm often journeys into several countries. Moreover, due to their portability, their

[69] Interview within the Congress of Local and Regional Authorities on 12 April 2024, reported by UNN: https://unn.ua/en/news/up-to-5-million-serious-weapons-could-be-in-the-hands-of-ukrainians-interior-minister
[70] Global Initiative Against Transnational Organized Crime, "Heavy metal: A new phase of arms trafficking in Ukraine", 23 September 2024, accessible at https://globalinitiative.net/analysis/a-new-phase-of-arms-trafficking-in-ukraine/
[71] Idem.
[72] Global Initiative Against Transnational Organized Crime , "The Western Balkans is still the criminals' choice for weapons", *Risk bulletin 18,* May 2024, accessible at https://riskbulletins.globalinitiative.net/see-obs-018/04-western-balkans-still-criminals-choice-weapons.html
[73] Around 630,000 firearms registered as lost, stolen or sought in the EU in the Schengen Information System.

non-consumable nature and their long lifespan, even the firearms manufactured locally within the EU are likely to eventually cross a border, to satisfy a demand elsewhere[74].

Addressing this threat thus requires cooperation between Member States and a common classification of offences. However, Member States face significant challenges in their cooperation due to significant discrepancies in how they define firearms offences and sanction those offences

First cross-border judicial cooperation can become difficult due to the lack of **dual incrimination.** As will be shown below, some offences are not equally criminalised in all Member States, meaning that in some cases, national authorities cannot criminally charge an individual on their territory for an offence such as illicit manufacturing, because the act took place in a Member States which does not criminalise said offence.

In other cases, dual incrimination is ensured but is **imperfect.** The Member States criminalise the same offence but have different requirements or penalties, resulting in practical hurdles for investigators such as having to provide different levels of evidence, or having to use different investigative techniques. The consultation meetings with magistrates revealed that it could lead to criminal investigations initiated in one Member State to be limited, if not discontinued. As the investigation and prosecution of firearms offences become cumbersome, national authorities prefer devoting their efforts in prosecuting other easier offences with lower penalties and lower deterrent effect[75]. Although there is no precise data to support it, the consultations with law enforcement officials and judicial experts have confirmed that the numbers of investigations and prosecutions on firearms-related offences remain low in general when compared to the number of incidents that have occurred[76].

The third element is the **disparity in the prioritisation and the resources allocated**. The absence of transposition, or the inadequate transposition of the different definitions leads to gaps in investigations and convictions, resulting in low numbers. In turn, the political prioritisation of these offences is affected, leading to inappropriate resources being allocated[77.] It subsequently impacts cross-border cooperation, with cases stalling because there is insufficient personnel.

The study that the Commission commissioned in 2023-2024[78] specifically analysed how Member States implemented the offences provided by the UN Firearms Protocol and the Firearms Directive, as well as how such offences are sanctioned. These firearm offences are

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[74] UNODC, *Illicit Trafficking in Firearms their Parts, Components and Ammunition to, from and across the European Union; regional analysis report*, Vienna,2020, p. 17, accessible at https://www.unodc.org/documents/firearms-protocol/2020/UNODC-EU-Report-A8_FINAL.pdf

[75] Extracted from conclusions from various meetings and consultations carried out by the Commission in the framework of the stakeholder consultation, reflected in Annex 2

[76] See Annex 2, stakeholders consultation, p. 97.

[77] See Annex 2, stakeholders consultation, p. 97.

[78] Csonta A, Dupont C, Adamis-Császár K, Marziali M, Zanting R(eds.), 28 studies assessing and comparing the criminalisation in the Member States and the UK in relation to Northern Ireland of offences related to firearms, Brussels, February 2024, accompanying this impact assessment and summarised in in Annex 8:Executive summary of the preparatory study assessing and comparing the criminalisation of offenses related to firearms.

illicit manufacturing, illicit trafficking of firearms, illegal modification of markings on firearms and illegal possession of firearms[79].

The below examples[80] are indicative of the current state of play:

- The criminalisation of *illicit manufacturing* in some Member States does not cover all firearms as defined in Annex I of the Firearms Directive. In two Member States[81], only the illicit manufacturing of military weapons or category A (prohibited firearms) is criminalised, leaving out firearms of category B (subject to authorisation) and category C (subject to declaration). This means that individuals in these Member State would not face criminal charges for assembling a firearm of category B or C without having sought appropriate authorisation or applying required marking on the firearm. Likewise, they would not face criminal charges for assembling those firearms from the essential components of illicitly trafficked firearms. This is likely to significantly hamper investigations of crimes involving these firearms as they are unregistered and unmarked. The identification of firearms used in criminal activities can be furthermore obfuscated by individuals disassembling, mixing and reassembling the essential parts of these firearms into new 'recycled' firearms.
- Six Member States do not cover all the relevant activities falling within the definition of *illicit trafficking* of the Firearms Directive (acquisition, sale, delivery, movement or transfer of firearms, their essential components or ammunition)[82]. Similarly, four Member States fail to penalise the trafficking of firearms without marking, as illicit trafficking[83].
- *Illicit modification of markings* is not criminalised in 14 Member States[84]. Markings of firearms are one of the main sources to investigate their illicit trafficking, as it is possible to trace them back to the last legal owner, giving very important information to the investigators. The lack of criminalisation their illicit modification means that individuals would not face criminal charges for actions which significantly hamper investigations requiring the identification of firearms. Furthermore, among the Member States that do criminalise this offence, three of them do not apply the relevant rules on essential components, the marking of which is foreseen in Article 4 of the Firearms Directive[85].

[79] See Annex 12 for a definition of these offences.
[80] Annex 8 with executive summary of the study contains more detailed information.
[81] Sweden and Malta.
[82] Austria, Czech Republic, Spain, Italy, Malta, Sweden.
[83] Belgium, Spain, Italy, Malta.
[84] Austria, Bulgaria, Germany, Spain, Croatia, Hungary, Italy, Lithuania, Luxembourg, Latvia, Malta, The Netherlands, Portugal, Sweden.
[85] Belgium, Denmark, Romania.

- Although *illegal possession* is penalised in all Member States, there is a large divergence on the method of penalising, with seven Member States only providing administrative penalties for certain types of firearms[86].

The Commission's mapping study further shows that there are large divergences between Member States in how firearms offences are sanctioned. The figures below shows that national penalties for the core firearms offences vary greatly in their severity.

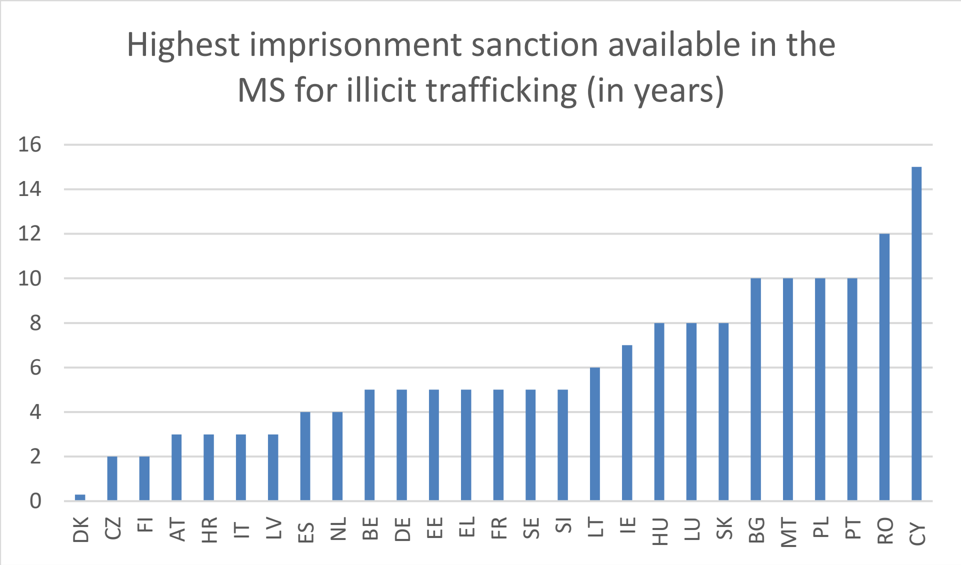
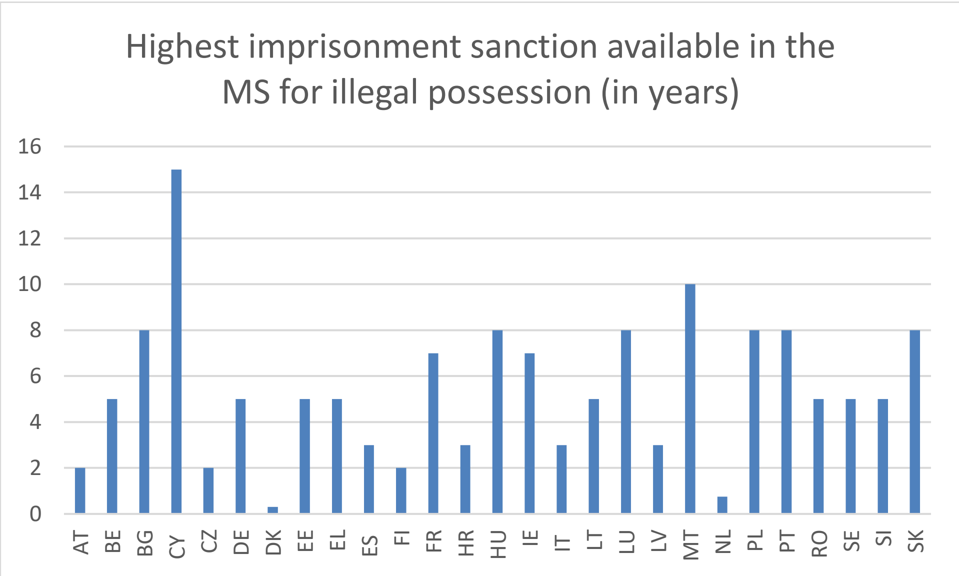


Figure 2: Highest maximum imprisonment sanctions available in the Member States for illicit trafficking (in years)



[86] Austria, Czech Republic, Germany, Slovenia, Romania.

Figure 3: Highest maximum imprisonment sanctions available in the Member States for the illegal possession (in years)

In the case of illicit possession[87], the highest maximum sentence is 10 years (Cyprus), and the lowest is 4 months (Denmark). For illicit trafficking, the highest maximum sentence is 15 years (Germany), and the lowest is 4 months (Denmark). Similarly, the highest maximum sentence for illicit manufacturing[88] is 15 years (Cyprus), and the lowest is 4 months (Denmark). Among the thirteen Member States that criminalise the illegal modification of markings, as described under Article 5(1)(c) of the UN Firearms Protocol, Cyprus has the highest maximum sentence with 10 years, and Denmark the lowest with 4 months.

The Commission's mapping study has also identified considerable divergences in how Member States apply accompanying penalties, aggravating circumstances, and criminalise the attempt to commit illicit manufacturing, illicit trafficking or illegal modifications of markings.

- **Accompanying penalties:** in addition to the principal penalties courts can also impose accompanying penalties. For firearms-related offences, these penalties can be confiscation of a firearm, withdrawal or refusal of the firearms authorisation, deprivation of rights (e.g. to carry a firearm), and/or prohibition to engage in certain professional activities. During the discussions with the Commission Expert Group on EU Criminal Policy, the experts agreed that a broad range of accompanying penalties at the disposal of the criminal judge might even be more of a deterrent than financial fines alone. However, according to the results of the Commission's mapping study, there is, in general, considerable divergence across Member States in the use of accompanying penalties that can be imposed under national law for the core firearms offences.
- **Aggravating circumstances:** there are two types of aggravating circumstances related to firearms offences that exist in EU Member States' legislation. One concerns the number or/and the dangerous nature of the firearms involved. The other is related to whether the offence is committed in the context of organised crime or with a terrorist intent. Similarly to the accompanying penalties, the mapping study shows that there is significant divergence among Member States in the way national laws impose aggravating circumstances. In addition, the number of firearms involved, or the dangerous nature of firearms are not consistently considered as aggravating factors across all Member States.
- **Attempt:** the UN Firearms Protocol requires also the criminalisation of the attempt to commit illicit manufacturing, illicit trafficking or illegal modifications of markings. Nevertheless, the mapping study shows that a significant number of Member States do not sanction attempts for at least one of these firearms-related offences[89]. For instance, attempt of illicit manufacturing is penalised in 17 Member States, while the attempt of

[87] See Annex 8, section 4.1.1
[88] See Annex 8, section 4.1.1
[89] See Annex 8:Executive summary of the preparatory study assessing and comparing the criminalisation of offenses related to firearms.

illegal modification of markings is not penalised in 2 of the 13 Member States that criminalise this offence.

2.1.3. Insufficient qualitative and comprehensive statistical data

The 2020-2025 EU Action Plan on firearms trafficking[90] indicated that the intelligence picture remains patchy due to the absence of comprehensive and comparable data on firearms seizures across the continent. The problem is intensified by a lack of communication and coordination between different administrations, within countries and at transnational level, with some Member States even lacking a national database on seizures. One of the four priorities of the EU Action Plan is 'building a better intelligence picture'. This priority was included to address remaining legal loopholes and inconsistencies in firearms controls that hinder police[91].

One of the most relevant data in the field of firearms policy is the number of firearms seized. Firearms investigations mostly start when an illegal firearm is discovered and seized. An important element in any firearms investigation is tracing the seized firearms back to their last legal owner, to identify when the firearm was diverted into the illegal market. However, such investigations are often difficult as soon as the cross-border element appears, due to the lack of a harmonised dataset on seized firearms and because some Member States do not even have a database on seized firearms. This issue was highlighted in the consultations, with law enforcement, judicial actors and even in the public consultations, with strong support for the establishment of a harmonised minimum dataset of seized firearms and an EU repository of these seized firearms[92].

Another recurrent issue in cases involving seized firearms is the incorrect reporting. Firearms are often seized in the context of other crimes, such as drugs trafficking or migrant smuggling. Instead of being reported as a stand-alone offence, firearms are reported as an aggravating circumstance linked to these other crimes categories.

The lack of data is not limited to the number of firearms seized in the context of criminal offences. For all Member States, there is a sustained lack of reliable and disaggregated official statistical data on investigations, prosecutions, convictions, dismissed cases, number of legal persons involved, the level and type of penalties imposed[93].

For each of these different categories, the level of completeness varies, limiting their comparability. This lack of available statistical data is explained in Annex 5 of this impact assessment. This is not only visible in the data from UNODC but also in the dedicated data the Member States sent to the Commission as part of the consultation activities[94]. Multiple Member States could not differentiate the firearms cases based on the offence. Furthermore, the data

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[90] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on 2020-2025 EU action plan on firearms trafficking, *COM(2020)608 final, 24.07.2020.*

[91] See annex 2: stakeholder consultation.

[92] See annex 2: stakeholder consultation

[93] Duquet, N., & Vanden Auweele, D.,*Targeting gun violence & trafficking in Europe*, Flemish Peace Institute, 3 December 2021, accessible at https://vlaamsvredesinstituut.eu/wp-content/uploads/2021/12/TARGET-OnlineVersion.pdf

[94] Annex 2, section 2.2.1

that Member States could share with the Commission all contained different categories and grouping of firearms. As a result, the few data received cannot be compared to one another. For example, from the 11 Member States that did answer the targeted questionnaire, some Member States stated that their seizure data on firearms contained both criminal and administrative offences and that they could not make the distinction. Other Member States could only send the number of cases involving seizures of firearms rather than the number of all firearms seized. When asking about cross-border trafficking, only 3 Member States could give some fragmented data about firearms that were traced back outside their national borders. One Member State could not answer most questions because the data linked to firearms offences was counted as criminal offences for larger topics such as breach of regulations for the circulation of goods or linked to military material.

There is also a lack of data on the consequences of firearms-related violence. There is no accurate number of related deaths or injuries at European level. The best tool, that is available, the online knowledge platform Gunviolence.eu which tracks firearms-related incidents, comes with important limitations: the platform uses artificial intelligence to scan open-source medias, thus capturing only a fraction of the incidents. Not all incidents are subject to media coverage, especially when a lot of incidents are occurring at a given time. In addition, the platform does not differentiate between incidents involving legally owned firearms and illicit ones. Witnesses and journalists often misidentify the types of firearms and are seldom able to distinguish a non-lethal firearm (airsoft gun, alarm and signal weapon) from a live firing firearm. Reports of hearing shots are registered as shootings, even if it is later identified that it was a weapon firing blanks and not bullets. This can still contain indications of firearms related violence, but it is hard to draw conclusions on the consequences. Lastly, but not least, there is little to no academic research on the economic and social costs of firearms violence, in part due to the problem of lacking sufficient qualitative and comprehensive statistical data.

Without accurate and complete data providing a clear picture, it is difficult for policy makers and practitioners to appropriately grasp the size of the problem, to monitor the effectiveness of their policies, to identify obstacles in the law enforcement chain and to take targeted and informed decisions[95]. The lack of available statistics can also have an influence on the general public's lack of awareness of the scale and impact of firearms crimes, the lack of political prioritisation and the lack of necessary budget, human and financial resources for law enforcement authorities.

During the consultation with law enforcement agencies, experts from multiple Member States explained that the number of police officers per Member States sufficiently trained to be able to correctly identify firearms is low[96]. Furthermore, forensic departments are often lacking the resources to test firearms within a reasonable amount of time. Due to the requirements by prosecutors to test all or almost all firearms seized and the lack of resources in forensic centres,

[95] Schutter,A, *Criminal gun violence in the European Union*, Flemish Peace Institute, EU funded project INSIGHT, Brussels, 2023, p.2. and Varisco,A E, *Types of Firearms Used in Violence in the European Union,* SIPRI, EU funded project INSIGHT, Brussels, 2023, p.2.

[96] Annex 2: stakeholder consultations: consultations with law enforcement agencies.

investigations can be delayed for months. All these elements benefit offenders who can take advantage of these difficulties.

At EU level, Eurostat has a mandate[97] to harmonise definitions, classifications and methodologies to produce European official statistics, in cooperation with national statistical authorities. Eurostat could collect this data however, Member States cannot be obliged to provide the data. There is some collection of data from the broader category "trafficking of weapons and explosives" which is too unspecific for firearms policy purposes in addition to presenting similar completeness issues.[98] Enabling Eurostat to efficiently collect specific firearms-related data would require a legislative initiative. It is, however, not legally possible to include such an obligation, nor is it the purpose of the initiative described in this report, as this calls for a specific and separate instrument, which will take too long.

2.2. What are the problem drivers?

2.2.1. Current legal landscape is too complex and cumbersome for practitioners

This problem driver links to problems 1 (*Security threats posed by the high number of firearms present on EU territory*), 2 (*Challenges in cross-border cooperation*) and 3 (*Insufficient qualitative and comprehensive statistical data*).

Member States are currently required to criminalise 4 firearms-related offences ('the core offences'). Three of them are the mandatory offences set out in the UN Firearms Protocol, while the fourth offence results from the provisions of the Firearms Directive. Article 5 paragraph 1 of the UN Firearms Protocol requires the Parties to adopt legislative and other measures necessary to criminalise the **(1) illicit manufacturing** and **(2) illicit trafficking** of firearms, their parts and components and ammunition, as well as **(3) falsifying or illicitly obliterating, removing, or altering the marking**(s) on firearms.

The UN has adopted a legislative guide for the implementation of the UN Firearms Protocol. In that guide, the UN recommends that States Parties go beyond the mandatory offences by including complementary optional and voluntary offences in their national legislation.

The UN Protocol does not oblige Member States to criminalise the offence of **(4) illicit possession** of firearms, essential components and ammunition, although it is one of the suggested offences. However, under the Firearms Directive the acquisition and possession of firearms is only permitted in the specific circumstances described in Articles 6 to 11 thereof. Furthermore, Article 23 of the Firearms Directive requires Member States to lay down rules on penalties applicable to infringements of the rules pursuant to the Firearms Directive. The

[97] Regulation (EC) No 223/2009 of the European Parliament and of the Council on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities, *OJ L 87, 31.3.2009, p. 164–173, 11.03.2009.*

[98] Eurostat reported that only 16 Member States reported consistently on this category between 2020-2023. Source: meeting with Eurostat on 16 June 2025.

Firearms Directive thus requires the criminalisation of the illicit possession of firearms, essential components and ammunition, albeit not expressly.

Nevertheless, the illicit market of firearms engages in more offences than just the core firearms offences. Other sources of illegal firearms are facilitated through the illicit reactivation of deactivated weapons, illicit brokering, arms embargo violations, illicit carrying, and misconduct in the context of record-keeping and licensing. Not criminalising firearms-related offences in a comprehensive manner makes it difficult to reduce the availability of illicit firearms in the EU. If the aim is to reduce the availability of illicit firearms in the EU, then there is a need to go beyond the scope of the core firearms offences and address all supply channels. Moreover, it leads to discrepancies between the legal frameworks of the Member States, with some voluntarily criminalising certain offences, while others do not.

One of the reasons which could explain the inadequate coverage of the core firearms offences by Member States is the challenge arising from the combination of the definitions included in the UN Firearms Protocol and the Firearms Directive, with several pitfalls observed:

First, the UN Firearms Protocol defines the three mandatory offences (illicit trafficking, illicit manufacturing and illicit modification of marking), amongst other things, by referring to the marking requirements of the UN Firearms Protocol itself. Article 8 thereof requires the marking of each firearm. However, the EU marking requirements are stricter than the marking requirements of the UN Firearms Protocol. Specifically, the EU Directive requires the marking of *every essential component* of a firearm.

As a result, the Member States must combine both elements to adequately cover the criminalisation of these offences. For example, the '*manufacturing or assembly of firearms, their parts and components or ammunition (...) without marking the firearms at the time of manufacture'* is defined as illicit manufacturing by Article 3(d) of the UN Firearms Protocol. With the Firearms Directive requiring the marking of every essential component[99], this means that EU Member States must criminalise as illicit manufacturing not only the manufacturing or assembly of firearms which were without marking at the time of manufacture, but also that of the essential components of a firearm which were without marking at the time of manufacture. The mapping study has highlighted that manufacturing firearms from illicitly trafficked essential components is not considered a criminal offence in five Member States (Austria, France, Hungary, Malta and Sweden)[100].

An additional pitfall coming from the texts is that multiple definitions exist for the same offence. There are currently three different definitions for illicit trafficking of firearms at EU and international level. At EU level, illicit trafficking is currently defined both in the recast Firearms Regulation and the Firearms Directive, covering complementary aspects according to their different legal base.

- In the recast Firearms Regulation, illicit trafficking means the import, export, sale, delivery, movement or transfer of goods listed in Annex I of the Regulation to, from or

[99] Article 4 of the Firearms Directive.
[100] See Annex 8, section 4.1.2.

across the territory of one Member State to or from that of a third country, if specific conditions apply[101].

- In the Firearms Directive illicit trafficking means the acquisition, sale, delivery, movement or transfer of firearms, their essential components or ammunition from or through the territory of one Member State to that of another Member State, if any of the Member States concerned does not authorise it in accordance with the Directive, or if the firearms, essential components or ammunition are not marked in accordance with Article 4 of the Directive[102].

- In the UN Firearms Protocol illicit firearms trafficking means the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of the Protocol or if the firearms are not marked in accordance with article 8 of the Protocol[103].

As reflected in the results of the Commission's mapping study on firearms-related offences, several Member States have only proceeded with the transposition of the relevant definition of the Firearms Directive. As a result, illicit trafficking of firearms to and from a third country is not covered and thus not sanctioned.

The different instruments and the variety of definitions inevitably lead to discrepancies in how Member States define and sanction firearms-related offences.

In addition to hampering enforcement and cross-border operation cooperation, the inconsistencies and gaps in the legal framework provide criminals with opportunities to exploit for their criminal operations, ultimately feeding into the high number of firearms in circulation on the EU territory and the ensuing security threat. The case study[104] below shows how ill-intentioned persons may acquire extensive knowledge of these gaps and use these to their advantage. Other case studies can be found in Annex 7[105].

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[101] Article 1(35) of Regulation (EU) No 2025/41 of the European Parliament and of the Council of 19 December 2024 (recast)

[102] Article 1, paragraph 1, (12) of the Firearms Directive.

[103] Article 3(e) of the UN Firearms Protocol

[104] Official web of Europol, *'firearms trafficker supplying contract killer'*, 26.11. 2024, accessible at https://www.europol.europa.eu/media-press/newsroom/news/firearms-trafficker-supplying-contract-killers-arrested-in-cross-border-operation and official web of UNODC, *Digest of Firearms trafficking and related cases 2023*, p. 29, accessible at https://www.unodc.org/documents/firearms-protocol/Publications/Digest_of_Firearms_Trafficking_Cases.pdf

[105] See for example case-study no. 5 (Operation Alpes).

Case study: firearms trafficker supplying contract killer

In November 2024, law enforcement of Poland, together with Austria, Czechia, Germany and Sweden, coordinated by Europol, arrested a firearms trafficker supplying firearms to criminals across Europe. The suspect, a Polish national, had previously worked as a licensed firearms dealer. This gave him expertise regarding firearms laws in Europe, including a loophole regarding weapons parts kits in Austria, which he exploited for his illegal activities. After legally buying weapons parts kits in Austria, investigators believe the suspect sent some parts to Poland and trafficked the rest into Poland himself. Once in Poland, he manufactured the weapons illegally. Further investigation proved that the suspect had sold dozens of illegal weapons, including automatic guns and pistols, to criminal networks operating in Germany and Poland. Thanks to international cooperation and exchanging intelligence, Swedish investigators discovered that a violent gang was using weapons sold by the suspect to carry out contract killings. Moreover, authorities established that firearms previously seized in Belgium, Germany, Lithuania and Sweden could be attributed to the suspect.

The complexity of the legal landscape also feeds into the problem of insufficient qualitative and comprehensive statistical data. In absence of any harmonised definition or common approach on how such incidents are registered across Member States, and even globally, it is virtually impossible to gather data that can be compared in a reliable and valid manner[106]. Investigators and prosecutors take a pragmatic approach when it comes to choosing which offences to investigate in-depth and prosecute a person for. If there are one or several other criminal offences that are easier to prosecute, notably because it is easier to secure the required evidence, the national authorities may choose to put their efforts into investigating and prosecuting those offences rather than the firearms ones. As a result, the available data will be limited and will not match the reality on the ground and the concerns expressed by Member States about the scale of the phenomenon[107].

Case study: dismantling network selling semi-automatic firearms in Brussels[108]

The Belgian Federal judicial police dismantled a network that imported and sold semi-automatic firearms in Brussels. The main distribution point of the network was in Brussels, however the network supplied customers in Belgium and abroad. The investigators discovered close links with other criminal groups abroad, which enabled the transportation of weapons across borders. The weapons seized linked to the investigation proved to be illegally manufactured. Even though this was the case, the suspects were charged with membership of a criminal organisation, possession of weapons and ammunition, and sale of firearms (which according to BE law deals with domestic sales only).

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[106] Poole H., 'Understanding the global firearms phenomenon' in Poole H. & Sneddons S. (eds), *Firearms: Global perspectives on consequences, crimes and control*, Routledge, 2022; Hellenbach *et al*., "Challenges to the effective policing of gun crime in Europe", *European Journal of Criminology*, 15(2), 2018, pp 172-196.
[107] Annex 2: stakeholder consultations: consultations with law enforcement agencies.
[108] Belga News Agency, "Police dismantle network selling semi-automatic firearms in Brussels". 1 October 2025, accessible at https://www.belganewsagency.eu/police-dismantle-network-selling-semi-automatic-firearms-in-brussels

2.2.2. *New technologies are creating unforeseen risks*

This problem driver links to problems 1 (*Security threats posed by the high number of firearms present on EU territory*) and 2 (*Challenges in cross-border cooperation*).

Recent technological progress has enabled the modus operandi of firearms traffickers to evolve, leading to new challenges for law enforcement and judicial authorities. In the last years, an increasing interest in illicit privately manufactured firearms, such as 3D-printed firearms (also called additive manufacturing), has been observed. The difficulty with privately manufactured firearms is that they do not have serial markings which makes them almost impossible to trace. This complicates law enforcement investigations. In addition to printing firearms, there is also the ability to print parts and accessories such as suppressors, extended magazines and 'glock switches' (also known as an auto sear), which is a small part that converts a pistol into an automatic weapon.

Already in 2018, Europol warned that technological progress would make 3D printing widely available in the future, and that this would also offer opportunities for the illicit production of and trade in firearms[109]. In its recent TE-SAT report, Europol highlighted the noticeable upward trend in the seizure of 3D-printed firearms[110]. Europol explains that 3D-printed firearms are seen as symbols of defiance against state control, mainly within extremist circles. The project HamsTeR, a German research project[111], identified 23 seizures of 3D printed firearms in Germany between 2020 and 2024. 4 out of the 11 Member States[112] who answered the quantitative survey from the Commission indicated that in total 227 3D printed firearms or essential components were identified between the years 2020 and 2022. 153 of these were identified by Finland.

Case study: research project HamsTer testing the durability of 3D printed firearms

The project analysed the durability of the FGC-9, a hybrid 3D printed semi-automatic firearm invented around 2020 and currently considered as the most popular model. The rifled barrel and receiver are made of metal while the frame and most other parts are printed. All components and required tools are easily available at hardware stores. After some additional improvements it was possible to produce a fully automatic version of the FGC-9 which had a cadence of 830 rounds/minute and a projectile velocity of around 340 m/s with reliable precision and no loss of functionality of the weapon. The mode of operation corresponds to that of commercially produced submachine guns.

The threat of illegal manufacturing of firearms or essential components with 3D printers derives from the relative affordability of the technology and the availability of the blueprints on the Internet. In November 2024, the Commission, Europol and EMPACT Firearms visited

[109] Duquet, N, *Illicit gun markets and firearms acquisition of terrorist networks in Europe*, EU funded project SAFTE, Brussels, 17.04.2018.
[110] Europol, *European Union Terrorism Situation and Trend report (EU TE SAT)*, The Hague, 2024, p.37-38.
[111] See Annex 2, stakeholders consultations, section 16.1.2.
[112] Spain, Finland, Sweden and Cyprus

Formnext, one of the biggest conferences on additive manufacturing in the world[113]. This visit confirmed that the technology is becoming increasingly more sophisticated with techniques such as direct metal laser melting and highly durable polymer filaments. Discussions with participants of Formnext showed that the industry is aware that the technology can be misused for the creation of illicit firearms. In general, the focus of the industry is on the use of additive manufacturing for industrial purposes or for personal enjoyment (printing of toys or items that can be useful for hobbies or the household). Multiple industrial participants stated that the stronger filaments that are being developed are not developed with the intent to be used for the creation of firearms. The usage of these filaments for the private manufacturing of firearms was considered a negative side-effect, that could give the industry a bad reputation. There were however some participants that did see economic value in the firearms industry; e.g. to print colourful frames for firearms. Nevertheless, these participants stated that clear rules were needed for them to know what is legally allowed.

Furthermore, 3D printers are also becoming less expensive. HamsTer shows that the manufacturing of a reliable 3D printed firearm can be done with no prior knowledge by just following the instructions provided by the respective manuals or community. The initial costs are moderate, and the learning curve is steep. 3D printed firearms are therefore likely to become more performant and more affordable in the future.

Even if the available data seems to indicate that 3D printed firearms are not yet being considered as a viable and reliable alternative by criminals for traditional firearms, their increasing quality and relatively easy accessibility are already leading to growing availability, thus worsening the security threat posed by the high number of firearms on the EU territory.

The advent of 3D-printable firearms and the possibility of using them for criminal purposes has spurred a debate on gun control legislation around the world, including in the European Union. Private 3D-printing of firearms is already covered by the existing legal framework, as the Firearms Directive applies equally to all firearms, including 3D-printed: they can only be manufactured by licensed dealers, and are subject to restrictions, such as authorisation before private acquisition. However, during the consultations with Member States and EMPACT Firearms, participants explained the difficulties for the implementation. In most Member States, the prosecution for illicit manufacturing of privately made firearms, such as those 3D printed firearms or essential components, actually depends on the ability of police officers and forensic centres to prove that these firearms or essential components are functional. There are exceptions to this rule, such as in the Netherlands, where a court recently decided that not all 3D printed firearms and components had to be tested (see case study underneath). Additionally, when an illicit workshop is discovered, semi-finished essential components and semi-finished firearms risk not being considered as sufficient proof for the illicit manufacturing of firearms. The law enforcement agencies of the Member States where the illicit workshop is discovered, would first need to finish these essential firearm components and test them. Consequently, these requirements increase the already heavy burden of forensic centres. As some courts require proof of the finalisation and functioning of privately made firearms, it could lead to

[113] Formnext is considered the central information platform for industrial 3d printing experts and production professionals from a wide range of application industries, with an annual trade show in Frankfurt. https://formnext.mesago.com/frankfurt/en.html

perpetrators not being prosecuted for illicit manufacturing, even though the intent is clearly demonstrated.

Case study: example from the Netherlands

The requirement to test firearms and their essential components on their functioning is not definite in all Member States. In the Netherlands, the court convicted a suspect in the case: 71-033073-22 without the need to test all 3D printed firearms and components. The fact that the person had 9 3D printers and 2 blueprints and that there was proof of him selling FGC-9 firearms online was considered enough. Additionally, in the Netherlands the supreme court ruled in case 21/04545 that the mere fact that an object is found in a disassembled state or that the object is not ready for immediate use due to the absence of a part or parts does not negate the possibility that the object is intended for or suitable as a firearm.

To produce a 3D-printed firearm, one needs a 3D-printer, durable filaments and a blueprint with instructions on how to print and assemble the firearm. The preparatory study conducted by the Commission in 2023 - 2024 discovered that no Member States had already taken specific measures to possibly restrict any of the three elements needed to produce a 3D printed firearm or essential component. This was also confirmed in the consultations with the private sector and the Member States.

Case study: French customs

French customs came across a person that had bought blueprints and a 3D-printer. As there is no legislation on blueprints or 3D printers, authorities could not proceed with a house search. Only when the person started selling firearms online, were they granted a warrant for a house search. During the house search, they found 10 fully printed FGC-9 guns.

Some other countries[114] in the world have already criminalised the illicit possession of blueprints for 3D printing of firearms and some respondents of the public consultation and the magistrates (interviewed during the targeted consultation) suggested to focus on regulating 3D printers themselves. As no Member State has taken similar actions, it hinders the effective and preventive mitigation of the threat of 3D printing of firearms or essential components in the EU as a whole.

These new technologies are creating challenges in cross-border cooperation as the current legal frameworks of Member States are not always adapted to deal with these threats. The lack of dual incrimination, the different approaches and requirements between Member States, such as the level of evidence needed to secure a conviction, significantly hamper effective investigation and prosecution of cross-border cases.

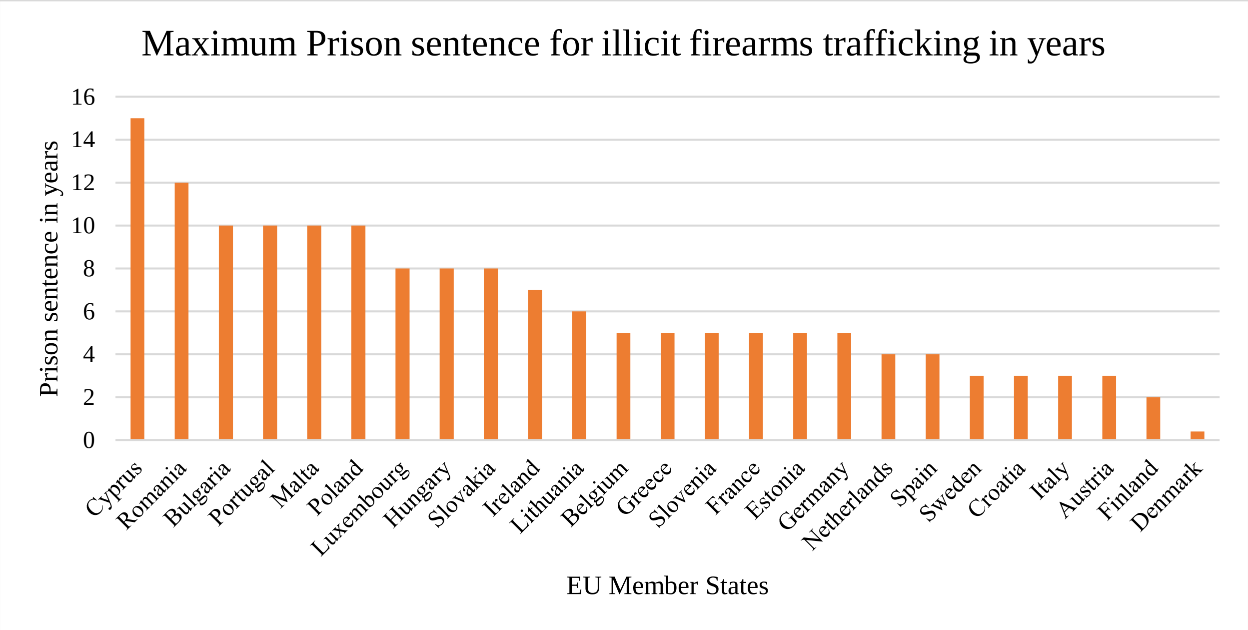
[114] Singapore, Canada and North Macedonia. Serbia and the United Kingdom are currently in the progress of changing their criminal law with the same aim.

2.2.3. *Penalty levels are not sufficiently effective and dissuasive in all Member States.*

This problem driver links to problems 1 (*Security threats posed by the high number of firearms present on EU territory*), 2 (*Challenges in cross-border cooperation*) and 3 (*Insufficient qualitative and comprehensive statistical data*).

Article 23 of the Firearms Directive requires Member States to lay down rules on penalties applicable to infringements of the national provisions adopted pursuant to the Directive and to take all measures necessary to ensure that they are implemented. Due to the Firearms Directive being an internal market instrument based on Article 114(1) TFEU, rather than a criminal instrument, it only requires penalties to be 'effective, proportionate and dissuasive', thus giving considerable discretion to Member States whether to apply administrative or criminal penalties.

As a result, large divergences between Member States in how firearms offences are sanctioned can be seen. Evaluations of existing criminal law legislations, such as the 2008 Directive on environmental crime, showed that low sanctions did not deter criminals enough and therefore, sanctions had to be increased[115]. So far, there has not yet been another evaluation focusing on the consequences following the amendment to the Environmental Crime Directive which has increased the penalties. Nevertheless, it is generally accepted that sanctions which are not dissuasive enough, are likely to result in heightened criminal activities in Member States.



[115] COMMISSION STAFF WORKING DOCUMENT EVALUATION of the DIRECTIVE 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (ENVIRONMENTAL CRIME DIRECTIVE), p.80

Figure 4: Maximum prison sentence for illicit firearms trafficking in years[116]

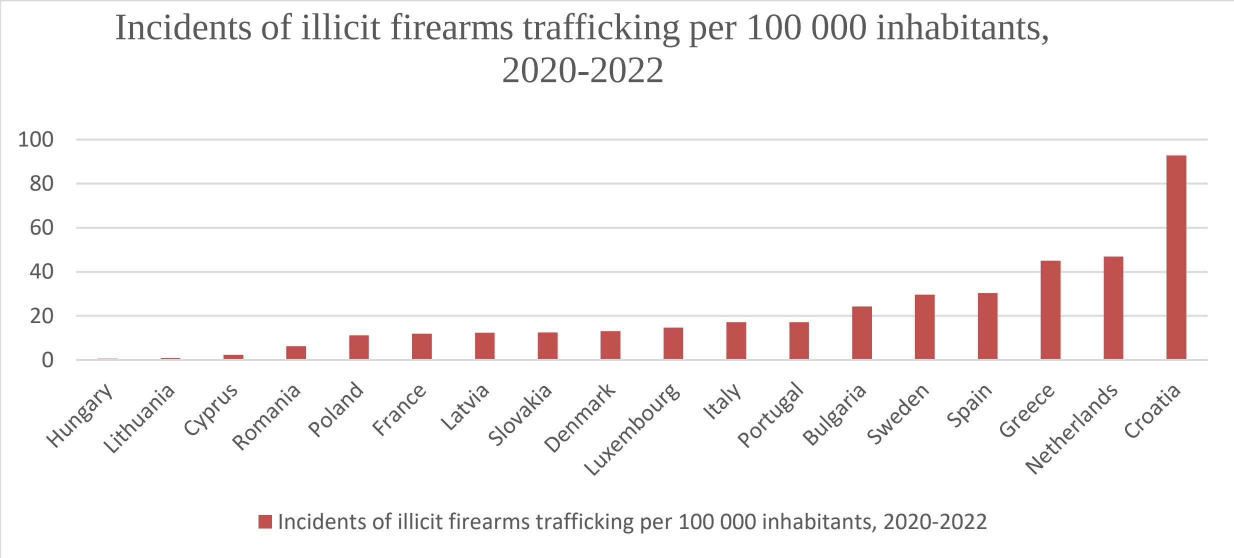


Figure 5: Incidents of illicit firearms trafficking per 100.000 inhabitants, 2020-2022[117].

The numbers in the above figures suggests a negative correlation between incidents of illicit firearms trafficking and the severity of the penalties for illicit firearms trafficking: Cyprus and Romania have the lowest numbers of incidents and are the Member States with the harshest penalties. Conversely, Croatia and Netherlands have the highest numbers of incidents and are among the Member States with the softer penalties. This seems to suggest that the penalties in these countries are not sufficiently dissuasive to deter criminals. However, when looking at such numbers, it is important to keep in mind that other factors can be at play, such as the geographic proximity with the Western Balkans, from where, historically, many weapons were illicitly trafficked. Similarly, some Member States may have cultural sensitivities and strong social programs contributing to a low crime rate and a low demand for firearms. More than the severity of the penalties, this might explain this low demand that leads to few incidents of illicit firearms trafficking.

Figures 2 and 3 in section **Error! Reference source not found.**, and figures 1 and 3 in Annex 8, section 4.1.1 show that for a number of Member States, the penalty levels provided for the core firearms offences are significantly low.

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[116] Csonta A, Dupont C, Adamis-Császár K, Marziali M, Zanting R(eds.), 2*8 studies assessing and comparing the criminalisation in the Member States and the UK in relation to Northern Ireland of offences related to firearms*, Brussels, February 2024, accompanying this impact assessment. The data source is only examines basic offenses, excluding aggravating circumstances..

[117] EU Member States missing: Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Ireland, Malta, Slovenia.

Data Source: UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized.Accessed on 05./02.2025. EUROSTAT Crime Statistics 2024.

- **Illegal possession** (figure 3 in Annex 8) is sanctioned on average with a maximum sentence of 5 years and 3 months of imprisonment. The highest maximum sentence is 10 years (Cyprus), and the lowest is 4 months (Denmark).
- **Illicit trafficking** (figure 2 in Annex 8) is sanctioned on average with a maximum sentence of 6 years of imprisonment. The highest maximum sentence is 15 years (Germany), and the lowest is 4 months (Denmark).
- **Illicit manufacturing** (figure 1 in Annex 8) is sanctioned on average with a maximum sentence of 5 years and 4 months of imprisonment. The highest maximum sentence is 15 years (Cyprus), and the lowest is 4 months (Denmark).
- Of the thirteen Member States that criminalise the **illegal modification of markings**, as described under Article 5(1)(c) of the UN Firearms Protocol, the average maximum sentence is 4 years and 2 and half months of imprisonment. The highest maximum sentence is Cyprus with 10 years and the lowest is 4 months (Denmark).

A comparison against the penalties set by other EU Directives on serious crimes suggests that some of the penalties set by Member States for firearms offences are particularly low and unlikely to significantly deter criminals. The Anti-Money Laundering Directive[118] requires Member States to set penalties with a maximum term of imprisonment of *at least* 4 years. This means that the lowest maximum penalty across the Member States should always be 4 years and that the average maximum prison sentence for all Member States will certainly be somewhere above 4 years. This is to be compared with the lowest maximum sentence of 4 months that one Member State set for the core firearms offences and the averages provided above. Similarly, the Counterfeiting Directive requires Member States to set penalties with a maximum term of imprisonment of *at least* 5 to 8 years, depending on the crime[119]. In the area of drug trafficking, the maximum term of imprisonment must be *at least* 5 to 10 years, depending on the crime[120].

In addition to these low maximum sentences, one must take into account that the penalty levels imposed in practice are even lower. The consultation meetings with magistrates, law enforcement agencies and experts on criminal policy have indicated that judges rarely make full use of the available penalty range. Imprisonment penalties are rare and often suspended. It is likely that financial penalties are more often handed out than imprisonment penalties. Unfortunately, statistical data on the level of fines imposed following conviction of a firearm offence is scarce, preventing any in-depth analysis.

The low levels of these penalties are likely to be contributing to the security threat posed by the high number of illicit firearms in circulation and available to criminals. Low penalties do

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[118] Directive (EU) 2018/1673 of the European Parliament and of the Council on combating money laundering by criminal law, *OJ L 284, 12.11.2018, 23.10.2018, pp. 22–30*

[119] Directive 2014/62/EU of the European Parliament and of the Council on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA, *OJ L 151, 21.5.2014, 15.05.2014, pp. 1–8*

[120] Council Framework Decision 2004/757/JHA laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, *OJ L 335, 25.10.2004, pp. 8–11.*

not sufficiently deter criminals[121], and this might lead to criminals taking advantage of the regulatory discrepancies, by selecting Member States where they are less likely to face harsh penalties. The weak levels of penalties in one Member State can result in a negative knock-on effect in other Member States due to the free movement of goods and persons in the Internal Market.

The absence of effective, proportionate and dissuasive penalties has direct implications to cross-border cooperation. Access to special investigative techniques, such as surveillance of telecommunications and undercover investigations, is often conditional on the seriousness of the crime defined by a certain minimum or maximum level of penalties that is available for the suspected crime. Member States that regard firearms offences as minor could only have the standard investigative tools at their disposal. The consultation meeting with magistrates confirmed that this can prevent cross-border cooperation, for example if surveillance measures, which are often linked to the penalty threshold, ordered in one Member State cannot be continued or complemented in another Member State involved. In addition, where certain types or areas of criminal activity are not covered by the legal framework of all the Member States, cross-border judicial cooperation becomes difficult for lack of dual incrimination.

Furthermore, national authorities tend to prioritise the investigation and prosecution of offences which have harsher penalties over those with lower penalties. Consultation with national authorities have confirmed that the disparities between the penalties is likely to lead in priorities and resources allocation being mismatched between Member States, further hampering cross-border judicial cooperation[122].

Further to that, and in a similar fashion to the complexity of the legal landscape (see section 2.2.1 above), the low penalties levels also contribute to the problem of insufficient qualitative and comprehensive statistical data the problem of data. As part of the pragmatic approach taken by investigators and prosecutors in choosing which offences to investigate in-depth and prosecute a person for, these actors might opt for offences which result in more deterring penalties if the penalties for firearms offences are low[123]. This would result in a lower number of firearms offences being investigated and prosecuted, thus not reflecting accurately the reality on the ground.

2.2.4. *Insufficient cooperation and coordination between Member States competent authorities*

This problem driver links to problems 1 (*Security threats posed by the high number of firearms present on EU territory*), 2 (*Challenges in cross-border cooperation*) and 3 (*Insufficient qualitative and comprehensive statistical data*).

As an internal market legislative act, the focus of the Firearms Directive is on regulating the legal market of firearms. It therefore does not contain rules on jurisdiction, investigative tools

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[121] COMMISSION STAFF WORKING DOCUMENT EVALUATION of the DIRECTIVE 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (ENVIRONMENTAL CRIME DIRECTIVE), p.80

[122] Annex 2: stakeholder consultations, section 17.3.3: consultation meeting with magistrates

[123] Annex 2: stakeholder consultations, section 17.3.2: consultations with law enforcement agencies.

or the establishment of national contact points. It does not oblige Member States to work together during investigations, for example through Europol or Eurojust.

The fight against firearms trafficking was identified as a European priority for the Member States, with a specific EMPACT operational action plan since 2014. This prioritisation has been renewed for the years 2026-2029[124].

Member States are thus invited to cooperate through the dedicated EMPACT group. However, the activity and participation levels of Member States vary greatly. Judicial and cross-border operational cooperation are thus adversely affected, leading to low numbers of firearm crimes being reported and cross-border cases initiated.

	2020	**2021**	**2022**	**2023**	**2024**	**2025 (22 Jan)**	**Total**
Bilateral cases	19	29	39	42	44	3	175
Multilateral cases	10	5	8	12	10		45
Total	**29**	**34**	**47**	**54**	**54**	**3**	**221**

Figure 6: Bilateral and multilateral cases involving illicit trafficking in arms, ammunition and explosives. Source: Eurojust, 2025.

According to data from Eurojust, there was an increase in bilateral cases involving illicit firearms trafficking between 2020-2025, while the multilateral cases remained stable throughout that period. However, in 2024, Eurojust had only 54 firearms cases (bilateral and multilateral combined), while the total number of working cases within the whole of Eurojust (ongoing from previous years and new registered) for the year 2024 was 12,972. This means that firearms cases only represent 0,4% of all open cases dealt by Eurojust. This is an extremely low number, especially as firearms is an EU priority crime within EMPACT and there is a known nexus between firearms and organised crime, and firearms and terrorism.

Also relevant is the amount of Joint Investigation Teams (JIT) regarding illicit firearms trafficking. Their number has increased slightly over the years, from 1 new JIT in 2020 to 3 new JITs in 2024. The total number of JITs supported by Eurojust in 2024 was 361 (ongoing from previous years and newly opened). For firearms there were 3 new JITs initiated in 2024 and 4 JITs which were still ongoing. This means that JITs related to firearms only represent 1,9% of all ongoing JITs. As a comparison, there were 95 drug trafficking related JITs (26,31% of all ongoing JITs), 41 JITs on trafficking of human beings (11,35% of total), 93 JITs on swindling and fraud (25,76% of total) and 87 money laundering related JITs (24,09% of

[124] European Commission DG HOME's website, "EMPACT fighting crime together", 1 July 2025, accessible at https://home-affairs.ec.europa.eu/policies/internal-security/law-enforcement-cooperation/empact-fighting-crime-together_en

total).[125] Due to illicit firearms trafficking being a EU priority crime and given the inherent cross-border nature of such crime, one would normally expect a higher number of JITs on such topic. The low number is indicative of the poor judicial cooperation.

In addition to the lack of judicial cooperation through Eurojust, Europol also reported a low number of exchanges via the messages on the Secure Information Exchange Network Application (SIENA). SIENA is a platform managed by Europol connecting national law enforcement authorities and other relevant bodies (e.g.: Eurojust, Frontex, OLAF and Interpol) through which operational and strategic crime-related information is exchanged. For the years 2021-2022, the number of exchanges linked to the Analysis Project on Weapons and Explosives only represents 1,6% of total messages exchanged via SIENA.

The data from both Eurojust and Europol suggest a lack of international cooperation on firearms offences. Yet this cooperation is essential in the fight against firearms trafficking due to the cross-border element involved. A direct consequence of this lack of cooperation is the insufficient sharing of data between Member States, as well as EU agencies, leading to an incomplete picture of the scale of firearms-related offences and their consequences. This lack of cooperation and coordination also results in Member States having different appreciations of the problem and thus approaching it mostly from a national perspective. These different national perspectives result in the lack of a common approach in tackling firearms offences at European level. This is especially notable between Member States with different legal frameworks that include different definitions of such offences, and different penalties. These differences lead Member States authorities to encounter legal and operational obstacles when investigating transnational, cross-border firearms crimes, such as dual incrimination issues. These challenges diminish the effectiveness of law enforcement to address the high number of firearms in circulation in the EU and curtailing the security threat posed by those firearms.

Another cross-border cooperation and coordination instrument are National Firearms Focal Points (NFFP). The role of NFFPs is to gather, analyse and improve the information flow regarding the criminal use and the illicit trafficking of firearms into and within the Member State and across into the EU at a strategic and operational level. It relies on a coordinated collection and sharing of information to enhance the intelligence picture and better inform law enforcement agencies. Their specific tasks are set out by the Council conclusions of 13 July 2021[126] on the implementation of NFFPs in the EU Member States.

However, the establishment on fully staffed and trained NFFPs is optional for Member States. Despite the importance of NFFPs having been recognized and advocated by the Council[127] and it being identified as a specific action (3.1) under priority III "Increasing pressure on criminal

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[125] Eurojust's website, Overview of Eurojust casework by crime type 2024, https://www.eurojust.europa.eu/crime-types-and-cases/casework

[126] Council Conclusions 10726/21 on the implementation of the National Firearms Focal Points (NFFPs) in the EU Member States, 13 July 2021: https://data.consilium.europa.eu/doc/document/ST-10726-2021-INIT/en/pdf

[127] Council Conclusions 10726/21 on the implementation of the National Firearms Focal Points (NFFPs) in the EU Member States, 13 July 2021: https://data.consilium.europa.eu/doc/document/ST-10726-2021-INIT/en/pdf

markets" of the 2020 – 2025 EU Action Plan on firearms trafficking, few Member States have fully established NFFPs.

According to the results of the annual Commission´s questionnaire[128], out of the 24 Member States have proceeded with the establishment of a National Firearms Focal Point, only 8 of them fulfil more than 75% of the tasks reflected in the Council Conclusions. 9 Member States are currently performing between 25% and 75% of the tasks. The remaining 7 Member States fulfil less than 25% of the tasks.

2.3. How likely is the problem to persist?

Problem 1 – Security threats posed by the high number of firearms present on EU territory. All signs point toward this problem persisting despite the work done by the Commission on the implementation of the 2020-2025 EU Action Plan on firearms trafficking.

The advancement of EU policies against criminal groups could limit the capacity of criminal groups involved in firearms trafficking to operate. The EU Strategy to tackle Organised Crime,[129] foresees a stronger response to criminal finances through the adoption of the new Directive on asset recovery and confiscation.[130] This measure could impact firearms trafficking as the UN Firearms Protocol is specifically mentioned in Article 2(1) point k of this Directive.

However, judicial and law enforcement authorities would still lack effective means to tackle cross-border criminal markets in illegal firearms. The cross-border cooperation and coordination difficulties are likely to remain, resulting in criminal investigations initiated in one Member State to be discontinued or limited. As a result, the rate of prosecutions or convictions would probably remain low. This will lead to criminals continuing to use the discrepancies, to hide behind borders and to enhance their activities.

Moreover, the problem is likely to worsen in view of Russia's war of aggression against Ukraine and the emergence of new technologies. Once the hostilities in Ukraine have ended, there is expected to be an increase in firearms trafficking. Firearms and other weapons that are then in irregulated possession will be made available in large quantities, providing criminals with opportunities to make easy money. While the Commission is cooperating with Ukraine to reign in this phenomenon, the scale is such that full mitigation will be unlikely.

Furthermore, all information gathered from Europol and the Member States point to a continuous increase of the threat of new technologies, specifically for privately manufactured firearms. According to the recent SOCTA assessment from Europol in 2025[131], technological

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[128] Annual scoreboard published on European Commission DG HOME's website: https://home-affairs.ec.europa.eu/document/download/1bd09cc9-a62a-4051-b118-0391bcbd64cb_en?filename=National-firearms-focal-points-scoreboard_en.pdf

[129] Communication of from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy to tackle Organised Crime 2021-2025, COM(2021)170 final, 14.04.2021

[130] Directive (EU) 2024/1260 of the European Parliament and of the Council on asset recovery and confiscation. *OJ L, 2024/1260, 2.5.2024*

[131] Europol, *European Union Serious and Organised Crime Threat Assessment (SOCTA)*, The Hague, 2025, p. 62.

as well as geopolitical developments also impact and facilitate the illicit production and trafficking of weapons in and to the EU. These factors suggest an evolving landscape of firearms trafficking, posing increased security risks across the EU that artificial intelligence will enhance access to and the precision of weapon designs for 3D printed weapons, facilitate the production of homemade metal firearm parts and explosives, and make knowledge of weapon conversion and modification more readily available.

While other countries, such as Canada, North Macedonia, and Singapore have already criminalised the illicit possession, creation and dissemination of blueprints to produce 3D printed firearms and essential components, with Serbia and the UK also being in the process of amending their criminal codes, no EU Member State has taken such step. The consultation meetings with Member States have indicated that no Member State is inclined to do so without EU coordination.

Problem 2 – Challenges in cross-border cooperation. Even though the EU has ratified the UN Firearms Protocol since 2014, multiple Member States have still not correctly transposed the definition of the mandatory criminal offences. There are no indications that these gaps will be amended by the Member States any time soon. In 2017, the UNODC published a legislative guide to implement the Protocol but no notable improvement was subsequently noticed.

While some implementation issues are likely to be corrected through the Commission's enforcement of the Firearms Directive in the Member States, including through infringement proceedings as appropriate, correct transposition of the Firearms Directive would likely be insufficient to solve most of the problems identified. Even though the Firearms Directive contain definitions of illicit manufacturing and illicit trafficking, the scope of the Directive is limited. This is particularly relevant in the case of the definition of illicit trafficking as the scope of the Firearms Directive is focused on trafficking between Member States and does not include trafficking from or towards third countries. These infringement proceedings would also not solve the lack of a harmonised definition of illicit possession, as the Firearms Directive only sets out the rules for the legal possession of firearms.

Similarly, there are no indications from the Member States that the levels of penalties would be adjusted without intervention from the Union. Infringements linked to the incorrect transposition of the Firearms Directive would not contribute to solving this problem because the requirement that penalties should be 'effective, proportionate and dissuasive' lacks the necessary specificity. Additionally, without any intervention at Union level, Member States are unlikely to make use of the full set of accompanying penalties. As can be read in Annex 8, which summarises the preparatory study, several Member States have few accompanying penalties. The experts of the Commission Expert Group on EU Criminal Policy specifically pointed to these accompanying penalties as having large potential deterrence effects.

Overall, enforcement action from the Commission is unlikely to solve the wide divergences in how Member States define and sanction firearms-related offences, meaning that the landscape at EU level would remain fragmented.

Problem 3 – Insufficient qualitative and comprehensive statistical data. Member States experts have indicated that if the Commission does not require the collection of harmonised data through legislative action, there will be little change on the ground[132]. While Member States might be encouraged to work towards the creation of an EU repository, including through the voluntary contribution of data, the absence of any legal obligation will result in patchy reporting and will negatively affects the comparability of such data – as it is currently the case with the UNODC database on firearms seizures. Moreover, the lack of data is a structural problem linked to how firearms offences are defined and implemented. Without EU action addressing these structural issues, the lack of clear data and statistical evidence on the number of seized firearms for criminal acts, investigations and convictions will continue to remain. This will continue to cause problems to evaluate and monitor Member States and Union policy regarding firearms. The lack of awareness for the scale of the problem at political level is likely to subside, negatively affecting the available resources for law enforcement, forensic departments and the judicial actors.

3. WHY SHOULD THE EU ACT?

3.1. Legal basis

The legal bases for the proposed Directive are Article 83(1) and (2) TFEU. Article 83(1) TFEU provides for the legal basis to establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension. The provision lists illicit arms trafficking as one of these particularly serious crimes. Article 83(2) TFEU sets out the EU's competence to establish minimum rules if the approximation of criminal laws and regulations of the Member States proves essential to ensure the effective implementation of a Union policy in an area which has been subject to harmonisation measures. The area of firearms policy, notably the conditions to acquire, possess, trade within the EU, import and export firearms, essential components and ammunition has already been subject to harmonisation by virtue of the Firearms Directive and the recast Firearms Regulation.

3.2. Subsidiarity: Necessity of EU action

Despite the difficulty to accurately define the scale of the threat posed by illicit firearms, due to the lack of qualitative and comprehensive data, the few available indicators point towards this threat being of considerable magnitude (for example the amount of shootings in the EU), echoing the concerns repeatedly expressed by Member States. Additionally, the lessons learned following the Western Balkan conflict suggest that the war in Ukraine will lead to an increase in the flow of illicit firearms into the EU. Furthermore, the Commission's mapping study highlighted the discrepancies in how Member States define and sanction firearms-related offences.

While some Member States might be more affected than others by firearms-related violence, the threat posed by illicit firearms is not a localised problem that is likely to be adequately and efficiently addressed at Member States' level only. Very often these firearms have been trafficked from abroad and have transited through other Member States and isolated Member States action is likely to target only a fraction of the criminal networks, while criminals

[132] Commission Expert Group on firearms trafficking and the Implementation of Directive (EU) 2021/555 (the Firearms Directive) (E02211).

upstream in the trafficking channels are out of reach. As stated in Europol´s SOCTA, “Criminal networks and their activities are unhindered by borders, be it within the EU or between the EU and the rest of the world”[133]. Transnational criminal groups capitalize on discrepancies between Member States’ legal systems and weak border controls to commit firearms-related crimes, especially the illegal trafficking of firearms across countries. The detection and tracking of such activities is made difficult by the sophisticated networks and resources they employ. The weaknesses in one Member State has a negative knock-on effect in other Member States due to the free movement of goods and persons in the Internal Market.

A harmonised framework for firearms-related offences, enabling close cross-border cooperation between law enforcement and judicial authorities is therefore essential. The Member States already foresaw the necessity for the EU to act by listing illicit arms trafficking as one of the serious crimes with a cross-border dimension mentioned in Article 83(1) TFEU.

Union action is urgently needed to mitigate the risk posed by geopolitical instability, in particular conflicts in neighbouring regions such as Russia´s war of aggression against Ukraine, which will become a significant source of illicit firearms once hostilities cease. Similarly, the technological advances, such as 3D printing, and the new challenges they pose for regulation and enforcement, further calls for coordination at EU level. Security starts with effective anticipation. While the issue is yet to materialize, the potential of the threat and the few early cases that have been observed are convincing enough that urgent action is required to stay ahead of the curve, in line with the motto laid out in the ProtectEU strategy[134]: ‘security starts with effective anticipation’.

3.3. Subsidiarity: Added value of EU action

Union action clarifying the requirements to criminalise firearms-related offences and providing a certain minimum level of harmonisation for the penalty levels, is more effective than what Member States acting alone can achieve. It would lead to a more harmonised framework with a minimum degree of harmonised criminal law protection across the EU and facilitate cross-border cooperation on investigations and prosecutions. Member States will be able to tackle more effectively firearms-related crimes, make European societies safer, which should lead to a reduction in firearms-related violence and lower its societal cost.

Union action harmonising and requiring the collection of data for seized firearms would also improve the awareness of policy makers and practitioners, helping them to adequately prioritise and allocate human and financial resources, as well as monitoring the effectiveness of their policies. An effective EU wide policy on firearms crime may also benefit other EU policy objectives. Firearms crimes are often linked to other forms of crime such as money laundering, terrorism, drugs trafficking, violent crimes, counterfeiting or other forms of organised crime against which the EU has adopted a range of legislation in recent years. A more effective

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[133] Europol, *European Union Serious and Organised Crime Threat Assessment (SOCTA)*, The Hague, 2025, p. 81.

[134] Communication of from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on ProtectEU: a European Internal Security Strategy, COM(2025) 148 final, 1.04.2025

legislation would contribute to effective criminal law enforcement strategies, at EU- and national level that address all relevant aspects of criminal interaction, thus increasing the level of security in Europe.

4. OBJECTIVES: WHAT IS TO BE ACHIEVED?

4.1. General objectives

The overall objective of the EU firearms policy is to contribute to t**he protection of the people in the Union against the threat posed by illicit firearms**. The focus should be on enhancing the level of security for our citizens and decreasing firearms-related crime**s.** The reduction in shootings throughout the EU would be an important indicator to measure the increased protection of our citizens. The reduction of shootings is considered an indicator for the reduction of illicit firearms in circulation, which cannot be quantified due to the lack of data.

This overarching objective can therefore be distilled into three separate general objectives which address the problems identified in Section 2: (i) reduce the number of illicit firearms and the activities of the illegal firearms market in the EU; (ii) reducing discrepancies between EU Member States and harmonising firearms-related offences and penalties across Member States; and (iii) enhancing the overall picture on the threat posed by firearms by improving the availability and the quality of data. The attainment of the general objective (ii) would contribute to both other general objectives, without any trade-off.

4.2. Specific objectives

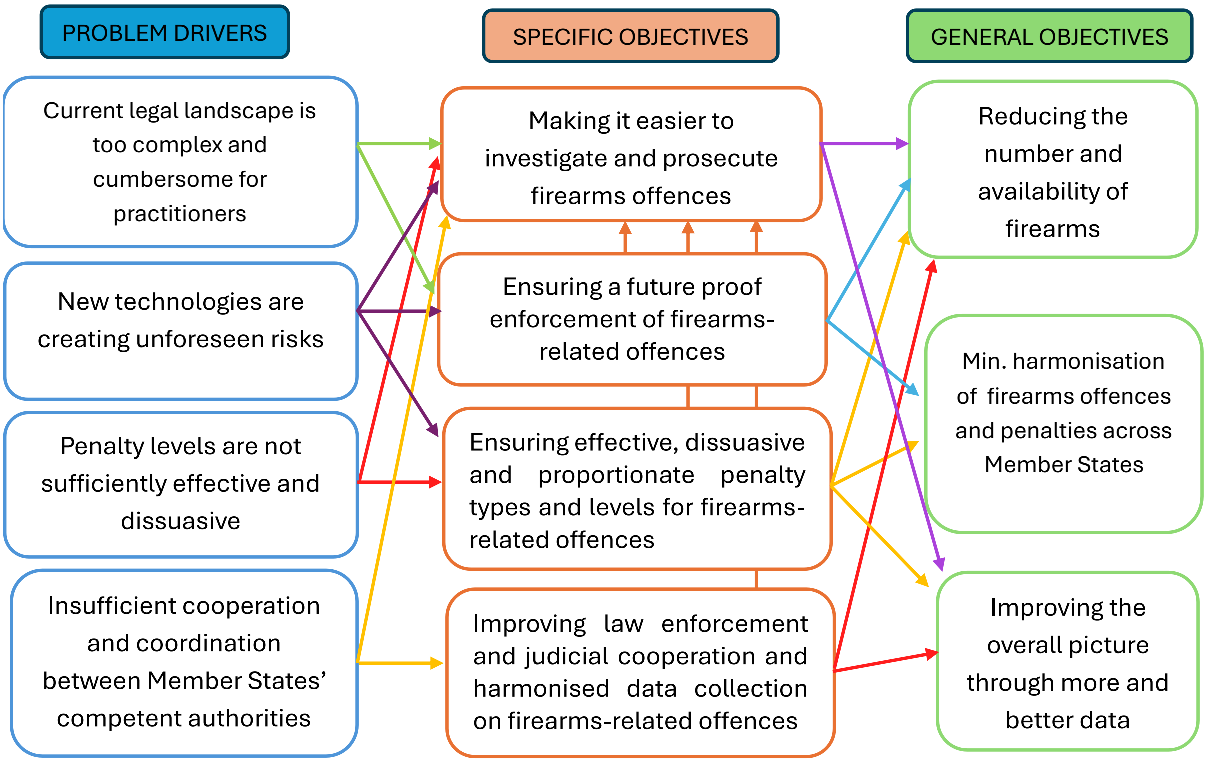
The specific objectives (hereafter SO) of the initiative are designed to address the problems and problem drivers described above (see Figure 7 below). As each of the specific objectives address one or two problem drivers, they complement each other to help achieve the general objectives. Both SO2, SO3 and SO4 contribute to SO1.

The specific objectives have been identified to be in line with other EU policies and consistent with the provisions of the Charter of Fundamental Rights of the European Union.

The specific objectives have been assessed against the potential additional burden they could result in for economical operators. However, given that this initiative focuses on the illicit part of the firearms market, and the impact on the legal market being negligible, this assessment will not be described in a separate specific objective. Each objective is presented using the SMART framework (Specific, Measurable, Achievable, Relevant and Time-bound).

The completion of these specific objectives will be assessed through monitoring and an evaluation. A monitoring framework is detailed in Annex 10. This evaluation should be carried out, in principle not earlier than five years after the deadline for transposition. This will ensure a sufficiently long period to evaluate the effects of the initiative after it has been fully transposed across all Member States. To facilitate this monitoring, a specific Commission expert group will be created, to employ the Member States' expertise to support the correct and timely transposition of the provisions in the corresponding national legislation.

Figure 7: Correspondence between problems drivers and the objectives



4.2.1 Making it easier to investigate and prosecute firearms-related offences

Specific: Enhance investigations and prosecutions of firearms offences by addressing the challenges that arise from gaps and discrepancies in how Member States define and sanction those offences.

Measurable: All Member States criminalise all required offences following the transposition of the initiative and this leads to an increase of successful prosecution of firearms offences by 20% within five years.

Achievable: In order to support the implementation of this objective, specialised training sessions for prosecutors needs to be accessible to at least 80% of the legal professionals involved in firearms cases within two years;

Relevant: This effort is directly linked with the implementation of the obligations under the UN Firearm Protocol and aims to ensure that EU Member States' laws are consistent with international standards.

Time-bound: The increase in investigations and prosecutions of all firearms-related offences should be deduced from the statistical data that Member States need to provide to the Commission at the end of the first five years implementation of the new initiative.

4.2.2 Ensuring a future proof enforcement of firearms-related offences

Specific: Member States should be able to counter the new and developing threat of privately manufactured firearms in a coordinated, harmonised and proactive manner.

Measurable: An increase in investigations and prosecutions of cases involving new technologies with 20% throughout the EU.

Achievable: In order to support the implementation of this objectives, Member States will have to work together to jointly test blueprints and exchange information about the results of these tests.

Relevant: Focusing on new technologies, and specifically on the blueprints needed to privately manufacture firearms, was already recommended by the Commission in 2021, by EMPACT in 2022 and by the UN in 2024.

Time-bound: The increase in investigations and prosecutions of offences linked to privately manufactured firearms should be deduced from the statistical data that Member States need to provide to the Commission at the end of the first five years implementation of the new initiative.

4.2.3 Ensuring effective, dissuasive and proportionate penalty types and levels for firearms-related offences

When providing the penalties for criminal offences, criminal law usually allows judges to apply the penalty they deem the most appropriate in regard of the offences and the circumstances in which they took place. Criminal law guides the choice of judges by providing for each offence possible options (e.g. jailing time, fines, accompanying penalties) and the range for each option. Judges can thus select between a minimum and a maximum.

In the context of EU criminal law, the expression "minimum levels of maximum penalties" means ensuring that the maximum penalty available for a given offence is above a certain threshold in each Member State’ legal system. It aims to prevent situations such as where an offence is punishable by a maximum penalty of 10 years of imprisonment in Member State A while the same offence is punishable by a maximum of 2 years of imprisonment in Member State B. This concept ensures a degree of harmonisation across the EU regarding how serious crimes are penalised, while still allowing Member States the flexibility to impose stricter penalties if they choose to do so.

Specific: establishing at EU level penalty levels for firearms-related offences that are sufficiently effective and dissuasive by harmonising minimum levels of maximum penalties. Ensuring that Member States make use of the full range of accompanying penalties. Ensuring that national authorities have the required tools at their disposal when investigating and prosecuting relevant firearms-related offences.

Measurable: the current gap between the Member States’ lowest and highest minimum maximum penalties is diminished by 20% within five years. Furthermore, the Commission should monitor the compliance by the Member States with the new minimum penalty types and levels. The increase in penalty levels should lead to a long-term decrease of offences. However, this will not be able to be measured in at least the first 10 years due to the current lack of data.

Achievable: In order to support the implementation of this objective, workshops on the implementation of the new initiative should be organised over a period of two years after the adoption. Specialised training sessions for prosecutors needs to be accessible to at least 80% of the legal professionals involved in firearms cases within two years;

Relevant: the aim is to reduce the opportunities for criminals to resort to forum-shopping, and to deter them from engaging in criminal firearms-related activities by making the ratio risk-reward less attractive.

The access by investigators to special investigative techniques, such as surveillance of telecommunications and undercover investigations, is often conditional to the seriousness of the crime, which is defined by the sanction applicable to the offence in question.

Time-bound: The decrease of the current gap between the Member States' lowest and highest minimum maximum penalties should be deduced from the legislation communicated to the Commission by Member States the end of the first five years implementation of the new initiative.

There is a potential trade-off between SO3 and SO1 in that ensuring effective, dissuasive and proportionate penalty types and levels could lead to less offences being committed, thus lowering the metrics against which the success of SO1 is measured.

4.2.4 Improving law enforcement and judicial cooperation and harmonised data collection on firearms-related offences

Specific: Increasing the cooperation between Member State's law enforcement and judicial authorities. Improving the quality and availability of relevant data on firearms-related offences, such as the number of firearms seizures.

Measurable: the number of SIENA exchanges and JITs initiated for firearms at Europol and Eurojust would increase by 20% respectively. All Member States would have fully established NFFPs performing the full tasks list as set out in Council Conclusions 10726/21[135] and would report statistical data to the Commission within two years after adoption of the proposal.

Relevant: improving the cooperation between law enforcement and judicial authorities, including with the support of the EU Agencies, would improve the fight against firearms-related offences and enable those authorities to quicker adapt to the new modus operandi and illegal business models of offenders. The harmonisation of data collection on firearms-related

[135] Council Conclusions 10726/21 on the implementation of the National Firearms Focal Points (NFFPs) in the EU Member States, 13.07.2021: https://data.consilium.europa.eu/doc/document/ST-10726-2021-INIT/en/pdf

offence seeks to improve the statistical knowledge linked to the response to firearms-related offences, and to provide a better picture of the scale and impact of firearms crime.

Achievable: In order to support the implementation of this objective, workshops on the implementation of the new initiative should be organised over a period of two years after the adoption.

Time-bound: he improvement on statistical data collection would be assessed by the rate of reporting by Member States on seized firearms within five years of implementation of the initiative and the possibility to perform analysis using comparable and meaningful data.

5. WHAT ARE THE AVAILABLE POLICY OPTIONS?

5.1. What is the baseline from which options are assessed?

The baseline scenario assumes no further EU level intervention beyond the actions described in the EU Action Plans on firearms trafficking, and the Commission monitoring the implementation of the Firearms Directive. The Commission will adopt a renewed EU Action Plan on firearms trafficking in 2026, to replace the 2020-2025 Action Plan[136].

As part of the priorities set out in the Action Plan, the Commission would continue urging Member States to complete the establishment of fully staffed and trained National Firearms Focal Points. This would be done by organising the yearly meeting to facilitate exchange of information. The lessons learned from these meetings would be gathered in an official recommendation paper together with the scoreboard developed by the Commission to evaluate the Council Conclusions on National Firearms Focal Points[137]. The implementation of these recommendations have shown to be slow.

The operational response to firearms crime at the EU level would continue to take place within existing frameworks, such as EMPACT and its Operational Action Plans, and in the cooperation with the EU Agencies, such as Europol and Eurojust. Any improvement on cooperation levels between Member States and provision of data would remain contingent on the efforts that Member States are willing to voluntarily deploy, including sending statistical data to Eurostat.

The legal framework criminalising firearms-related offences would remain fragmented at EU level, with significant disparities between how Member States define and sanction firearms-related offences. Some implementation issues are likely to be corrected through the Commission's enforcement of the Firearms Directive in the Member States, including through infringement proceedings as appropriate. However, even this is unlikely to solve the disparities and gaps in coverage between Member States due to the limited scope of the Firearms Directive

[136] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on 2020-2025 EU action plan on firearms trafficking, *COM(2020)608 final, 24.07.2020.*
[137] Council Conclusions 10726/21 on the implementation of the National Firearms Focal Points (NFFPs) in the EU Member States, 13.07.2021: https://data.consilium.europa.eu/doc/document/ST-10726-2021-INIT/en/pdf

and differences in the definition of certain offences, as illicit trafficking in the UN Firearms Protocol, the Firearms Directive and the recast Firearms Regulation (Annex 12 includes a full comparison between the three legal texts). Moreover, the current infringement strategy does not include pursuing grievances against Member States which penalties cannot be considered effective, nor dissuasive, according to Article 23 of the Firearms Directive. Given the considerable degree of discretion left to Member States in setting administrative or criminal penalties, the Commission assessed that it would be very difficult to demonstrate that Member States have incorrectly implemented this provision. Even if it were able to pursue the most obvious cases of penalties levels being insufficiently effective or dissuasive, the disparity between the Member States is such that the infringement proceedings would be unlikely to achieve the minimum level of harmonisation required to address the problem driver described in Section 2.2.3.

Judicial and law enforcement authorities would still lack effective means to tackle cross-border criminal markets in illegal firearms. The lack of awareness for the scale of the problem at political level would remain, negatively affecting the available resources for law enforcement, forensic departments and the judicial actors. As a result, the rate of prosecutions or convictions is likely to remain low.

The advancement of some other EU policies could have an impact on the threat posed by illicit firearms, such as measures set out in the 2021-2025 EU Strategy to tackle Organise Crime[138], including the adoption of the new Directive on asset recovery and confiscation[139]. However, without action specifically and comprehensively targeting firearms-related offences, it is likely that the effects of these measures will be limited.

In the baseline scenario, the number of illicit firearms, and their availability to criminals, is projected to increase. It is possible to make this assumption based on the increased cases linked to technological developments, the experiences of the past linked to conflict situations, and the current upward trends regarding the use of firearms within organised crime groups, as well as the number of firearms-related incidents. For example, no specific arrangement is currently being made to take into account the technical advances regarding the increased availability of privately manufactured firearms, such as through 3D printing. The blueprints for 3D printing of firearms are currently widely available online. Following a consultation with the EU Counter Terrorism Centre of Europol, it was confirmed that Europol can already target some dissemination of these blueprints, but only when there is a clear link to terrorism[140]. It cannot proactively track blueprints. This will continue to be the case without intervention. Additionally, so far, no Member State has taken steps that would allow their law enforcement to proactively address the threat of privately manufactured firearms, such as those 3D printed.

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[138] Communication of from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy to tackle Organised Crime 2021-2025, COM(2021)170 final, 14.04.2021

[139] Directive (EU) 2024/1260 of the European Parliament and of the Council on asset recovery and confiscation. *OJ L, 2024/1260, 2.5.2024*

[140] Due to the implementation of the Terrorist Content Online Regulation: Regulation (EU) 2021/784 of the European Parliament and of the Council on addressing the dissemination of terrorist content online. *OJ L 172, 29.4.2021*

More importantly, the end of the conflict in Ukraine is expected to lead to a surge in illicit firearms trafficking, with hundreds of thousand, if not millions, of firearms (see Section 2.1.1 above). The Commission is working to enhance the already good cooperation and exchange of information with the Ukrainian government to anticipate this threat. However, full mitigation is unlikely due to the sheer number of firearms involved and the absence of any visibility on the firearms that the Russian aggressor has illegally imported into the Ukrainian territory. The current framework at EU level has not been sufficient to successfully prevent the flow of firearms from the Western Balkans, it is unlikely that it will be able to do so with the firearms from Ukraine. As a result of the increased number and availability of illicit firearms, it is expected that firearms-related violence will increase, with an uptick in firearms use in crimes such as drugs trafficking, theft and extorsion, etc. It is expected that firearms-violence will continue to claim lives, with the number of killed and injured rising. If the current trend observed in some Member States continues, the share of young perpetrators and victims will continue to increase.

In the absence of sufficient and qualitative statistical data, the projection of the number of firearms increasing is made on the basis of past experience from the Balkans, analysis of case studies, specific national studies (e.g. the study carried out by the Swedish National Council for Crime Prevention examining gun violence trends in the criminal world since the mid-2000s[141]) and consultation activities.

5.2. Description of the policy options

Starting from this baseline of taking no further EU action on harmonising the response towards firearms-related offences, four possible policy options have been considered.

Together with figure 7 in section 4.2, the table below presents the intervention logic by showing what problem each policy option is trying to address and what it is expected to achieve.

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[141] Henrik Angerbrandt, Mariana Dufort & Victor Dudas, "Increased Gun Violence in Sweden", *Report 2024:7*, Brottsförebyggande rådet 2024, https://bra.se/english/publications/archive/2025-01-24-increased-gun-violence-in-sweden#h-Brasassessment.

	Problem Drivers				Specific objectives			
	PD1	PD2	PD3	PD4	SO1	SO2	SO3	SO4
Policy option 1: non-legislative measures and enhancing enforcement								
- infringement action on incorrect transposition of UN Firearms Protocol and against Member States with lowest penalties	X		X	X	X		X	X
- recommendation paper on definitions of firearms-related offences	X				X			X
- recommendation paper on how new technologies fit in the current legislation and lessons learned from Member States and other countries		X			X	X		
- setting up of a Focus Group to improve cross-border judicial cooperation				X	X			X
- recommendation paper on harmonisation of minimum dataset for seizures of firearms				X				X
Policy option 2: legislative initiative on core firearms offences								
- harmonising definitions on illicit trafficking, illicit manufacturing, illicit modification of marking and illicit possession of firearms, essential components and ammunition	X				X			X
-include the offence of illicit possession, creation and dissemination of 3D printing blueprints		X			X	X		
- harmonising minimum maximum penalty types and levels for the core offences			X				X	
- harmonising minimum dataset for seizures of firearms and sharing the data with European Firearms Hub				X				X
- requiring reporting of dedicated statistic 5 years after implementation				X				X
- provisions on establishment of NFFPs and cooperation with EU agencies, and on special investigative tools				X	X			X
Policy option 3: legislative initiative on core firearms offences and non-legislative measures								

- harmonising definitions on illicit trafficking, illicit manufacturing, illicit modification of marking and illicit possession of firearms, essential components and ammunition	x				x			x
-include the offence of illicit possession, creation and dissemination of 3D printing blueprints		x			x	x		
- clarifying through recitals how wider firearms-related offences fit within the core offences	x				x			x
- harmonising minimum maximum penalty types and levels for the core offences			x				x	
- harmonising minimum dataset for seizures of firearms and sharing the data with European Firearms Hub				x				x
- requiring reporting of dedicated statistic 5 years after implementation				x				x
- provisions on establishment of NFFPs and cooperation with EU agencies, and on special investigative tools				x	x			x
- recommendation paper on lessons learned from Member States and other countries to tackle new technologies and focus on joint testing of blueprints		x			x	x		
- setting up of a Focus Group to improve cross-border judicial cooperation				x				x
Policy option 4: legislative initiative on wider set of firearms offences								
- harmonising definitions on all firearms-related offences as recommended by the UN guidelines	x				x			x
- include the offence of illicit possession, creation and dissemination of 3D printing blueprints		x			x	x		
- harmonising minimum maximum penalty types and levels for all firearms-related offences			x				x	
- harmonising dataset for seizures of firearms				x				x
- recommendation paper on lessons learned from Member States and other countries to tackle new technologies and focus on joint testing of blueprints		x			x	x		
- requiring yearly reporting of dedicated statistic				x				x
- provisions on establishment of NFFPs and cooperation with EU agencies, and on special investigative tools				x	x			x
- setting up of a Focus Group to improve cross-border judicial cooperation				x				x

Figure 8. Policy measures and policy options

Policy option 1 (PO1) is designed conservatively as regard adding new legislative obligations and is limited to non-legislative measures that are indispensable to address each of the problem drivers and to meet all specific objectives.

Policy option 2 (PO2) departs from this conservative approach and foresees legislative measures to address each of the problem drivers and meet all specific objectives.

Policy option 3 (PO3) is designed to provide a more integrated approach. It builds on the measures already included in PO2 with additional non-legislative measures described in PO1.

Policy option 4 (PO4) builds on PO3 and takes its integrated approach but compared to PO3 it extends the scope of the offences to be criminalised to include all firearms-related offences instead of only the core ones. In addition, it includes mandatory reporting of statistical data on firearms trafficking to the Commission every year.

5.2.1. *Policy option 1:* non-legislative measures and enhancing enforcement

Policy Option 1 consists of a package of non-legislative measures, which on the one hand would provide support to the Member States through recommendations on how national measures could reduce the identified problems. On the other hand, this package would also contain enforcement measures through infringement actions addressing Member States with gaps in their existing legislation and addressing Member States with penalties that cannot be considered effective nor dissuasive. The following actions could be envisaged under PO1:

(a) Extended enforcement strategy

The Commission would pursue infringement proceedings against those Member States, as identified in the preparatory study, which are currently incorrectly transposing the definitions of the UN Firearms Protocol. Article 5(1) of this Protocol requires all State Parties to criminalise illicit trafficking, illicit manufacturing, and falsifying or illicitly obliterating, removing or altering the marking(s) on firearms.

The infringement actions of the Commission would also tackle gaps in the transposition by Member States of Article 5(2) of this Protocol which requires all State Parties to criminalise the attempt to commit, participating as an accomplice of any of the above-describe offence and organising, directing, aiding, abetting, facilitating or counselling the commission of the above-described offences.

This approach would differ from the baseline scenario where the Commission is only pursuing infringement on the incorrect implementation of the Firearms Directive. In this policy option, the Commission would rely on a legal theory, untested to date and which would require setting a precedent, according to which it is able to directly launch infringements proceedings against Member States for the failure to correctly transpose the provisions of an international agreement (the UN Firearms Protocol in this case) which the EU has ratified.

This represents a haphazard infringement strategy as there is significant uncertainty as to whether the Commission has the ability to launch such infringements In particular, it is not clear what extent of the UN Firearms Protocol the Union has the exclusive competence to apply. Recital 6 of the Council Decision of 11 February 2014 on the conclusion of the Protocol[142] is, at best, ambiguous when it states that '[i]nsofar as the provisions of the Protocol fall within the scope of the competence conferred on the Union, the Protocol should be approved on behalf of the Union.' Given the political sensitivity on the topic of firearms, it is highly likely that some Member States would challenge those infringements proceedings before the Court of Justice, with the risk that the Court invalidates the legal theory they are based on.

Additionally, infringement proceedings by the Commission could also target those Member States, as identified in the preparatory study, which currently have penalties that cannot be considered effective, nor dissuasive, according to Article 23 of the Firearms Directive. Although unlikely to achieve harmonisation, this would eliminate the most egregious cases of penalties levels being insufficiently efficient or dissuasive.

The obligations related to this action would be mainly for the Commission, the affected Member States and the Court of Justice. This action would target 3 identified problem drivers: it would eliminate the instances of non-transposition or incorrect transposition of the three mandatory offences mentioned in Article 5(1) of the UN Firearms Protocol (problem driver 1), directly contributing toward SO1 and SO4. Investigators and prosecutors would benefit from a clearer legal framework which fits better their needs. This action would also ensure that Member States have set sanctions that are sufficiently effective and dissuasive (problem driver 3 and SO3). In addition, the action would target the issue of lack of cooperation and coordination (problem driver 4), which would be improved as there would be more consistency between the frameworks of Member States, dual incrimination for the mandatory offences, and more incentive to investigate & prosecute these offences due to the dissuasive sanctions, thereby serving SO1, SO3 and SO4.

(b) Recommendation paper(s)

The Commission would produce non-binding recommendation paper(s) addressed to the Member States. These recommendations would focus on clarifying definitions related to the discrepancies between the UN Firearms Protocol and the Firearms Directive, for example the three definitions on illicit firearms trafficking, as explained under problem driver 1, and the requirements for each of them. This would serve SO1 and SO4. Additionally, the Commission would clarify how privately manufactured firearms (such as 3D printed firearms) fit within the existing definition of illicit manufacturing of firearms.

The recommendations would also include a greater focus on new technologies. The Commission would carry further the recommendations made in the two dedicated conference on 3D printing, organised by EMPACT Firearms to criminalise illicit possession, creation and dissemination of digital blueprints. The Commission would support the Member States to implement these recommendations, which in doing so would then also adhere to the

[142] Council Decision 2014/164/EU on the conclusion, on behalf of the European Union, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, *OJ L 89, 25.3.2014, p. 7. 11.02.2014*.

recommendations made at the UN level to indeed criminalise illicit possession, creation and dissemination of these digital blueprints[143]. Additionally, these recommendations would present good practices to increase the law enforcement cooperation on 3D printed weapons and to increase the cooperation with the private sector. The consultations show that multiple Member States struggle with determining whether a given blueprint results into a functioning firearm when manufactured. The Commission would recommend joined testing for these blueprints, fostering EU projects or consider closer cooperation with initiatives at national level[144]. This would address problem driver 2 and serve SO2, and incidentally, SO1 by making it easier for law enforcement to investigate and prosecute firearms offences involving new technologies. It would also contribute towards SO4 as the establishment of a common understanding on new technologies would facilitate cooperation between Member States.

To further address the problem driver of insufficient cross-border cooperation between Member States as well as with EU Agencies such as Eurojust, (problem driver 4) the Commission would also recommend establishing a Focus Group of specialised prosecutors against firearms trafficking, hosted by the Commission. The objective of the group would be to build specialised expertise and intensify judicial cooperation for a more robust criminal justice response to firearms trafficking. It would provide a forum for judicial practitioners to exchange knowledge, expertise and best practices. It would contribute towards the objective of improving cross-border judicial cooperation, which should result in more successful investigations, prosecutions and convictions for trafficking offences (SO1 and SO4). The Focus Group would also help in increasing Member States' use of the support and capacity of coordination of the EU Agencies, in particular Eurojust. This Focus Group should also be interconnected with EMPACT Firearms, Europol and Eurojust to facilitate the work of the entire judicial chain. This measure would respond to the fourth driver which focuses on insufficient cooperation and coordination between Member States competent authorities. As an outcome of the meetings of this Focus Group, analytical papers, reports and recommendations could be developed in order to guide and support the work of relevant practitioners.

Lastly, in the context of creating an EU repository of seized firearms (SO4), the Commission would build on the exchanges in the Commission Expert Group on firearms policy and implementation of Firearms Directive[145] on the establishment of a minimum dataset on seized firearms, as well as on the definitions of proposed data in the dataset. This includes the type, make/brand, model, calibre, criminal context, geographical context, unique firearms ID reference, picture, and if available, the serial number. The results of these discussions would be set out in a Recommendation for implementation by the Member States. This would

[143] Resolution 12/3 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its twelfth session, held in Vienna from 14 to 18 October 2024, enhancing measures, including under the Firearms Protocol, to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in view of technological developments; Resolutions and Decisions Conference of the Parties to the United Nations Convention against Transnational Organized Crime

[144] For example, EU funded project MIX3D under call ISF-2024-TF2-AG-PROTECT.

[145] Commission Expert Group on firearms trafficking and the Implementation of Directive (EU) 2021/555 (the Firearms Directive) (E02211).

contribute to addressing the problem driver 4 by providing a common support for investigators, helping them identifying connections between cases and tracking trafficking networks.

The action of an extended enforcement strategy, together with the action of producing recommendation papers would cover all the problem drivers and specific objectives. The main actor for creating these recommendation papers would be the Commission, the implementation of these recommendations would be for the Member states.

5.2.2. Policy option 2: **legislative proposal on the core firearms offences**

Policy Option 2 (PO2) includes a legislative initiative to harmonise the criminalisation of the core firearms offences (illicit trafficking, illicit manufacturing, illicit modification of markings and illicit possession of firearms). This option would ensure that the EU and Member States fulfil their international obligations and solve problems arising from a lack of harmonisation. The following actions could be envisaged under PO2:

(a) Harmonising definitions and establishing minimum levels of maximum penalties

The focus of the legislative initiative would be on establishing harmonised definitions for illicit trafficking, illicit manufacturing, illicit modification of markings and illicit possession of firearms, directly addressing the problem driver of the landscape being too complex (problem driver 1), and contributing towards SO1, as harmonised definitions will facilitate cross-border investigations and prosecution. Additionally, these legal obligations would solve the existing gaps. Current gaps prevent law enforcement agencies to pursue the core offences. The definitions of the first three offences would be based on the definitions established in the UN Firearms Protocol but adjusted to the harmonised marking requirements as established by the EU Firearms Directive and the content of the definitions of illicit trafficking within the Firearms Directive and Regulation on import, export and transit of firearms.

The harmonised definition of illicit possession would be linked to the harmonised rules on ownership and licenses as established by the Firearms Directive. However, taking into account the comments received during the consultations for this impact assessment, the Commission would require criminal intent in the definition of illicit possession. To avoid overregulation, situations such as a citizen being late with the renewal of their firearms license or people finding old firearms without any document to prove their control in the attic of deceased relatives should not be included in the scope.

This action would also include the establishment of specific minimum levels of maximum penalties for the harmonised offences to address the problem driver of penalty levels being not sufficient (see section 2.2.3 **Error! Reference source not found.**above). These offences would include minimum levels of maximum penalties based on the average of the penalties in the Member States, as this would lead to harmonisation of penalties without affecting the Member States with higher penalties. While this would not completely eliminate forum shopping, this would ensure that the penalties for each firearms offence are sufficiently dissuasive in all of the Member States, and deter opportunistic criminals who are drawn by the weak sanctions. Additionally, it would ensure that the penalty levels are sufficiently high to allow for the use of special investigation techniques. This criterion would be used to determine the appropriate set of aggravating circumstances and accompanying penalties, in addition to the consultation of national experts.

Additionally, following the requirements of Article 5(2) of the UN Firearms Protocol, the legislative initiative would include a focus on attempt and abiding. This would contribute towards SO3.

As the complexities in the legal landscape and the insufficient levels of penalties also impacts the cooperation between Member States and their use of special investigation techniques, this action also targets the problem driver 4. Harmonised definitions of firearms offences and minimum levels of maximum penalties would improve cross-border cooperation, by providing national law enforcement authorities a common framework to work together, and eliminating dual incrimination issues, in line with SO4.

(b) Introduce a legislative focus on new technologies

The legislative initiative under PO2 would specifically clarify how privately manufactured firearms, essential components and ammunition (including 3D printed) fit within the definition of illicit manufacturing. Additionally, Member States would be required to criminalise illicit possession, illicit creation and illicit dissemination of digital blueprints and their hard copies needed to privately manufacture firearms, essential components and ammunition. However, the focus of this new offence would be on illicit use, meaning that authorised dealers and brokers would not be prevented from experimenting or using these new technologies. Furthermore, these blueprints would be focused on new technologies such as 3D printing or computer numerical control (CNC) cutting.

Already in 2021, the Commission announced the need to assess specific rules on prohibiting the illicit possession, creation and distribution of digital blueprints and their hard copies by non-authorised arms dealers[146]. Within the Operational Action on 3D-printed firearms, EMPACT firearms already organised two conferences to exchange information on this growing threat. In both conferences, possible legal actions were discussed, and as conclusion the criminalisation of illicit possession, creation and dissemination of blueprints was considered as the best way forward. These conclusions were also confirmed during the consultation with law enforcement agencies as it would allow them to proactively address the threat, instead of only reactively. Additionally, this possible legislative action was supported by the citizens present during the presentation of the initiative by the Commission, which took place in the Formnext conference[147].

This action would specifically target the problem driver ‘new technologies are creating unforeseen risks’ and would serve the objective ‘ensuring a future proof enforcement of firearms-related offences’. Furthermore, as explained in the consultation in annex 2, multiple experts have stated that a harmonised definition of illicit possession, creation and dissemination

[146] Report from the Commission to the European Parliament and the Council on the application of Directive (EU) 2021/555 on control of the acquisition and possession of weapons, *COM(2021) 647 final, 27.10.2021.*
[147] Formnext is considered the central information platform for industrial 3d printing experts and production professionals from a wide range of application industries, with an annual trade show in Frankfurt. https://formnext.mesago.com/frankfurt/en.html

of blueprints would facilitate a coordinated law enforcement and judicial response to the (upcoming) threat of privately manufactured firearms. Therefore, this action would also serve to implement the objective on improving effective response through cooperation and harmonising data. Especially, as this new offence, and specifically the dissemination element, could be implemented through the application of the Digital Service Act. As blueprints would become illicit, the removal of these blueprints from online portals active in the EU could be requested through the enforcement of the Digital Service Act[148].

(c) Establish harmonisation of data collection

The legislative initiative would include requirements for establishing a harmonised minimum dataset for seizures of firearms and for all Member States to record this data. Specifically, it would take the measure developed in PO1 and make it binding. When Member States are collecting data on seizure of firearms, they would be required to use the typology set in the legislative measure.

This action would require the dissemination of data from Member States to the European Firearms Hub at Europol. This repository is designed to gather all information related to firearms seized in the context of criminal activities. The purpose of this European Firearms Hub is to analyse the phenomenon of illegal firearms at EU level, identifying trends, modus operandi and becoming an instrument for investigators and policy makers. Furthermore, this harmonised dataset and the corresponding national databases, together with the European Firearms Hub will also facilitate the collection of data by other stakeholders, such as the Commission or UNODC.

It would also facilitate the transmission of data to the Commission for the evaluation of the Directive. To that end, the legislative initiative would include a requirement for Member States to report 5 years after the implementation of the Directive statistics on seizures, number of arrests, anonymised data on perpetrators, number of convictions etc. Without such requirement, it is unlikely that all Member States will voluntarily provide the data, resulting in a patchy picture and impeding the analysis.

This action would specifically target the problem driver of insufficient cooperation and coordination, which is linked to the specific objective of ensuring effective response through cooperation and harmonising data (SO4). As already explained above, obliging Member States to have a harmonised minimum dataset for seizures of firearms will improve the cross-border cooperation on firearms cases, as the gathering of this data in the European Firearms Hub will allow for the analysis and cross-referencing of seizure data. Additionally, the reporting after 5 years of implementation will provide the required information to improve the intelligence picture of the threat, which could have an effect on the prioritisation of the threat and therefore on resources for law enforcement.

(d) Requirements for cooperation and coordination

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[148] Regulation (EU) 2022/2065 of the European Parliament and of the Council on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) OJ L 277, 19.10.2022, p. 1–102

All actions already explained under PO2 would work towards improving cooperation and coordination. In addition, the legislative initiative would include a specific measure in the form of the requirement for Member States to establish a National Firearms Focal Point (NFFP) in the meaning of Council conclusions of 13 July 2021 on the implementation of NFFPs in the EU Member States[149]. Existing good practices have shown that well-established NFFPs improve the national and international coordination and cooperation, including throughout the entire judicial chain.

These NFFPs serve as a central contact point for cross-border requests, investigations and cooperation. The specific tasks set out by the Council Conclusion include, *inter alia*, establishing a national repository for firearms-related intelligence, both criminal and ballistic; establishing a repository for all lost, stolen and recovered firearms; tracing of all seized firearms, when possible, from manufacturer to the last legal owner; analysing of seized firearms tracing data to identify the type, make, model, calibre and country of manufacture of a firearm, etc.

Currently the measure set in the Council Conclusion is on a voluntary basis for Member States. Most Member States have already established NFFPs but they do not assume the full extent of the tasks as agreed under the Council Conclusions. Making the establishment of NFFPs mandatory for Member States would improve the coordination and cooperation both on the national level, and international level, as they serve as a central contact point for cross-border requests, investigations and cooperation.

Additionally, the legislative initiative would include a specific focus on the need to allow the use of special investigative tools. To ensure the success of investigations and the prosecution of firearms-related offences, those responsible for investigating or prosecuting such offences should have the possibility to make use of effective investigative tools such as those which are used in combating organised crime or other serious crimes, such as counter-terrorism. The use of such tools, in accordance with national law, should be targeted and consider the principle of proportionality and the nature and seriousness of the offences under investigation and should respect the right to the protection of personal data. Such tools would, where appropriate, include, for example, the search of any personal property, the interception of communications, controlled deliveries, covert surveillance including electronic surveillance, the taking and the keeping of audio recordings, in private or public vehicles and places, and of visual images of persons in public vehicles and places, and financial investigations. It is important for all Member States to allow access to these special investigative tools, so that investigations with a cross-border component are not hindered by one Member State not allowing such tools. For some Member States, this requirement is linked to sufficiently high level of penalties.

These measures would specifically target the problem driver of insufficient cooperation and coordination. As a result, it would help to realise the objective of ensuring effective response

[149] Council Conclusions 10726/21 on the implementation of the National Firearms Focal Points (NFFPs) in the EU Member States, 13.07.2021: https://data.consilium.europa.eu/doc/document/ST-10726-2021-INIT/en/pdf

through cooperation and harmonising data (SO4), in addition to making it easier to investigate and prosecute offences (SO1).

The actions of a), b), c), d) together cover all the problem drivers. The majority of tasks would have to be implemented by the Member States, with the support of the Commission. Those Member States that currently do not have NFFPs, that have gaps in the definition of the core offences and those who have the lowest penalties would be affected most.

5.2.3. *Policy option 3:* legislative proposal on the core firearms offences and non-legislative measures

Policy option 3 (PO3) would combine the legislative measures included in PO2 with some of the non-legislative measures from PO1, specifically:

- the recommendations to set up a dedicated Focus Group for prosecutors specialised in firearms offences. Not only will it support Member States in implementing the new Directive, it will also facilitate exchange of information and best practices amongst Member States. As explained under PO1, this action would therefore support SO1 and SO4.

- the facilitation of the exchange of good practices between the Member States and, possibly through EU funding, the joint testing of blueprints. It would be set up with the objective of avoiding placing an excessive burden on Member States. As explained under PO1, this action would therefore support mainly SO2, but it would also improve investigations and cooperation (SO1 and SO4).

- Lastly, policy option 3 would include an additional non-legislative measure, to specifically address some of the wider set of offences, other than the core offences included in the UN legislative guidelines that implement recommendations formulated in UN Resolution 12/3 on firearms offences[150].

  It would clarify how to address these offences without establishing specific harmonised definitions at the EU level. It could be done through the recitals of the legislative initiative, or via annexed legislative guidance, indicating that:

  - illicitly reactivated deactivated firearms fit within the definition of illicit manufacturing as it implies that the reactivation is done without an authorisation.

  - illicit brokering or illicit dealing fits within the definition of illicit manufacturing and illicit trafficking as again the prerequisite for both manufacturing and trade is having a license as dealer or broker, as established by the Firearms Directive.

  - arms embargo violations would be linked with the definition of illicit trafficking as exports towards countries under arms embargoes should not be granted an

[150] Resolution 12/3 adopted at the 12th session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, 2024, accessible at https://www.unodc.org/documents/treaties/COP12/Resolutions/E/Resolution_12_3.pdf

authorisation, which is an important element in the definition of illicit firearms trafficking.

This would further address problem driver 1 and serve SO1.

As for PO2, most actions would have to be implemented by the Member States, with the support of the Commission. The non-legislative measures would require more work from the Commission, than only the legislative measure described in PO2. Furthermore, as was described under PO2, certain Member States which currently have a lesser framework to tackle firearms-related offences, will have more implementation tasks than those Member States who have already taken action in the past years.

5.2.4. *Policy option 4:* **legislative proposal on a wider set of firearms-related offences**

Policy option 4 (PO4) would build further on the measures described under PO3. However, it would not only include a focus on the core firearms offences but extend the scope of the legislative initiative to all firearms-related offences, as suggested by the UN in their guidelines. These recommended offences are illicit reactivation of deactivated weapons, illicit brokering, arms embargo violations, illicit carrying, and misconduct in the context of record-keeping and licensing. The following additional actions would be envisaged under PO4 (all measures as described under PO3 would also be part of PO4):

(a) Harmonising definitions and establishing minimum levels of maximum sanctions

Under this policy option, measures would be taken to not only harmonise the definitions of the core firearms offences, but to harmonise the definitions of all firearms-related offences described above. These would include all the firearms-related offences as suggested by the UN in their legislative guidelines: illicit reactivation of deactivated weapons, illicit brokering, arms embargo violations, illicit carrying, and misconduct in the context of record-keeping and licensing. However, as the legal base of this initiative is to regulate criminal offences, all these harmonised definitions would need to clearly exclude activities regulated by the legal market rules, unless there is a clear criminal intent such as misconduct in the context of record-keeping and licensing. This action would also include specific minimum levels of maximum penalties for the harmonised offences of this legislative initiative, as described in PO2.

Similarly to point (a) under PO2, this action would target 3 of the 4 identified problem drivers. It would address problem driver 1 the current legal landscape being too complex and cumbersome as it would harmonise the definitions of all firearms-related offences in the EU. Practitioners throughout the EU would therefore only need to understand those set definitions and not diverging definitions from neighbouring Member States. This would therefore also facilitate cooperation between the Member States (SO1 and SO4). Additionally, by defining all the firearms-relates offences, it would become possible to establish effective, dissuasive and proportionate minimum penalty levels for all these offences (SO3).

(b) Establish harmonisation of data collection

Under this policy option, measures would be taken to not only establish a harmonised minimum dataset for seizures of firearms and report this data to the European Firearms Hub, but also to oblige Member States to collect and report a wider set of data on firearms to the Commission every year. This data should include number of seizures, number of arrests, anonymised data on perpetrators, number of convictions etc. It would contribute to the specific objective 4 by improving harmonised data collection on firearms offences.

The action would eliminate the gaps and inconsistencies in reporting which prevent statistics from capturing the whole scale of firearms threat within the EU.

Under this policy option, Member States would be formally required to collect data on all firearms offences and seized firearms and report those statistics to the Commission on an annual basis in order to have a more up-to-date overview and to monitor the scale of the threat, as well as to detect emerging trends.

The action of harmonising definitions and establishing minimum levels of maximum sanctions, introducing a legislative focus on new technologies, together with the action establishing harmonisation of data collection would cover all the problem drivers and specific objectives.

These actions would mostly increase the tasks for the Member States, in comparison with PO3.

5.3. Options discarded at an early stage

Multiple respondents to the call for evidence called upon the Commission to focus on regulating the ownership and possession of 3D-printers. Furthermore, the magistrates consulted on this issue suggested an approach where software in printers would be able to detect blueprints of firearms, which would then block the printer. This approach mimics the approach used for the prevention of printing and falsifying money. However, consultations with the private sector and the visit to the Formnext conference[151] showed that the additive manufacturing sector contributes to industrial manufacturing, innovative ways of working and creative processes. Targeting 3D-printers would overregulate and burden this sector, bridling innovation.

In the case of falsifying money, the software's reach and restrictions can be easily limited and targeted given that they are aimed at preventing the replication of a very identifiable and fixed set of pictures (money bills) which do not often change. In the case of 3D printing of firearms, the 'pool' of prints which could be used to make a firearm, or an essential component, is much larger as well as constantly and rapidly evolving. To effectively prevent the printing of firearms or essential components, the software would have be very intrusive to prevent bypassing through small tweaks. It would then risk restricting the printing of parts which have unrelated and legitimate practical applications but which are diverted to make firearms. Additionally, the software of these printers would have to be continuously updated to accommodate the ever-changing blueprints.

[151] Formnext is considered the central information platform for industrial 3d printing experts and production professionals from a wide range of application industries, with an annual trade show in Frankfurt. https://formnext.mesago.com/frankfurt/en.html

This option was discarded because any imposition of detection of blueprints of firearms in 3D printers would be disproportionate in regard of the results it would yield, and the availability of other options. Limited and targeted detection in printing software would be ineffective because it would be easily bypassed. Extensive and intrusive detection which could effectively prevents the printing of firearms or essential components would disproportionately affect unrelated and legitimate projects, curtailing and hampering innovation.

6. WHAT ARE THE IMPACTS OF THE POLICY OPTIONS?

The actual impact of the policy options is often difficult to assess due to the absence of data. To alleviate this difficulty and in anticipation of the next section, the impacts of the policy options are primarily assessed against each other.

This initiative is designed to harmonise the criminal law on firearms-related offences. Focusing on harmonising definitions, penalties, new technologies or cooperation does not have a direct or known impact on the environment. Therefore, none of the policy options are expected to have an environmental impact. This criterion will not be addressed in the analysis below.

Insufficient qualitative and comprehensive statistical data is identified as one of the problems in this document, as stated in section 2.1.3. For all Member States, there is a sustained lack of reliable and disaggregated official statistical data on investigations, prosecutions, convictions, dismissed cases, number of legal persons involved, the level and type of penalties imposed, and the number of firearms seized in the context of criminal offences[152].

Without such data, it is very difficult to quantitatively establish the impacts of the current situation as baseline and to assess the impacts of the different policy options. This is especially problematic because of the little to no academic research on the social and economic costs of firearms violence in the EU.

To compensate the limitation of lack of data affecting the measurement of the impacts, the baseline scenario and the impact of the intervention will be assessed based on the existing few studies, official reports and stakeholder consultations. The lack of data results in the absence of a credible assessment of the quantification and monetisation of the social and economic impacts of the baseline scenario. These limitations are further detailed in Annex 5, section 3. In the absence of such data, the assessment is made using the quantification and monetisation analysis of specific situations. The social and economic impacts of firearms in the EU is inferred from the analysis of these specific situations. This leads to a high degree of uncertainty regarding their exact impacts as the context of these specific situations does not necessarily mirror that of the whole of the EU. .

6.1. Social impacts

There are some studies on the social impact of the firearms-related violence, but it is still an under-researched sector within the EU. Therefore, it is difficult to make a methodologically

[152] Duquet, N., & Vanden Auweele, D. ,*Targeting gun violence & trafficking in Europe*, Flemish Peace Institute, 3 December 2021, accessible at https://vlaamsvredesinstituut.eu/wp-content/uploads/2021/12/TARGET-OnlineVersion.pdf

sound claim on the social impact of firearms offences. Nevertheless, the security impact was identified as the most significant social impact, followed to a lesser degree by the impact on citizens who legally own firearms.

Therefore, the assessment of the score of social impact will be mainly assessed by the security impact, with variables from the impact on citizens who legally own firearms.

6.1.1. Security impacts

The baseline scenario is the one described in section 2.1.1 “Security threats posed by the high number of firearms present on EU territory”.

As reflected in a study from 2023 in the EU[153], the impact of firearms violence and its coinciding violence in the drug milieu is not limited to damages within the criminal milieu. Often, these shootings also impact the broader community and create spill-over effects affecting other parts of societal life. For example, the increase in shootings in Brussels and Malmo have resulted in certain areas to be considered dangerous, which in its turn effects real estate and investments into that area.

Indirect current impacts must also be taken into consideration, where entire communities, families and children experience social, emotional and physical trauma following the pervasive culture of fear and violence that dominates these communities. These conflicts also impact the people’s trust in government institutions.

Society at large is also impacted by another specific type of firearms-related violence: terrorist attacks using firearms. The nexus between firearms and terrorism has been reiterated by Europol in the last SOCTA published in March 2025[154]. This nexus has been especially prominent since 2015 in France, Belgium and Denmark, with different terrorist attacks where illicit firearms have been used. Terrorist attacks where firearms are used, typically have a larger number of deaths than attacks with knives or other means. During the 2015 Paris attacks 137 people were killed and 416 people were injured. The attackers used suicide bombs bus also illicitly modified salute and acoustic weapons and illicitly trafficked firearms which were traced back to the Western Balkans.

All described policy options are expected to have a positive security impact. However, the impact of PO1 would be dependent on whether Member States fully implement the recommendations. During the consultations, multiple experts stated that they do not believe recommendations would be implemented without a legal obligation, especially if the implementation of the recommendations would lead to costs. This comment was especially linked to the recommendations regarding harmonising the data of seized firearms. This dataset could lead to changes in IT systems, for which the expert stated they would not be prioritised.

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[153] De Schutter, A. and Duquet, N. (2023), *The nexus between drug markets and gun violence in the European Union*, Flemish Peace Institute and EMCDDA, https://www.euda.europa.eu/drugs-library/nexus-between-drug-markets-and-gun-violence-european-union_en.

[154] Europol, *European Union Serious and Organised Crime Threat Assessment (SOCTA),* The Hague, 2025, p.61-63.

Additionally, the enforcement actions, as described under PO1, would only target the Member States which have gaps in their transposition of the UN Firearms Protocol and those Member States which have insufficient penalty levels. Therefore, the security impacts would be limited to those Member States. Furthermore, as established above, the exclusive enforcement of the UN Firearms Protocol might not yield the desired security impact because the marking requirements of the Firearms Directive are stricter than those of the UN Firearms Protocol. Therefore, PO1 is expected to have the lowest security impact compared with the three other policy options.

In comparison, PO2 would have more security impacts than PO1, however, it is expected that PO2 would have less security impacts than PO3 and PO4. This comes from the fact that PO2 would include mandatory legal obligations equal to PO3 (core offences, specific offence on 3D blueprints, harmonising minimum maximum penalties, harmonising minimum dataset for seizures and provisions establishing NFFPs and special investigation tools), but would not include the non-legislative measures. PO3 would have a lesser security impact than PO4 as the latest includes a legal obligation on a wider set of offences. The legal obligations in PO2, PO3 and PO4 are expected to have a positive security impact because it would facilitate the cooperation between Member States in their fight against firearms-related offences. This expectation comes from the fact that gaps and discrepancies between Member States would be resolved. Furthermore, the establishment of NFFPs is a proven and recognized good practice that improves national and international cooperation, which facilitates tracing of firearms, tackling cross-border investigations and prosecutions. This can be observed in the Western Balkans, where almost all partners (except Bosnia & Herzegovina) have established functional firearms focal points a few years ago. This has improved the region’s fight against trafficking in firearms.

As PO3 has the same legal obligations as PO2, it is expected that PO3 would have a higher security impact than PO1. The introduction under PO3 of recommendation papers on good practices regarding new technologies, including the joint testing of blueprints, and the setting up of a focus group to improve cross-border judicial cooperation, are expected to create clear security impacts. Especially the sharing of good practices in terms of new technologies will support Member States in tackling these new threats, which would have been defined as an offence in the legal requirements, and the joint testing of blueprints will reduce the costs associated with this new offence. Furthermore, the establishment of a focus group to improve cross-border judicial cooperation will support the implementation of the offences in the different Member States. These non-binding measures will especially contribute to SO1, SO2 and SO4, which have a clear impact on security. Therefore, PO3 is expected to have a higher security impact than PO1 and PO2.

PO4 would contain the highest degree of security impact, compared against the other POs, with the legal obligations of the additional offences, beyond the core ones, and the obligation for Member States to provide statistical data.

Therefore, in preparation for section 7, comparing the policy options, PO1 scores 1, PO2 scores 2, PO3 scores 2,5 and PO4 scores 3 on their impact to increase security related to firearms violence (to be calculated together with impact on legal firearms owners).

It should be noted that any initiative which makes it more difficult for criminal to access and use firearms is likely to lead those criminals to look for alternatives, such as heavy pyrotechnics. Organised crimes groups already favour powerful pyrotechnics, like F4 flash bangers, over firearms, viewing them as less regulated and easier to access[155]. Europol has reported having been informed of increased misuse of pyrotechnic articles by criminal groups, especially for intimidation against other rival groups or law enforcement authorities[156]. Some Member States have reported an increase in the use of category F4 pyrotechnic articles in improvised explosive devices, to carry out attacks (e.g. against automated teller machines, ATMs)[157]. In June 2025, the Council of the European Union adopted conclusions recognising pyrotechnics as a significant and evolving threat to public safety and internal security[158]. Cracking down on firearms offences might result in a further increase in the use of heavy pyrotechnics. It was already observed that the tightening of the rules on explosive precursors has led to pyrotechnics being an attractive alternative[159]. In addition, organised crime groups have been displaying recruiting strategies which downplay the criminal side of pyrotechnics when recruiting and involving minors and youth, advertising them as "harmless", opposed to, for example, explosives and firearms[160].

6.1.2. Impact on citizens who legally own firearms

Most of the respondents of the public consultation considered the threat of firearms trafficking important to very important for public security. However, both in the public consultation and in the call for evidence, multiple citizens expressed concerns about infringing the rights of legal owners, as a result, the respondents preferred PO1 over the other policy options.

The enforcement actions described in PO1, could have an effect on the citizens who legally own firearms in the targeted Member States. However, the rules on legal ownership are determined in the UN Firearms Protocol, the Firearms Directive and the recast Firearms

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[155] European Commission, Feasibility study on reducing the security risks posed by the criminal misuse of pyrotechnics, Final report, Ecorys in collaboration with SAFE, Spark and TNO, 2025, pp. 49, 50, 124, 127, 201
[156] Idem, p. 15; See also Europol, EU Serious and Organised Crime Threat Assessment 2025 (EU-SOCTA), https://www.europol.europa.eu/publication-events/main-reports/changing-dna-of-serious-and-organised-crime, pp. 31, 57 and 63.
[157] This has been observed in the Netherlands, Belgium, Germany, France and Sweden. See for example: A.S Fabre, N. Florquin, M. Schroeder (2023), Illicit firearms ammunition and other explosive munitions in the European Union, https://www.smallarmssurvey.org/resource/illicit-firearms-ammunition-and-other-explosive-munitions-european-union; Justice and Home Affairs Council of the Netherlands, Modify the Pyrotechnics Directive for the sake of public order and safety. Non-paper by the Netherlands 2023. https://www.tweedekamer.nl/downloads/document?id=2024D06671; Europol (2022), Heavy fireworks off the market for safer holidays, https://www.europol.europa.eu/media-press/newsroom/news/heavy-fireworks-market-for-safer-holidays; Regeringens (2023), Skjutvapen och explosiva varor – skärpta straff för de allvarligare brotten, proposition 2023/24:33 (Firearms and explosive materials – tougher penalties for the more serious crimes), https://www.regeringen.se/rattsliga-dokument/proposition/2023/10/prop.-20232433; Polisen (2022), Lägesrapport avseende explosiva och andra farliga ämnen. https://polisen.se/siteassets/dokument/ovriga_rapporter/arsrapport_2021_polisen.pdf/download/
[158] Council conclusions on combating trafficking of weapons and fighting threats stemming from firearms and pyrotechnic articles, 12 June 2025, 9907/25.
[159] European Commission, Feasibility study on reducing the security risks posed by the criminal misuse of pyrotechnics, Final report, Ecorys in collaboration with SAFE, Spark and TNO, 2025, p. 15.
[160] Idem, p. 40.

Regulation. Therefore, the actual impact on citizens who legally own firearms, comes from those texts. Enforcing the rules is a legal obligation for the European Commission.

The introduction of the legal obligations regarding offences, as described in PO2, PO3 and PO4 are expected to have a similarly low impact on citizens who legally own firearms. The reason for this is similar as described above. The legal provisions will define the illegal side of the firearms market. As explained in the introduction: legal context, what constitutes the legal market is delineated by the existing legislation, and whatever falls outside this demarcation constitutes the illegal market. Therefore, the new legal provisions on the illegal side of the firearms market will use the existing rules on legal ownership as the defining line between what is illegal and legal. The rules on the legal ownership of firearms will not change. Therefore, all citizens who currently own a firearm according to the current legal rules, will not be impacted.

The exception on the above statement relates to the new legal obligation, as described in PO2, PO3 and PO4, to criminalise the illicit possession, creation and dissemination of digital blueprints and their hard copies. Until now, blueprints are not regulated in the EU. Therefore, adding these rules would have an effect on those citizens who already own such blueprints. Therefore, as described under point (b) of PO2, it would be important to carefully consider the focus on new technologies such as 3D printing or CNC cutting. A careful and targeted approach should minimize the impact on citizens. Especially, because private citizens are already not allowed to manufacture firearms without being a registered dealer. Furthermore, as explained in section 5.2.2 (point b), dealers authorised to manufacture firearms, will not be impacted by this new prohibition.

The initiative is designed to address the recurring comments from legal firearms owners that the Commission should focus on improving law enforcement cooperation and address the threats relating to firearms trafficking, instead of focusing on the legal owners. In PO1, PO3 and PO4, the proposed recommendation to set-up a Focus Group of specialised prosecutors against firearms trafficking, would improve a harmonised judicial answer to the threat, as prosecutors would be able to learn from good practices in other Member States. Additionally, the proposed measure to establish NFFPs in PO2, PO3 and PO4 would reinforce national and international cooperation amongst all relevant firearms stakeholders. A combination of this recommendation and the establishment of NFFPs (as described in PO3 and PO4) would have the highest impact on the request of citizens to improve cooperation. Unfortunately, based on the comments of the citizens in the public consultation and call for evidence, it became clear that they did not realize this and anticipated that the initiative would include additional rules for legal firearms owners. Those concerns are acknowledged and will be accounted for in the text of the proposal. The respondents to the public consultation who correctly understood the scope of the initiative in general expressed support for it.

For a non-firearms owning citizen, the impact of the different policy options is mainly related to improving security. This is described in the above section. Therefore, in preparation for section 7, comparing the policy options, the introduction of the new offence related to blueprints might have a slightly negative impact on legal owners, but this would be offset by the positive impact of additional cooperation through the establishment of NFFP. and the focus group. As a result, PO1 would score 0.5, PO2 would score 0.5, PO3 and PO4 would score 1. This has to be calculated together with the security impacts, as these are considered of higher importance for the social impact, the final scores are PO1 scores 1, PO2 scores 2, PO3 scores 2,5 and PO4 scores 3.

6.2. Economic impact

The economic impact of firearms-related crime is a highly under-researched sector within the EU, as explained at the beginning of this section; therefore, it is difficult to make a methodologically sound claim on the economic impact of firearms offences to society. The most significant economic impacts are identified as the impact on SMEs and competitiveness and the regulatory costs for Member States.

The assessment of the economic impact will be mainly done using the economic costs, with variables from the impact on SMEs and competitiveness and regulatory costs.

6.2.1. Economic costs linked to shootings

Due to the lack of specific studies at EU on the economic costs, it is not possible to quantify the costs. A mostly qualitative assessment is used instead.

Nevertheless, the project INSIGHT[161] does include research into the size of lethal and non-lethal gun violence in the EU. The research suggests that within the EU there are on average 0.3 firearms homicides per 100,000 population in 2021[162]. Extrapolated to the total population of the EU (447 million in 2021[163]), this would be around 1,341 homicides by firearms each year. The research further states that lethal firearms violence only presents about 5% of all total firearms violence. From the remaining 95% non-lethal firearms violence, about 20% results in physical injuries. Other types of violence are threats with firearms or shootings at objects. The project however, does not differentiate between violence using legal or illegal firearms..

A 2022 study about the nexus on firearms and drugs in the EU[164] found that firearm-related injuries result in higher direct medical costs and indirect loses of productivity than those resulting from injuries inflicted by sharp instruments. These disproportionally higher costs for firearms violence are attributed to the higher proportion of firearm-inflicted injuries resulting in death or injuries warranting hospitalisation.

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[161]EU funded project INSIGHT, under call *ISFP-2020-AG-FIRE*. Accessible at https://vlaamsvredesinstituut.eu/en/project-insight/#:~:text=This%20online%20knowledge%20platform%20offers%20policymakers%2C%20police%20officers%2C,information%20about%20firearms%20violence%20in%20the%20European%20Union

[162] Krüsselmann, K, *Lethal and non-lethal Firearms Violence in the European Union*, Brussels, 2023, p. 12.

[163] European Commission Eurostat's website, population and population change statistic, available at https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Population_and_population_change_statistics

[164] De Schutter, A. en Duquet, N. (2023), *The nexus between drug markets and gun violence in the European Union*, Flemish Peace Institute and EMCDDA, https://www.euda.europa.eu/drugs-library/nexus-between-drug-markets-and-gun-violence-european-union_en.

Swedish economist Oscar Erixon estimated[165] the cost of a shooting in Sweden, in which a person was slightly injured and another seriously injured person, to be SEK 75 million (EUR 6.7 million). This figure includes the cost to society for health care, police, the judicial system, witness support and penal care[166]. Information received from gunviolence.eu, states that Sweden experienced 104 shootings in the first half of the year 2024. Using the conclusions of the project INSIGHT (95% of firearms violence is non-lethal, of which about 20% results in physical injuries), it could be surmised that around 20 of these shootings resulted in non-lethal but physical injuries. If all these 20 shootings were to have resulted in a slightly injured person and another seriously injured person, the cost of these shooting for the Swedish society would be somewhere around EUR 120 to 140 million, for the first half of 2024 alone. The cost is purely theoretical as it relies on the hypothesis that all shootings resulted in one slightly injured person and another seriously injured, while some of these shootings might have actually resulted in less injuries and others in more injuries. The above explanation nevertheless illustrates that the costs of firearms-related violence, while difficult to estimate, are not negligible.

According to Mr. Erixon, shootings lead to anxiety and fear in society, and this in turn can be expressed in various outcomes that result in an actual cost, such as people going on sick leave or achieving poorer results in school, starting to take antidepressants or moving away.[167].

Another economic impact reflected in open sources and articles is the depreciation of property assets in areas affected by shooting incidents.[168] As a Swedish real estate expert states it: "in certain neighbourhoods, you can clearly establish a link with crime rates", "when violence and unrest escalate, it is certainly not the ideal time to try to sell your house or apartment at a favourable price"[169].

Against this baseline scenario, all policy options would have some kind of positive economic impact, as they would serve the general objective of reducing the number and availability of illicit firearms, and would reduce the firearms-related violence threatening the security of EU citizens (final consequence of the problem).

The enforcement actions in PO1 would address the Member States that have clear gaps in the transposition of the UN Firearms Protocol and the Member States with the lowest penalties. However, as explained above, in section 5.2.1(point a), the enforcement of the UN Firearms Protocol through infringements is uncertain. Furthermore, all other suggested measures are non-binding, it is therefore highly uncertain if the Member States would implement them.

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165 Researcher in economics at the Institute for Housing and Urban Research, project manager of an ongoing project called "Living with the Aftermath: Consequences of Gun Violence for Affected Residential Areas and Individuals" (not available at the moment).

166 Gunnarsson, Sandra. (2023). Gun violence risks costing society dear. University of Uppsala (Sweden) https://www.uu.se/en/news/2023/2023-09-18-gun-violence-risks-costing-society-dear.html?utm

167 Gunnarsson, Sandra. (2023). Gun violence risks costing society dear. University of Uppsala (Sweden) https://www.uu.se/en/news/2023/2023-09-18-gun-violence-risks-costing-society-dear.html?utm

168 Kristien Amerijckx, "Schietincidenten Anderlecht drukken vastgoedprijzen: "Overheid moet ingrijpen", *vrt nws*, 7 February 2025, https://www.vrt.be/vrtnws/nl/2025/02/07/doen-de-schietpartijen-in-anderlecht-de-huizenprijzen-dalen/

169 Idem.

Based on the positive experience from some Member States, in terms of improved national cooperation and coordination, and as it is an internationally recognized good practices, the establishment of NFFPs would have the highest potential impact on reducing the number of illicit firearms in circulation, which in its turn would reduce the economic costs linked to shooting incidents. The Commission has been advocating the establishment of NFFPs since 2020 and in 2021, the Council did the same through Council Conclusions. Unfortunately, this has not resulted in well-equipped NFFPs in all Member States. PO1 would have no impact on this. Therefore, PO1 would have a small or possibly even neutral impact on the economic costs in comparison to the baseline.

PO2, PO3 and PO4 contain a legal obligation to establish a NFFP, therefore it is expected that these policy options would have a higher impact on the reduction of the economic costs, especially those linked to shootings. Other important measures to reduce shootings, and therefore the economic costs linked to them, are increasing the conviction rate of criminals, so that they cannot commit more shootings, and addressing the trafficking networks of firearms in order to reduce the availability of illicit firearms. Both measures will be supported through the establishment of a Focus Group to improve cross-border judicial cooperation (part of PO1, PO3 and PO4), as this group will facilitate the exchange of good practices and information.

As explained in section 2.1.3. the lack of available statistics can also have an influence on the lack of political prioritisation and therefore on the lack of necessary budget, human and financial resources for law enforcement authorities. Including a legal obligation, which will harmonise the data collection of seized firearms (included in PO2, PO3 and PO4), will improve the data quality. However, the yearly reporting on the statistics of firearms-related violence (included in PO4) will have the largest impact on improved political prioritisation. This in turn, is expected to have a larger impact on improving the necessary budget for law enforcement, which will ultimately have an impact on the number of firearms in circulation in the EU and the economic costs related to shootings.

Lastly, the developments in new technologies involve a threat to the increased availability of untraceable firearms in the EU, which will have an effect on firearms violence. The legal obligation regarding blueprints (included in PO2, PO3 and PO4) is expected to reduce this threat substantially. The added recommendation paper (included in PO3 and PO4) to exchange good practices and to establish joint testing of blueprints between Member States is expected to support the implementation of this new legal obligation. Therefore, the combination of the legal obligation with the recommendation paper is expected to have the highest impact on the reduction of this threat, which in turn will reduce the economic costs associated with shootings. Following the above argumentation, PO2, PO3 and PO4 would have a gradually increasing impact on the economic costs associated with firearms violence. Therefore, in preparation for section 7, comparing the policy options, PO1 scores 0.5, PO2 scores 1, PO3 scores 2 and PO4 scores 3 on their impact to reduce the economic costs related to firearms violence (to be calculated together with impact on SMEs and regulatory costs for section 7: comparing the policy options).

6.2.2. Impact on SMEs and competitiveness

This initiative focuses on the illicit firearms market. The rules and procedures for the legal market are established in the Firearms Directive and the recast Firearms Regulation. Therefore, this initiative has no impact on companies and SMEs who follow the rules established in these and national legislations[170]. None of the policy options would have an impact on the legal market, therefore there would not be a negative effect on SMEs or the competitiveness of businesses. This was also confirmed during the consultation strategy.

If any, this initiative would have a positive impact on competitiveness. Effective criminal law enforcement would actually protect legitimate businesses against unfair competition from illegal businesses the activities of which negatively affect the image of the whole sector and result in a loss of profit.

The criminalisation of the illicit production, possession and dissemination of digital blueprint (included in PO2, PO3 and PO4) for the purpose of manufacture of firearms or essential components with new technology should not affect licensed dealers and brokers (meaning businesses licensed to manufacture, trade, exchange, hiring out, repair, modify or convert firearms, essential components and ammunition according to the Firearms Directive). New technologies could provide valuable innovations for the sector. The criminalisation would help towards the protection of intellectual rights over these innovations, and thus represents a beneficiary factor. Therefore, in preparation for section 7, the score of all policy options related to their impact on SMEs and competitiveness is considered neutral.

A dedicated SME test has been performed in annex 6.

6.2.3. Regulatory costs

The main costs for any of the policy options will be for the administration of the Member States, rather than for the economic operators or for private citizens.

Costs of an increase in staff in Member State police and prosecution offices

Costs stemming from more effective investigations and from a broader scope of offenses related to firearms and essential components would mainly be the need for additional staff in the Member States to carry out the investigation and prosecution of firearms crime cases. To calculate costs, it is assumed that a higher volume of cases would primarily impact the practitioners along the enforcement chain dealing with investigation, prosecution and conviction.

There are no studies nor data regarding a potential impact of increase in staff related to firearms offenses, instead the studies carried out during the impact assessment for a proposal for a Directive on the protection of the environment through criminal law, carried out in 2021, will be used.[171]

[170] The Firearms Directive establishes minimum rules on the internal market. Every Member State can decide to be stricter.
[171] More information can be found in the final report (JUST/2020/JACC/FW/CRIM/0122), study to supply the impact assessment accompanying the document for a proposal for a Directive on the protection of the environment through criminal law and replacing Directive 2008/99/EC (SWD(2021) 465 final.

The transferability of this study comes from the fact that neutral data related to labour costs in the EU has been used and environmental crimes and firearms crimes share common problems, such as the lack, in many occasions, of special prosecutor offices or specialised units for investigations.

Based on this data (quantitative baseline data and calculation of % of police and prosecutors working on environmental crime in 12 Member States), and calculations estimated in Annex 9, annual costs have been estimated at EUR 4,069,175 in total for all Member States during at least the 5 first years following the transposition of the Directive. However, if more offences are criminalised, as proposed in PO4, this cost would increase. Calculating this additional cost is uncertain as the additional offences cannot be considered as a net increase. As explained under PO3, 3 out of the 5 additional offences can be covered by the larger offences such as illicit manufacturing and trafficking of firearms. The remaining 2 additional offences, illicit carrying and misconduct in the context of record-keeping and licensing, are assumed to be less prevalent than for example illicit possession and illicit manufacturing. Therefore, a conservative estimate would be an additional cost of EUR 500,000 for all Member States during the 5 first years because of these additional offences in PO4[172].

Costs of an increase in ballistic departments within Member States.

The inclusion of the provisions included in PO2, PO3 and PO4 would include an increase of administrative costs for forensic departments of Member States, as the number of seized firearms could be increased. Costs related to finalising and testing (3D printed) firearms depend on judges requiring the testing of all seized firearms. Case studies in Spain and Germany[173] show that it might not always be needed to test every single essential component or firearm found. Additionally, under PO1, PO3 and PO4, the Commission suggested to facilitate the exchange of information on blueprints that lead to functioning firearms. If such an exchange of information can be established, not all Member States would have to test the same blueprints, which would be a reduction in costs. There are no studies nor official data regarding the costs in terms of working hours of ballistic experts. The only reliable and available data comes from the Global firearms study conducted by UNODC in 2020, where not all EU Member States participated (only 13 MS).

There is a correlation between number of inhabitants per Member State and number of legal firearms, which also has a correlation with number of firearms lost or stolen. Based on that correlation, the estimation of administrative costs was calculated per inhabitant, with a total of EUR 574,564 per year for administrative costs for ballistic reports in all 27 Member States and an additional EUR 332,107 per year for ballistic reports on digital blueprints[174].

Costs of establishment of National Firearms Focal Points in all Member States.

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[172] Estimate based on additional cases due to an increase in offences. This estimation is based on the calculations done in the preparatory study to support the impact assessment of the revision of the Environmental crimes Directive. Further explanations on the calculations for costs of administrations can be found in Annex 9

[173] See Annex 9:calculations for administrative costs.

[174] See annex 9: calculations for administrative costs.

PO2, PO3 and PO4 would include a dedicated measure on the requirement for Member States to establish a National Firearms Focal Point (NFFP) in the meaning of Council Conclusion 10726/21[175]. This requirement will have different effects on Member States, depending on how well-developed the current NFFPs are. According to the scoreboard published yearly by the Commission, 3 Member States have yet to establish a NFFP, 8 Member States have a NFFP which performs more than 75% of the tasks as described in the Council Conclusions, 7 Member States have NFFPs that fulfil between 50 and 75% of the tasks described, 5 Member States have NFFPs that fulfil between 26 and 50% of the tasks described and 7 Member States have NFFPs that fulfil less than 25% of the described tasks[176].

During the consultation meetings with the Member States, those Member States with highly developed NFFPs advocated towards the other Member States the positive effects of NFFPs in terms of improved cooperation, national and international coordination, threat analysis, exchange of information etc. The scoreboard of the Commission shows a clear tendency for Member States to indeed further develop their NFFP (see footnote 62). The establishment of National Firearms Focal Points have been advocated by the Commission within the 2020-25 EU Action Plan on firearms trafficking, as part of the priority “Increasing pressure on criminal markets”.

It is difficult to establish the administrative cost for the full establishment of a NFFP in a Member State, as it depends on multiple factors, such as size and population, model of NFFP (the Council Conclusions focus on tasks, not minimum requirements), model of the State and distribution of competences of Law Enforcements Agencies on firearms, etc.

In March 2025 an ISF project, to develop in a harmonised way the National Firearms Focal Points in the EU, was signed, for a total amount of EUR 1,788,285.65, where Austria, Portugal, Romania and Spain are the main beneficiaries, with an estimated amount per Member State of EUR 447,071. This project includes not only the establishment at national level of NFFPs, but also studies and technical assistance to support the development in other countries and development of operational actions within the EMPACT firearm.

The development of national capabilities of National Firearms Focal Points could be greatly facilitated by using the national envelope of the Internal Security Fund. This was done by Spain.

In this sense, the regulatory costs linked to the different policy options would have a neutral to negative effect in the final score of economic impact (within section 7: comparing the policy options). PO1 would score 0, PO2 and PO3 would score –1 (costs described below and derived from the implementation of modifications in national databases) and PO4 would have a more significant negative score with -3 as it would increase the direct and indirect costs derived from

[175] Council Conclusions 10726/21 on the implementation of the National Firearms Focal Points (NFFPs) in the EU Member States: https://data.consilium.europa.eu/doc/document/ST-10726-2021-INIT/en/pdf

[176] European Commission DG HOME’s website, EU Action Plan on firearms trafficking, scoreboard of state of play of NFFPs. Accessible at https://home-affairs.ec.europa.eu/document/download/1bd09cc9-a62a-4051-b118-0391bcbd64cb_en?filename=National-firearms-focal-points-scoreboard_en.pdf

the inclusion of additional offences in the criminal codes of multiple Member States and the costs derived from the statistic reporting obligation.

In combination with the scores under the section of costs linked to shootings and the impact on SMEs and competitiveness, PO1 would score 0.5, PO2 would score 0, PO3 would score 1 and PO4 would score 0.

6.3. Impact on fundamental rights

By addressing the threat of firearms trafficking, all envisaged options will have a positive impact on ensuring the security of the EU citizens. However, following the assessment in 6.1.1. section, policy option 4 will have a larger impact.

Article 16 of the Charter on Fundamental Rights of the European Union recognises the freedom to conduct a business "in accordance with Union law and national laws and practices." The initiative will not affect the right to conduct business as the rules on authorising arms dealers to trade in firearms is established in the Firearms Directive. These rules will not change due to this initiative.

Article 17 of the Charter recognises the right to property. It is settled case-law that the right to property enshrined in Article 17 of the Charter is not absolute and can be limited, subject to the principle of proportionality, and only if the limitations are necessary and genuinely meet objectives of general interest recognised by the European Union or the need to protect the rights and freedoms of others. It is the Firearms Directive which establishes the rules on legal ownership of firearms, essential components and ammunition. These rules will not change due to this initiative.

In this sense, the impact of the different policy options on fundamental rights is mainly linked to the added security and therefore the scoring would be similar as under section 6.1.1.: PO1 scoring 1, PO2 scoring 2, PO3 scoring 2.5 and PO4 scoring 3.

6.4. Impact on digitalisation

PO2, PO3 and PO4 would include measures on establishing the harmonised minimum dataset for seizures of firearms and the mandatory reporting of the data within that dataset to the European Firearms Hub. Depending on how the Member States organise their databases on seizures, there will be some developments needed to adjust the national databases. Some Member States might not have to adjust their dataset as all required fields are already used, others might have to adjust to a much larger extent. These 3 policy options would thus have a similar score.

As stated under section 5.2.2 (c), the Commission intends to finalise the discussions with the Member States on this minimum dataset before launching the legislative initiative. These discussions are being held in the Expert Group on Firearms Trafficking and the Implementation of the Firearms Directive.

Based on past experience with Member States requested to modify their national databases (Slovakia under their national programme of ISF in 2020 or Spain, Portugal and Romania under project FOCAL-SF[177]), an estimate average cost of EUR 400,000 per Member State is expected.

PO4 includes a requirement for Member States to collect data on the different firearms-related offences and to report those statistics to the Commission on an annual basis, so this measure would have a negative effect in terms of costs. A similar exercise under the Environmental Crime research showed that Member States would have a one-off costs of €428.034 and yearly cost of €255.411 for the harmonised collection of data[178]. This would have a bigger impact on those Member States who could not differentiate between the different offences when sending data to the Commission during the consultation exercise of this impact assessment.

Therefore, in preparation for section 7, comparing the policy options, PO1 scores 0, PO2 and PO3 score –0.5 and PO4 scores -1 on their impact on digitalisation.

6.5. Impact on youth

Illicit firearms contribute to the worrying phenomenon of young European being roped in criminal activities and suffering themselves from firearms violence. The last SOCTA, published by Europol, observed that individuals involved in gun violence are increasingly younger. Additionally, studies highlight how the increased availability of firearms has facilitated the gradual trickling-down of the possession and use of firearms, especially to lower segments of the criminal hierarchy in several EU Member States, including younger criminals[179]. Findings from the EU funded project TARGET stated that young men (under the age of 35), are the main victims and perpetrators of lethal firearms violence.

Firearms are a key enabler of other crimes. Therefore, the highest impact on youth would be all measures described in the policy options, that are designed to reduce the circulation of illicit firearms in the EU. These measures are the same as those described under section 6.2.1 economic costs linked to shootings. The measures with the highest expected impact are the legal obligation to establish NFFPs (included in PO2, PO3 and PO4), the establishment of a focus group to improve cross-border judicial cooperation (included in PO3 and PO4), improving the statistics to get more political support and resources through a legal obligation, to harmonise the data collection of seized firearms (included in PO2, PO3 and PO4) and the yearly reporting on the statistics of firearms-related violence (included in PO4). Lastly, the developments in new technologies could lead to an increased availability of firearms in the EU. The legal obligation regarding blueprints (included in PO2, PO3 and PO4) is expected to reduce this threat substantially. The added recommendation paper (included in PO3 and PO4) to exchange good practices and to establish joint testing of blueprints between Member States is expected to support the implementation of this new legal obligation. The reasoning why these measures would have the highest impact on youth are the same as for economic costs linked to

[177] EU funded project FOCAL-SF, under call ISFP-2018-AG-OC-FIRE.
[178] Milieu Consulting SRL, Final Report – Study to supply the impact assessment of the Directive 2008/99/EC on the protection of the environment through criminal law, JUST/2020/JACC/FW/CRIM/0122, p.7, accessible at https://commission.europa.eu/system/files/2022-02/study_final_report_en.pdf
[179] Duquet, N. and De Schutter, A *The nexus between drug markets and gun violence in the European Union.* Flemish peace institute, Brussel, 2023.

shootings. Therefore, the policy options would have a gradual increase in impact. In preparation for section 7, comparing the policy options, PO1 scores 0.5, PO2 scores 1, PO3 scores 2 and PO4 scores 3.

7. HOW DO THE OPTIONS COMPARE?

Due to the limitations explained in the previous section, it is not possible to exactly quantify the impact of the different options, nor the criterions of effectiveness, efficiency, coherence and proportionality. Instead, a qualitative assessment has been performed, where the numeric rating of the magnitude of the expected effects of every policy option vis-à-vis the baseline scenario in relation to each criterion and impact is considered. Whereas the baseline scenario has been explained and limitations highlighted, by definition, rated with '0' in relation to each criterion, the other four policy options will be scored on a scale from -1 to -3 where -1 = small negative extent, /-2 = moderate negative extent/ -3 = high negative extent and 1 to 3 where 1= Small positive extent / 2=Moderate positive extent / 3=High positive extent. A score of 0 means that the option would have the same expected effect as the baseline scenario.

The ratings have been based on the triangulation of the limited quantitative data and mainly the qualitative data collected throughout the preparatory study and impact assessment report by means of desk research, interviews, Commission expert groups, discussion papers, an online survey with representatives from the Member States, the call for evidence and the public consultation.

Different weights have been allocated to different criteria and impacts based on their relative importance. Social, economical and digital impacts have been prioritised in relation to fundamental rights and youth impacts. Positive impacts on the latter are more likely to occur as a by-product of positive social, economical and digital impacts. The social, economic, fundamental rights, digital and youth impacts of the policy options are described in Section 6.

In the table below, numbers in brackets depict the relative weight of each criterion and type of impact for the multi-criteria analysis. The criteria used to assess the effects have been rated in relation to each specific objective whereas the types of impacts have been rated in relation to each policy option as a whole (as described in Section **Error! Reference source not found.**).

Criteria	Types of impacts
- Effectiveness (weight 4) - Efficiency (weight 4) - Coherence (weight 4) - Proportionality (weight 4)	- Social (weight 4) - Economic (weight 3) - Fundamental rights (weight 2) - Digital (weight 3) - Youth (weight 1)

Table 1 – criteria and types of impacts, and their corresponding weight

Each of the policy options are assessed against each other and given a score between 1 and 4 (4 being the total number of policy options). The least impactful option is given a score of 1. If several options equally compare, they are given the same score. If all options have the same impact, they all have a score of 1. If each option has a different impact, the most impactful option is given a score of 4.

A more detailed analysis is performed for effectiveness and efficiency, with each specific objective being assessed separately. The total score of each of these criterion is thus divided by the number of specific objectives (4) to allow comparison with other criteria. The score of each criterion is subsequently adjusted to the weight of each criterion.

7.1. Effectiveness

Based on the assessment described above, the conclusion on effectiveness is that PO4 is the most effective of all policy options with a score of 3. A detailed analysis of the effectiveness of each policy options assessed against each of the specific objectives of this initiative is available in Annex 11.

Summarising the conclusions of that detailed assessment, when effectiveness is assessed against the specific objective "making it easier to investigate and prosecute", PO2 is more effective than PO1, mainly due to the fact that experts from the Member States indicated that recommendations alone would not result in changes in the criminal code. Furthermore, PO3 is more effective than PO2 due to the additional support for Member States in implementing the requirements. Lastly, PO4 is more effective than PO3, due to the higher amount of offences.

Regarding the specific objective "ensuring a future proof enforcement of firearms-related offences," PO2, PO3 and PO4 are seen as equally effective as PO2. The effectiveness of recommendations on new technologies as described under PO1 are considered especially low, as these recommendations were already made by the Commission, EMPACT and the UN, without any result.

On "ensuring effective, dissuasive and proportionate penalty types and levels for firearms-related offences," PO3 is equally effective as PO2, and they are both more effective than PO1. PO4 could be slightly more effective than PO2 and PO3 as it would establish minimum levels of maximum penalties for the wider set of firearms-related offences.

On "improving law enforcement and judicial cooperation and harmonised data collection on firearms-related offences", PO3 is equally effective as PO2, and they are both more effective than PO1. PO4 would be considered slightly more effective than both PO2 and PO3 as it would add the obligation for Member States to collect and report data to the Commission on a yearly basis.

SO1: making it easier to investigate and prosecute firearms offences							
	PO1	<	PO2	<	PO3	<	PO4
Score	1		2		3		4
SO2: Ensuring a future proof enforcement of firearms offences							
	PO1	<	PO2	=	PO3	=	PO4

Score	1		2		2		2	
SO3: Ensuring effective, dissuasive and proportionate penalties types and levels								
	PO1	<	PO2	=	PO3	<	PO4	
Score	1		2		2		3	
SO4: Improving law enforcement and judicial cooperation and harmonised data collection on firearms-related offences								
	PO1	<	PO2	=	PO3	<	PO4	
Score	1		2		2		3	
Total	4		8		9		12	
Total/4	1		2		2.25		3	

7.2. Efficiency

This section compares the estimated costs and benefits of the policy options for the different stakeholders. The conclusion on efficiency is that PO3 has the overall higher efficiency, followed closely by PO2. A detailed analysis of the efficiency of each policy options assessed against each of the specific objectives of this initiative is available in Annex 11.

When the policy options are assessed against the specific objective "making it easier to investigate and prosecute" PO2, PO3 and PO4 have a higher level of efficiency than PO1, their benefits would be to harmonise the three mandatory firearms offences as defined by the UN Firearms Protocol and the additional core offense of illegal possession, which is considered one of the most important offenses for Member States[180] and for the citizens.[181] Another important benefit would be to include essential components in all the offenses, as the UN Firearms Protocol has different marking requirements than the Firearms Directive. PO1 would not facilitate this change.

PO3 is slightly more efficient than PO2 insofar as it includes additional non-legislative measures which have a low cost of implementation, easily offset by the benefits these provide, even if small.

PO4 would have a lower level of efficiency than PO3, as the additional legal obligations of PO4 regarding the harmonisation of the wider set of firearms-related offences would mean more costs than benefits, given that the additional offenses included in PO4 are not so relevant as the ones included in PO3[182]. This is due to the possibility to address all the additional firearms-related offences within the remits of the core offences (as explained under PO3, section 5.2.3) Additionally, based on the consultations with national firearms experts (in both the meeting with the firearms expert group and with law enforcement agencies) and the position

[180] Annex 2: consultation with law enforcement agencies p. 91.
[181] Annex 2: public consultation: need for EU actions on different firearms-related offenses p. 109.
[182] Annex 5: analytical methods.

of Member States in respect of the future of EU criminal law[183], it is unclear what the real additional efficiency of these definitions would be. PO4 is thus estimated to be scoring equally to PO2.

On "ensuring a future proof enforcement of firearms-related offences", PO2, PO3 and PO4 are expected to be equal, with higher efficiency than PO1, due to the benefit of introducing a harmonised offence of illicit possession, illicit creation and illicit dissemination of blueprints needed to privately manufacture firearms, essential components and ammunition. Furthermore, all three policy options would include a specific clarification in the legal text of how privately manufactured firearms, essential components and ammunition (including 3D printed) fit within the definition of illicit manufacturing. PO1 would focus on recommendations on new technologies only with no extra cost, but also little benefit. Additionally, PO3 and PO4 would be more efficient than PO2 due to the addition of the recommendation paper with good practices to tackle 3D printing and the joint testing of blueprints.

On "ensuring effective, dissuasive and proportionate penalty types and levels for firearms-related offences," PO2 would be of a higher efficiency than PO1 due to the benefits of establishing minimum maximum penalty levels for the core firearms-related offences reflected in the UN Firearms Protocol, without the cost resulting from infringement proceedings. PO3 would have the same requirements as PO2, and would thus be equally efficient.

It is not clear whether PO4 would be more efficient than PO3 in establishing minimum levels of maximum penalties for the wider set of firearms-related offences. It would incur more costs as it would require more legislative and implementation work. A conservative approach puts the benefits as lower than PO2 and PO3 as the consultations have not allowed to identify any clear additional impacts of the harmonising efforts of these wider sets of offences.

On "improving law enforcement and judicial cooperation and harmonised data collection on firearms-related offences", PO2, PO3 and PO4 would be of a higher efficiency than PO1 due to the benefits of including a legal obligation for Member States to establish a National Firearms Focal Point and to harmonise the dataset for seizure of firearms, which would also facilitate reporting to the European Firearms Hub, through a legal provision. The establishment of the NFFPs would include specific costs[184], but it would be compensated by the benefits to increase law enforcement and judicial cooperation.

PO2, PO3 and PO4 would establish the harmonised dataset for seizure of firearms through a legal provision. This measure would have additional costs[185], with the update or creation of national databases but the benefits would be higher, as it would mean a significant increase of the intelligence picture, which is fundamental for the attribution of resources and correct assessment of the threat at national and international level. Another additional benefit would be the ability to better perform analyses through which cross-border connections can be identified.

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[183] The future of EU criminal law: report of the presidency: overview of the discussions. Council Document 16102/24. 4 December 2024.
[184] Annex 4: who is affected and how, section 2: Summary of costs and benefits.
[185] idem.

PO2, PO3 and PO4 also add the obligation for Member States to collect and report data on the different firearms offences to the Commission. While PO2 and PO3 require such data to be provided 5 years after the implementation of the Directive, as part of its evaluation, PO4 requires such data to be provided on a yearly basis. This requirement would benefit the harmonised data collection on firearms-related offences as it is unlikely that all Member States will provide such information voluntarily. The benefit of being able to properly evaluate the Directive and its impact is seeing as outweighing the costs that Member States would have to incur to provide the required data. However, the yearly reporting is seen as being more cost intensive than the requirement of reporting 5 years after implementation. PO4 is thus seen as less efficient than PO2 and PO3.

SO1: making it easier to investigate and prosecute firearms offences							
	PO1	<	PO2	<	PO3	>	PO4
Score	1		2		3		2
SO2: Ensuring a future proof enforcement of firearms offences							
	PO1	<	PO2	=	PO3	=	PO4
Score	1		2		2		2
SO3: Ensuring effective, dissuasive and proportionate penalties types and levels							
	PO1	<	PO2	=	PO3	>	PO4
Score	1		3		3		2
SO4: Improving law enforcement and judicial cooperation and harmonised data collection on firearms-related offences							
	PO1	<	PO2	=	PO3	>	PO4
Score	1		3		3		2
Total	4		10		11		8
Total/4	1		2.5		2.75		2

7.3. Coherence

Internal coherence assesses how various elements of the proposed options are expected to work together to achieve the objectives. Although all four policy options address the identified specific objectives and underlying problem drivers, they do so in different ways, and with a different level of intervention. Among the four policy options, PO3 and PO4 are expected to benefit from a broader range of synergies that can contribute to a higher level of achievement of the objectives. This is thanks to their more comprehensive approach compared to PO1 and PO2. The differences between PO3 and PO4 are limited. The harmonisation of a wider set of offences and a wider set of penalties as proposed in PO4, is not expected to have an effect on internal coherence as both the offences and the penalties are extended at the same time.

External coherence focuses on the compliance of the initiative with other EU instruments and relevant EU policies, as well as national policies or international obligations. All identified policy options show strong links to several EU instruments. In terms of external coherence, all policy options are considered consistent with relevant EU strategies and legal instruments and contribute to EU policy priorities. All policy options are, in particular, in full coherence with the EU Action Plan on firearms trafficking as this document announced that 'the Commission will also start a stakeholders' consultation to examine if gaps exist in the legislative framework and assess the need for establishing common criminal law standards on trafficking of firearms and illicit manufacturing, in line with Article 83 of the Treaty on the Functioning of the European Union'. Even though not all policy options would address the assessment made in the same manner (enforcement or different legal obligations), all are based on the conclusions of the assessment which shows clear gaps in the existing legislative framework. Additionally, the initiative is coherent with the Council Conclusions on Protecting Europeans from Terrorism of 2022 calling upon the Commission to commence the work announced in the EU Action Plan.

PO1 is coherent with the UN Firearms Protocol as it would enforce this legal acquis(?) .PO2, PO3 and PO4 would increase the coherence with the UN Firearms Protocol as it would translate the UN Firearms Protocol into EU legislation. PO3 goes further by also supporting the implementation of the legislative guide to implement the UN Firearms Protocol by clarifying the links between the additional firearms offences and the core offences. Lastly PO4 is fully coherent with the Firearms Directive, and with the UN Firearms Protocol and its legislative guide as it would implement the recommendation to criminalise the wider set of firearms-related offences.

The specific measures within PO2, PO3 and PO4 on new technologies, specifically on the criminalisation related to the blueprints is considered to be ensuring more coherence with the above texts, as well as UN Resolution 12/3 adopted during the twelfth session of the Conference of the parties to the United Nations Convention against Transnational Organized Crime, which invites Parties to regulate blueprints, than PO1 which only proposes a recommendation.

	PO1	<	PO2	<	PO3	=	PO4
Score	1		2		3		3

7.4. Proportionality

PO1 aims at reinforcing the implementation of the current EU legal and policy framework through non-binding measures, which would not require changes in the scope of national decision-making, making it the option scoring the highest on the proportionality score. Citizens in the public consultation and the call for evidence preferred this option the most. However, it has to be taken into consideration that many respondents did not fully grasp that the initiative would focus on the illegal market only and that the rules for legal ownership and acquisition of a firearm would not change. Therefore, their preference for this option comes from the fear that this initiative would introduce additional rules for legal firearms owners, which it does not.

The legislative measures proposed as part of PO2, PO3 and PO4 fall within the scope of the ratification of the UN Firearms Protocol by the EU and the Firearms Directive. Firearms trafficking is already identified in the Treaty on the Functioning of the EU as a Euro crime and as a particularly serious crime with a cross-border component, for which a directive can be adopted to improve the fight against firearms trafficking on a common basis. As the legislative measures described in the policy options include more offences than only those linked to firearms trafficking, particular attention has been directed to ensure proportionality when describing the different measures under section 5. Specifically, the provisions on illicit possession will consider national traditions on administrative law by interconnecting the definition with a criminal intent. Additionally, the introduction of a harmonised offence for illicit possession, illicit creation and illicit dissemination of blueprints will have measures to ensure proportionality towards the industry and citizens. The focus of this offence will be on illicit use, meaning that authorised dealers and brokers should not be prevented from experimenting or using these new technologies. Furthermore, these blueprints should be focused on new technologies such as 3D printing or CNC cutting. It cannot be the intention to criminalise 2D blueprints gathered by collectors and museums. Other suggested options such as targeting 3D printers themselves through an obliged tracing or through changes in the software in order to detect blueprints of firearms were not considered proportionate as it would target a much larger industrial sector.

Introducing the criminalisation of blueprints does however include an additional cost for Member States, specifically the testing of these blueprints by forensic centres can put further pressure on these institutions. Therefore, the recommendation in PO3 and PO4 to exchange good practices regarding the fight against 3D printing and especially the facilitation regarding joint testing of blueprints, will improve the proportionality of this new legal obligation.

In the absence of data allowing the carrying out of a cost quantification specifically for the introduction of legislative provisions, the proportionality comparison between PO2 and PO4 cannot be assessed in detail. Higher numbers of offences that need to be criminalised (as included in PO4) are expected to increase the costs for Member States. However, the support to Member States in regards to the joint testing for blueprints is expected to reduce costs in comparison to PO2. Therefore, PO2 and PO4 will be considered equal in terms of proportionality.

	PO1	>	PO2	<	PO3	>	PO4
Score	3		1		2		1

The overall score of each impact and criterion is presented in the below table.

Table 2 - Comparison of policy options

Criteria and type of impacts	weight		Rating			
		BS	PO 1	PO 2	PO3	PO4
Criteria						
Effectiveness	4	0	1	2	2.25	3
Efficiency	4	0	1	2.5	2.75	2

Coherence	4	0	1	2	3	3
Proportionality	4	0	3	1	2	1
Types of impacts						
Social	4	0	1	2	2.5	3
Economic	3	0	0.5	0	1	0
Fundamental rights	2	0	1	2	2.5	3
Digital	3	0	0	-0.5	-0.5	-1
Youth	1	0	0.5	1	2	3
Total (relative to the weight)		**0**	**32**	**41.5**	**58.5**	**54**

8. PREFERRED OPTION

8.1. Policy option 3

The preferred option is PO3 which focuses on a legislative initiative for the core firearms offences only, and some non-legislative measures. This option would address all problems and objectives identified in an effective way. Furthermore, it balances this effectiveness with the needed proportionality. Therefore, PO3 is the option which manages to balance the needed increase in security with providing enough room for Member States to regulate further at national level.

The legislative focus on the core offences is considered sufficient, especially as the initiative will also clarify how the wider set of firearms-offences can be addressed. PO3 also facilitates the EU's implementation of its international responsibilities in the most coherent way. It ensures the implementation of the UN Firearms Protocol. It focuses on clarifying the suggestions in the UN legislative guidelines and it implements recommendations formulated in the UN Resolution 12/3. The recommendations to set up a dedicated Focus Group for prosecutors specialised in firearms offences will not only support Member States in implementing the new Directive, it will also facilitate exchange of information and best practices amongst Member States.

All analysis and consultations pointed to the growing threat of privately manufactured firearms, specifically 3D printed firearms. Policy option 3 would include a specific focus on harmonising the criminalization of digital blueprints and their hard copies. This would allow law enforcement agencies to deprive criminals of the means to produce a 3D printed firearm in the most proportionate manner. Additionally, it meets the recommendations made at the UN level (Resolution 12/3), the EU level (EMPACT conferences) and at the national level (the majority of the Member States who responded to the discussion paper preferred this action).

Additionally, supporting Member States in exchanging information on blueprints that have been proven to produce live firing firearms will help the implementation of the new offence on blueprints.

PO3 would also ensure the development of the National Firearms Focal Point entities throughout all the EU Member States. The Commission and some of the Member States have been actively promoting these NFFP as a particularly valuable measure to improve the much-needed cooperation at international and national level. This was also recognized by the Council through Conclusions. Therefore, this action is considered as highly effective and proportionate.

Lastly, policy option 3 would address the needed harmonisation of a minimum dataset for seized firearms related to criminal offenses. As with NFFPs the harmonisation of a minimum dataset for seized firearms has been discussed with Member States for years. There is an overall agreement on the need to have such a dataset as it will allow for the creation of an EU Repository, which could be integrated in the EU intelligence hub for the purpose of data exchange that is being developed by Europol. It will facilitate cross-border investigations and analysis. However, as stated by the national experts, this harmonised minimum dataset would only be effective if it is a legal obligation for the Member States.

For all of the above reasons and for all the reasons explained in section 7 when comparing the policy options, PO3 is considered the preferred option.

8.2. REFIT (simplification and improved efficiency)

This initiative is not a revision of existing legislation; therefore, a REFIT test has not been performed.

8.3. Application of the 'one in, one out' approach

The 'one in, one out' approach refers to the principle whereby each legislative proposal creating new burdens should relieve people and businesses of an equivalent existing burden at EU level in the same policy area.

This initiative would not entail administrative costs for the private sector, and, as to administrative and adjustment costs and savings, it would mainly concern public authorities.

As explained under sections 6.1.2 and 6.2.2. the rules regarding acquisition and possession of firearms for citizens and businesses derive from the Firearms Directive and the recast Firearms Regulation. This initiative is only focused on the illegal market, it therefore excludes any new rules for the legal market. This is especially important to keep in mind when introducing the new offences related to the illegal possession, dissemination and creation of blueprints for 3D printed firearms. In order to keep this new offence proportionate, it will be important to exclude licensed dealers, so that the industry can have access to these innovative techniques. Furthermore, a good definition of blueprints will be needed to make sure that collectors and museums which have blueprints of antique or classic firearms in their possession are not targeted.

As a result, this initiative does not contain costs for businesses and citizens. This assessment was also confirmed during the consultation meeting with manufacturers. Furthermore, based on the discussion in section 7.2, it is assumed that the initiative is expected to generate significant cost savings to society, derived from a reduction in firearms violence.

9. HOW WILL ACTUAL IMPACTS BE MONITORED AND EVALUATED?

The impacts of the initiative will be evaluated against the specific objectives : (1) making it easier to investigate and prosecute firearms offences, (2) ensuring a future proof enforcement of firearms-related offences, (3) ensuring effective, dissuasive and proportionate penalty types and levels for firearms-related offences and (4) improving law enforcement and judicial cooperation and harmonised data collection on firearms-related offences.

To assess these objectives, the Commission will measure the number of investigations, prosecutions, convictions and sanction levels in each Member State, and assess the improvement of the intelligence picture and data collection on firearms trafficking.

This initiative would therefore include a monitoring and evaluation of the impacts, which should be carried out, in principle not earlier than five years after the deadline for transposition to ensure that there is a sufficiently long period to evaluate the effects of the initiative after it has been fully transposed across all Member States.

The preferred policy option 3 does not include a provision obliging Member States to annually report to the Commissions statistics on the numbers of investigations, prosecutions and convictions, but the Commission will ask Member States for input before this quinquennial report, as it did now through the consultation strategy. Furthermore, the Commission will cooperate with Eurostat to collect more regular statistics, which will allow for a more constant monitoring of the initiative.

Additionally, the Commission will monitor the implementation of the specific objectives of cooperation and coordination via different methods. A table with the suggested indicators to monitor the different objective is available in Annex 10.

Finally in order to monitor and evaluate the social and economic impacts stated in the document, the Commission will add a specific focus on these impacts in the evaluation study (5 years after transposition).

ANNEX 1: PROCEDURAL INFORMATION

10. LEAD DG, DECIDE PLANNING/CWP REFERENCES

The lead DG is the Directorate-General for Migration and Home Affairs (DG HOME) for the preparation of this initiative and the work on the impact assessment. No other DGs were associated to the initiative. The initiative is listed in the Commission Work Programme 2025.

11. ORGANISATION AND TIMING

The inter-service steering group for the impact assessment was set up on 11 July 2024[186]with participation of the following Directorates-General: Enlargement and Eastern Neighbourhood (ENEST), Foreign Policy Instrument (FPI), Defence Industry and Space (DEFIS), Internal Market, Industry, Entrepreneurship and SMEs (GROW), Justice and Consumers (JUST), European External Action Service (EEAS) the Legal Service (LS) and the Secretariat-General (SG).

The call for evidence and the public consultations were jointly launched on 1 October 2024 and concluded on 24 December 2024.Targeted stakeholder consultations were conducted from October 2024 to February 2025.

<u>ISG meetings:</u>

4 ISG meetings and 4 written consultations were organised:

- written consultation in August 2024 on call for evidence and consultation strategy

- ISG meeting on 26 September 2024 focused on the political context of the initiative, the mapping study, the initial problem tree and the consultation strategy

- ISG meeting on 16 January 2025 focused on the data analysis and problem description, the first results of the call for evidence and the public consultation, the results of the wider consultations with stakeholders and a first assessment of the policy options.

- Written feedback on the data analysis and problem description were asked to be submitted by 24 January 2025

- ISG meeting on 20 February 2025 focused on updates regarding the legal base and the last consultation meetings and discussions on the impact of the initiative for SME's.

- Written feedback on the draft impact assessment were asked to be submitted by 28 February 2025

[186] Ref. Ares(2024)5020582

- Written consultation was initiated on 17 March 2025 on the final draft of the impact assessment.

- ISG meeting on 29 September 2025 focused on the revised impact assessment following the comments made by the RSB issued on 5 May 2025.

12. CONSULTATION OF THE RSB

The first version of the draft Impact Assessment report was submitted to the Regulatory Scrutiny Board (RSB) on 2 April 2025. The hearing took place on 30 April 2025.

The focus on the discussion was on the scale of the problem and the need to act; the gaps that the initiative aim to fill and how does it articulate with other legal instruments; the evidence supporting the link between illicit activity and Member States divergences; the data and evidence available on the use of illegal firearms in criminal activity; the social and economic impact of the different policy options, and key data limitations and assumptions.

Subsequently to the meeting, the RSB delivered a negative opinion on 5 May 2025, flagging four shortcomings that the report presented.

1) The report did not sufficiently substantiate the scale or urgency of the problem with robust evidence. It did not show how the initiative articulates with the existing legal framework. It did not clearly identify and show the link between increased illicit activity and Member State divergence.
2) The report did not set out what success would look like in terms of reaching the specific objectives which are insufficiently S.M.A.R.T.
3) The report did not demonstrate the causal links between the options and objectives. It did not sufficiently clarify how minimum levels of maximum penalties would dissuade illicit activity and mitigate forum shopping.
4) The report did not adequately assess the economic and social impacts of the options. It did not quantify the costs of all options. The proportionality assessment was insufficient.

The RSB provided 8 recommendations for improvement alongside further technical comments. It invited DG HOME to revise the report in accordance with the Board's findings and resubmit it for a final RSB opinion

The problem description was revised to highlight in particular the severe limitations regarding the lack of EU harmonised data on seized firearms and statistics on firearms-related crimes, the patchy and incomplete data and statistics at national level and the lack of specific studies to support the description of the problems and the impacts of the policy options. The lack of data was upgraded to a main problem instead of a problem driver, bringing the number of main problem to 3. The report highlights the high number of incidents and the upcoming threats to justify the urgency of union action as opposed to gathering more data first.

The main problem 'Offenders take advantage of regulatory discrepancies between Member States' was discarded and replaced by 'Challenges in cross-border cooperation' to address the issue of evidence supporting the link between illicit activity and Member States divergences.

Furthermore, the report was revised to better explain the current framework and its shortcomings, to show how the initiative articulates with the existing legal framework.

The specific objectives were revised to be more specific, measurable, achievable and time-bound.

The report was revised to better demonstrate the causal links between the options and objectives. The analysis on economic and social impacts of the options was revised to highlighting the limitation in the quantification and monetisation of such impacts. The proportionality analysis was revised with better justification behind the scores of each policy option.

The revised impact assessment was submitted to the RSB via written procedure on 13 October 2025. The RSB delivered a positive opinion with reservations on 10 November 2025. The Board asked to rectify the following aspects:

- Further substantiate the problem description by ensuring that all causal links are supported by evidence and analysis
- Further improving the description of the objectives, using the S.M.A.R.T. methodology
- Specify that the impacts of the options contain a degree of uncertainty due to the lack of data

The report was revised to implement these comments.

13. EVIDENCE, SOURCES AND QUALITY

For the purpose of this impact assessment, the Commission collected data through various sources and consultations methods.

The research for the initiative and this impact assessment started with a mapping study, which took place in 2023/2024 and mapped how Member States are currently criminalising the core firearms offences.

The Commission gathered also evidence following a consultation strategy, which included an open call for evidence, public consultation and a dedicated stakeholder consultation. More details can be found in annexes 2 and 3.

ANNEX 2: STAKEHOLDER CONSULTATION (SYNOPSIS REPORT)

14. INTRODUCTION

This annex provides a synopsis report of all stakeholder consultation activities undertaken in the context of this impact assessment.

To ensure that the interest of different stakeholders throughout the EU is properly reflected in the Commission's approach to the Firearms Trafficking initiative, the Commission regards it as a duty to conduct stakeholder consultations and wishes to consult as widely as possible. The consultation aimed to enable an evidence-based preparation of the future Commission initiative and to strengthen the fight against the illicit trafficking of firearms with the help of the stakeholders. The consultation aimed at receiving relevant input and the individual needs of the stakeholders, on the following main objectives:

i.) Better describing the problem(s)

ii.) Alternative ways of harmonising the criminalisation firearms-related offences

iii.) The scope of harmonising national rules criminalising firearms-related offences

iv.) The possible pros and cons of a new legislative framework

The aim of the consultation was for the Commission to receive relevant input, and the relevant needs of the stakeholders consulted, to obtain a comprehensive picture of the opinions and views on the Firearms Trafficking Initiative.

To do this, the Commission identified relevant stakeholders and consulted them on an early stage of the development of the draft proposal. The Commission sought views from a wide range of stakeholders, including, (i) law-enforcement authorities and customs authorities; (ii) judicial authorities and prosecutors; (iii) other authorities in the field of firearms policy, including ministries of the interior and ballistic expertise centres; (iv) legal firearms users and owners (hunters, sport shooters and collectors); (v) economical operators such as dealers and brokers (manufacturers, traders etc.); and (vi) international organisations and non-governmental organisations in the field of firearms policy.

During the consultation process, the Commission applied a variety of methods and forms of consultation. They included:

- The consultation on the call for evidence and a Public Consultation which took 12 weeks and, which collected views from all interested parties
- A series of expert groups meetings, both online and in-person, where dedicated questionnaires or discussion papers were sent out in advance to prepare for the meetings hosted by the Commission

- Bilateral online meetings with a wide range of stakeholders organised at the initiative of the Commission or the stakeholders, such as with law enforcement agencies, judicial authorities, EU Agencies and criminal law experts.

- Position papers and analytical papers from European agencies, practitioners, professional networks, industry representatives, public authorities from Member States

In total, the consultation activities lasted from October 2024 to February 2025.

The consultation was designed to follow the logic of the impact assessment, starting with the problem description and gradually developing into the possible policy options and their impacts.

The diversity of the perspectives gathered throughout the consultation is valuable in supporting the Commission in ensuring that its political options address the needs and concerns of a broad spectrum of stakeholders, both at national and EU level.

The following synopsis report will give an overview of the consultations undertaken, followed by a section of the results of the consultations and a section on how the results of the consultations are used.

Overview of the consultation activities

Consultation activity	Feedback on call for evidence	Public consultation	Targeted consultations/discussions	Meetings
Indicative planning	October 2024	October 2024	impact assessment on firearms trafficking initiative	With the UNODC Experts, With Member States Experts (law enforcement, judicial, EMPACT Firearms, firearms policy units etc.)
Member States	✓	✓	✓	✓
EMPACT Firearms	✓	✓	✓	✓
EU Agencies	✓	✓	✓	✓
International Organisations	✓	✓	✓	✓
Citizens, firearms owners/users and economic operators	✓	✓		✓

15. CONSULTATION ACTIVITIES

The following section will give an overview of the consultations held. The consultation was structured as follows:

16. PUBLIC CONSULTATION AND CALL FOR EVIDENCE

A public consultation and call for evidence for the impact assessment for the Firearms Trafficking Initiative was conducted, covering a time period of 12 weeks, from 01 October 2024 to 24 December 2024 (midnight Brussels time) and sought the views from all interested parties.

The public consultation was designed to follow the same logical sequence of the impact assessment, commencing with a problem description and gradually developing towards the possible policy options and their potential impacts. Additionally, the call for evidence provided for the possibility to formulate feedback on the Commission's understanding of the problem and possible solutions. By gathering this qualitative data, the Commission tried to ensure that the general public interest in the EU is well reflected in the proposal on the criminalisation of firearms-related offences.

16.1. Targeted stakeholder consultations

Targeted stakeholder consultations were an integral part of the consultation activities conducted by the European Commission. They helped gather feedback, data and case studies, as part of the evidence-based preparation process of the Firearms Trafficking Initiative. Stakeholders involved ranged from the Member States to law enforcement agencies, the private sector, international partners, international organisations to the judiciary.

16.1.1. Member State consultations

Discussion papers on the Firearms Trafficking Initiative

Member States were consulted through a discussion paper on the Firearms Trafficking Initiative, which was discussed orally during the 4th Expert Group meeting on the Firearms Trafficking and the implementation of the Firearms Directive, held on 13 November 2024. The discussion paper mapped out the context, problem description and posed questions on three topics relevant to the initiative. It was sent to the Member States on 31 October 2024. Written input was provided by Belgium, Cyprus, the Czech Republic, Greece, Finland, France, Ireland, Lithuania, Romania, Sweden and Spain.

Questionnaire on quantitative data

2 The input requested was also part of the process to further substantiate the data analysed, since data on firearms-related offences is often incomplete, inconsistent and untransparent. Questions targeted the timeframe 2020-2022, to be coherent with the time frame of the data analysis. 11 responses were submitted, by Spain, Slovenia, Finland, Czech Republic, Greece, Ireland Belgium, Lithuania, France, Sweden and Cyprus.

4th Expert Group on Firearms Trafficking and the implementation of the Firearms Directive, 13-14 November 2024

On 13-14 November, the 4th Expert Group meeting was held in Brussels to discuss firearms trafficking and the implementation of Directive (EU) 2021/555. This meeting marked the first edition of the Expert Group under its expanded mandate, which encompasses not only the implementation of the Firearms Directive but also the EU Action Plan and its external actions.

The meeting covered the following topics: i) The status of implementing the EU Action Plan on firearms trafficking, ii.) key performance indicators for specific actions under the EU Action Plan focused on the Western Balkans, iii) the status of a proposal by the Commission for a new EU legislative act aimed at harmonising criminal offenses related to firearms trafficking, iv) the harmonisation of data collection on seized firearms, including the development of an EU Hub for firearms and a repository of seized firearms at the EU level within EUROPOL. The meeting also touched on v) the review of Commission Delegated Regulation (EU) 2021/1423, which deals with the systematic exchange of information on refusals to grant authorizations for firearms acquisition or possession (IMI), and potential revisions to this regulation.

Bilateral follow-up with the Netherlands: Supreme Court Ruling ECLI:NL:HR:2023:936

The Commission conducted a bilateral follow-up request with the Netherlands after the 4th Expert Group meeting, to gather more input of the Dutch Supreme Court Ruling ECLI:NL:HR:2023:936, in which the judge did not require a testing of seized 3D-printed firearms and their essential components.

Discussions at the Law Enforcement Working Party, 10 January 2025

The Polish Presidency of the Council organised a specific meeting of LEWP-P on firearms-related threats and issues. The meeting covered the following topics: i) information from the Presidency; ii) new threat related with reproductions of antique black powder weapons; iii) the dangers of 3D printed firearms; iv) counterfeit weapons; v) converted alarm and signal weapons; vi) the risks linked to the use of pyrotechnics products; vii) harmonisation of data collection of seized firearms; viii) automatically deleted SIS alerts; ix) firearms smuggling and illegal arms trafficking with particular emphasis on Ukraine.

Bilateral with Finland, based on the non-paper presented, 20 March 2025.

Finland presented a non-paper on its views on this initiative on 31 January 2025. The content of the non-paper was discussed during a meeting between DG Beata GMINDER and Permanent Secretary of the Ministry of Justice on 10 February 2025. Also Finish Permanent Mission in Brussels requested a bilateral with the firearms team within DG HOME, which was held on 20 March 2025. Finland expressed its support in general terms to the initiative, especially in the current geopolitical situation with the Russia´s war of aggression against Ukraine.

They pointed out the importance to clarify and sufficiently explain the legal base of the initiative, the importance to address specifically the use of new technology and carefully define the potential new offenses and the extend of it. They also highlighted that both at national and EU level, criminal law can only be used as last resort, the importance to demonstrate the rules´ likely impact on crime and sufficiently broad evidence-based assessment of other possible preventive measures. They expressed their opinion that there are grounds justifying the use of

EU criminal law in the fight against firearms crimes so they are in favour of a EU criminal law on firearms.

16.1.2. Targeted Stakeholder Events

Seminar on the prevention of firearms trafficking, firearms printed with 3D technology. Conclusions and results, 6-7 November 2023, Madrid

From 6-7 November 2023, the Spanish Presidency of the Council of the EU, with the support of EMPACT Firearms and Guardia Civil, organised an event on 3D-printed firearms in Madrid. This event was not organised as part of the consultation strategy, but it was an important instigator for certain policy options. The event was a continuation of a conference in the framework of the OA 1.6. and the EMPACT Firearms on the subject to understand 3D-technology and the threats of it. Key conclusion of the event was that 3D-firearms are a real threat, that needs to be addressed by i) strengthening law enforcement authority cooperation, the private sector and judiciary, to have the tools to respond to the challenges of the expansion and easy use of 3D-technlogy. The first day of the conference focused on the cooperation of the private sector, police and judicial entities, and the second day on operational challenges at the level of investigation, regulation and forensic studies.

Consultations with Law Enforcement Agencies, 17 December 2024

Consultations with law enforcement agencies (LEAs) were held on the 17 December 2024, through an online meeting with EMPACT firearms, with the participation of law enforcement agencies from Portugal, Spain, France and Belgium. The Commission distributed a discussion paper beforehand. The aim of the meeting was to obtain insights from the LEA to consider their practical needs and consequences in relation to criminal law. Based on a discussion paper sent to LEA before the meeting, discussions targeted how criminal law helps or affects the work of LEA, with key discussion points on i) judges/ prosecutors' requirements for investigations, ii) 3D-printed weapons, iii) blueprints, iv) illicit possession and illicit trafficking and v) special investigation measures.

Commission Expert Group on EU Criminal Policy, 21 January 2025

The Commission Expert Group on EU Criminal Policy is managed by DG JUST and gathers 10 academics and 10 practitioners specialised in criminal law. The meeting took place on 21 January, with the session on firearms trafficking between 14h30 and 17h. To facilitate the discussion, a discussion paper was prepared and sent to the participants beforehand. The issues discussed were: the limited scope of offences, unclear definitions and lack of focus on illicit 3D printing of firearms, and penalties.

Consultation meeting with magistrates, 02 February 2025

On 6 February 2025, a consultation meeting with magistrates was organised, together with EMPACT firearms, to discuss the Firearms Trafficking Initiative. French and Spanish magistrates participated, along with one customs officer from France and the EMPACT Driver from Spain. Key topics discussed were i) cross-border investigations, ii) 3D-printing, iii) special investigation measures, iv) sanctions and v) statistics.

Closing workshop of the HamsTeR project to assess potential threats from 3D printed firearms, 12-13 February 2025, Wiesbaden, Germany

The project HamsTeR is a research project to investigate the potential danger of 3D printed firearms financed by the funding measure "Anwender – Innovativ: Forschung für die zivile Sicherheit II" by the German Federal Ministry of Education and Research. It is coordinated between the Fraunhofer Society and the German Criminal Police Office (BKA) in cooperation with two state police forces. It was initiated in 2020 with the objective to assess the potential threat that was posed by firearms privately manufactured with 3D printers.

The workshop covered three key areas: i.) Police investigation findings of 3D printed firearms in Germany, ii.) application of current printer models and new filament materials, and simulation of their behaviour and iii.) forensic methods to trade the use and production of 3D printed firearms.

16.1.3. Consultations with EU Agencies

To consult the EU agencies, dedicated requests were sent to Europol and Eurojust. Questions targeted the timeframe from 2020-2022, to be coherent with the analytical timeframe covered in the data analysis, and potentially fill in data gaps.

Europol

The Europol experts on firearms were consulted to provide written input on the initiative through a set of questions, which were discussed bilaterally in January 2025. Information was requested on aspects of international and cross-border cooperation, cases of different firearms-related offences, 3D-printed firearms, and messages exchanged in SIENA.

Eurojust

Eurojust submitted a report providing reflections of figures on crime type "illicit trafficking in arms, ammunition and explosives" in the Case Management System (CMS) and the excel overview of their Data Management Unit (DMU), including data on coordination meetings (CMs), coordination centres (CCs) and joint investigation teams (JITs). The timeframe covered in their data is 1 January 2020 to 22 January 2025.

16.1.4. Consultations with International Organisations

UNODC

Three consultation meetings were held with UNODC, on 10 July 2024, on 16 October 2024 and on 21 January 2025. During these meetings, the different steps of the EU legislative process were discussed, and UNODC gave insights from their lessons learned in the field. Furthermore, the bilateral meeting focussed on how to incorporate Article 5 of the UN Firearms Protocol and discussions on harmonisation were held. UNODC expressed themselves as supportive of the initiative.

16.1.5. Consultations with International Partners

Western Balkans

Through a bilateral follow-up, specific questions were asked to UNDP, regarding the Firearms Trafficking Initiative discussions with the Small Arms and Light Weapons (SALW) commissions. The Commission asked UNDP to confirm information regarding the number of cases of 3D-printed firearms, the criminalisation of the possession of blueprints, the functionality of the weapon, and the classification of weapons.

16.1.6. Private stakeholder consultations

Formnext conference, 21 November 2024

FormNext is a yearly conference organised by and for the Additive Manufacturing industry (3D printing). The conference takes 4 floors of the exposition hall in Frankfurt and contains 850 exhibitors. The different economic operators show the latest technological developments in the industry. The Commission visited the conference together with Europol's EUCTC and an officer from the Spanish EMPACT Firearms Driver support team.

ESFAM, 3 December 2024

On 3 December 2023, the Commission met with ESFAM, the Association of European Manufacturers of Sporting Firearms. High-level representatives of CZ, Dikar, Browning, Arex/Steyr and he ESFAM secretariat were present for the consultations, covering a range of manufacturers.

17. RESULTS

The following section presents a on overview of the results of the consultation activities listed.

17.1. PUBLIC CONSULTATION AND CALL FOR EVIDENCE

See Annex 3 on the public consultation and call for evidence.

17.2. CONSULTATION OF THE MEMBER STATES

17.2.1. Responses to the discussion papers and discussions in the Expert Group on Firearms Trafficking, 13 November 2024

The general trend throughout the consultation suggests that Member States tend towards supporting a legislative initiative to harmonise various definitions, including the criminalisation of the illicit creation, possession and dissemination of the intellectual materials for 3D printings. The majority of Member States who sent in written replies to the discussion paper also supported a legislative initiative focused on all firearms-related offences as suggested by the legislative guidelines of the UN (illicit trafficking, illicit manufacturing, modification of markings, illicit possession and carrying, illicitly reactivating deactivated firearms, illicit brokering, arms embargo violations, and misconduct in the context of record-keeping and licensing). Furthermore, the Member States suggested a combinational approach of options regarding sanction types and levels, which will be further discussed below. It was also visible that across the Member States difficulties in cooperating with other Member States due to differences in definitions of firearms-related offences varied, where some did not encounter any difficulties in the past and others experience a range of issues regarding this matter.

I. Unclear definitions and lack of focus on 3D printing of firearms and essential components

In the first section, five questions were posed, with regards to the following policy options to discuss:

A. Official recommendations from the Commission on the definitions and how illicitly 3D printed firearms fit within the definition of illicit manufacturing, including on how to deal with 3D printed parts detected during investigations.

B. Legislative initiative to harmonise the various definitions and give guidance and examples of best practices on how to implement the definition of illicit manufacturing related to illicitly 3D printed firearms in non-binding guidelines.

C. Legislative initiative to harmonise the various definitions, including the criminalization of the illicit creation, possession, and dissemination of the intellectual materials (blueprints) needed for 3D printing.

1. *Are you experiencing difficulties to cooperate with some Member States due to differences in definitions of firearms-related offences?*

The scope of difficulties encountered in the cooperation with other Member States differed throughout the replies. Most of Member States stated that they did not encounter any difficulties yet, from sides of the authorities, as well as during investigations, but it was noted by the respondents that the potential of these issues is present and can pose obstacles for cross-border cooperation. Finland, Sweden, Belgium and Spain indicated that they have encountered problems in the past. Key issue was the different understandings between Member States regarding the definition of essential components, such as frame, receiver and lower, which lead to differences in authorisation in different countries. Furthermore, it was noted that when involving the judicial system in cross-border operations, difficulties can arise from different definitions and punishable acts in each Member States given the principle of double incrimination. Another issue of definition regards alarm and signal weapons, which are sold freely in some Member States leading to a lack of information and difficulties in tracing. During the oral discussions in the Expert Group, it was noted that certain definitions, such as illicit manufacturing, could be split up into three different offences, and that the EU should incriminate the different sub-elements of the definitions. These answers showcase that there is a set of different problems arising through different definitions, which can affect cross-border cooperation.

2. *Are the options equally suitable to improve the clarity of the definitions for both practitioners and duty holders?*

Most of the Member States agreed that option C is the most suitable to address issues of clarity of the definitions for both practitioners and duty holders. Two Member States opted for option A, three for option B and five for option C. The Member States agreeing with option C argued that it is the most comprehensive approach, addressing both legal inconsistencies and emerging threats posed by rapid technological advancements. One Member States reasoned their favour for option C with the need for uniformity in criminal offenses related to firearms and their components at the European level. If this does not exist because the Member States do not want to heed the various non-binding recommendations that may come from different European institutions, the problem will continue to exist. Those opting for the less binding legislative option, or the recommendation argued that all options have the potential of improving the clarity of the definitions and that a legislative initiative to harmonise definitions provides clear guidance and ensures consistency across Member States

3. *Which problems do you encounter in your Member State when detecting illicitly 3D printed firearms, essential components or illicit 3D printing workshops?*

During the Expert Group meeting, Member States discussed whether the focus should only be placed on 3D printed firearms alone, or privately manufactured firearms in general, including other methods of manufacturing such as metal welding or CNC. The discussion showed that the Member States are aware of problems that can occur. It was noted that methods of manufacturing will develop over time, where 3D printing is the current issue, but it can soon be any other method. Therefore, it was considered necessary to make the initiative future proof by referring to privately manufactured firearms.

A specific issue that was mentioned by multiple Member States was the difficulty and needed resources for tests of seized 3D printed firearms and essential components. In general judges require all parts to be completed and tested before they are considered admissible in court. The Netherlands highlighted a recent court case where the judge concluded that it does not matter whether the printed parts are functional or not, as the production of these parts make an individual liable under the definition of manufacturing illegal weapons. Sweden noted that the issues of 3D printing are relatively unknown to 'non-experts' but that they have tried to solve the problem by an information sheet on what is important at the crime scene and for further investigation from both forensic and criminal law perspectives. This is combined with keeping track of court practice regarding firearms crime where 3D-printed weapons occur. Also, Belgium noted that their national law covers these violations, however, in an investigative manner, a specific database to register the information is needed, in order to compare cases. Greece stressed that there is a lack of expertise or specialised equipment to detect 3D-printed firearms or workshops, as well as difficulties in distinguishing 3D-printed firearm blueprints from legitimate 3D printing designs. Spain noted that regulations should not be too specific, since fast technological advances and new manufacturing methods might not fall into the definition that may be adopted in relation to 3D printing. The diverse set of answers of the Member States suggests that the topic is pressing and on the agenda of the Member States as the current technological landscape may create issues in the future.

4. *How can blueprints of firearms be distinguished from blueprints for toy guns? And how should this be reflected in the legislation?*

The Member States discussed the need for clear legislation to define what constitutes blueprints of a firearm versus a toy gun, including criteria such as kinetic energy, functional components, and materials used. For example, Lithuania is proposing that toy guns should be required to have distinct markings, such as bright colours or transparent materials, to differentiate them from real firearms. In contrast, the Czech Republic is finding it challenging to make a distinction, as most 3D printed firearms are assembled from both polymer and metallic parts, and the metallic parts are currently still not produced on a 3D printer and thus are not included in the blueprints. France is proposing that the authorities distinguish between these two categories of blueprints depending on whether the result is the manufacture of a firearm or a dummy weapon. Belgium is questioning whether it would be possible to criminalize the downloading of blueprints, and the Netherlands is calling for cooperation to decrease the means to acquire blueprints online. Cyprus is suggesting that a distinction can be achieved through technical specifications and unique design features included in firearm blueprints. Moreover, it was discussed whether the possession of a 3D printing blueprint for firearms can be regarded as a preparatory act, as a blueprint can be seen as a specific instrument to manufacture 3D printed firearms.

Generally, the responses showcase an increasing concern about the misuse of 3D printing technology to create functional firearms, which can be easily downloaded from the internet and printed at home, and the diverse nature of the responses and issues around the topic highlights how there is the need to find a common ground in the distinguishment of blueprints, that can effectively be translated into the legislation.

5. *Which option would be the best for addressing the threat of illicitly 3D printed firearms and essential components (combinations of options are possible)?*

To address the threat of illicitly 3D printed firearms and essential components, Member States were asked to elaborate which of the options provided were the most suitable. Three Member States opted for option A, so the recommendation, two for option B as a minimum together with option C, and four for option C. Hence, most Member States agree the most with adopting option C, being a legislative initiative to harmonise the various definitions, including the criminalization of the illicit creation, possession and dissemination of the intellectual materials (blueprints) needed for 3D printing. Sweden put forward that option A could be applied in the short run, with the aim for option C in the long run. Those Member States agreeing with option A argued that the issue is still very new, and that the different realities of the Member States need to be considered. At the current stage of development, it is not clear what the practical lifespan of a legislation aimed at a specific form of technology is.

II. Limited scope of current mandatory offences

Addressing the limited scope of current mandatory offenses as listed in the UN Firearms Protocol, the following options were provided for discussion:

A. Enforcement of the three obliged firearms-related offences as defined in the UN Firearms Protocol (illicit trafficking, illicit manufacturing, and modification of markings) by addressing those Member States which have gaps in the transposition of the Protocol.

B. Legislative initiative to further harmonise the definitions of the mandatory offences, including illicit possession.

C. Legislative initiative to further harmonise the definitions of the mandatory offences (including illicit possession) and give guidance and examples of best practices in the Member States in non-binding guidelines of the Commission or in the recitals to the Directive on the additional offences.

D. Legislative initiative focused on all firearms-related offences as suggested by the legislative guidelines of the UN (illicit trafficking, illicit manufacturing, modification of markings, illicit possession and carrying, illicitly reactivating deactivated firearms, illicit brokering, arms embargo violations, and misconduct in the context of record-keeping and licensing)

The following questions were discussed:

1. *What is your definition of illicit possession and carrying of firearms, essential components and ammunition?*

All input to the responses were given according to the national legislations of the Member States. Across the Member States the concept of "illicit possession" and "illicit carrying" is widely recognised, referring to the unauthorised or unauthorised possession and carrying of firearms, their essential components, and ammunition. However, the responses show that there are nuances in the definitions between the Member States. Romania noted that they emphasise the operation of lethal or non-lethal firearm and ammunition in their definition, or any devices without authorisation. France distinguishes between the unlawful possession of firearms, their parts and ammunition and the unlawful carrying and transport of firearms, its parts and ammunition. In the Finnish legislation, the definition of illicit possession also covers transporting and storing a firearms, components, cartridges and especially dangerous projectiles. Sweden's definition of illicit possession also covers cases where an individual possesses knowledge about the location of an illicitly possessed firearm, showing that, in addition to the physical possession, immediate control of the firearm is sufficient. Furthermore, more than one person can be in possession of a firearm at the same time. In the Expert Group meeting, Sweden presented an example where a person was convicted of an aggravated firearm offence after telling another person (who also was convicted) the location of the firearm. Both Greece and Belgium do not have a specific definition on their national laws, but in Greece, illicit possession is criminalised in relation to the firearm category. The scope of definition throughout the responses shows, that there are discrepancies between the Member States which could potentially be taken advantage of by criminals and could pose difficulties in cross-border cooperation.

2. *How is illicit trade of firearms within your Member State, so without cross-border movement, criminalised?*

On the definition of illicit trade of firearms, based on the national legislation of the Member States all Member States agree that illicit trade of firearms within their Member State, without cross-border movement, is criminalised. Most Member States emphasize the importance of proper authorization or permits for the trade, manufacture, and distribution of firearms, their components, and ammunition. Notably, Greece emphasises the importance of proper authorisation or permits for the disposal of firearms, including for businessmen/ dealers and private individuals/citizens. Sweden also includes the lending of a firearm to an individual without a permit or authorisation as illicit trade. Generally, the replies showed a clear link with illicit possession.

3. *Which of the firearms-related offenses mentioned in option (d) would you prefer to address from a criminal law point of view and which from an administrative point of view? Which of the above options the wider problem of firearms-related incidents better (combinations of options are possible)?*

On the side of criminal law, most Member States agreed that illicit trafficking should be addressed under criminal law, followed by illicit manufacturing and illicit possession. Also, the illicit modification of markings, reactivation of deactivated weapons, illicit brokering and arms embargo violations are mainly to be addressed from a criminal law point of view, however not by all Member States. Notably, some Member States did not submit a response for every offence listed under option D, which means that not listing a category under criminal law does not imply that the category should fall under administrative law. Regarding administrative law, Member States agreed that misconducts regarding record keeping and licensing should be addressed through administrative measures. Moreover, some Member States classified illicit possession or carrying of firearms as on offence to be addressed from an administrative point of view, where Spain argues that if there is no offence of illicit possession but only illicit carrying, it is an administrative offence in their legislation. Greece stated explicitly that under their legislation, all the offences listed entail criminal sanctions and at the same time administrative measures, being the revocation or temporary removal of the license.

4. *Do you have specific cases that show the need to address the wider set of firearms-related offences in option D from an EU level?*

Member States were asked to provide, if applicable, any specific cases that highlight the need to address the wider set of firearms-related offences in the option D from an EU level. Sweden and Belgium indicated that they already had such cases. Sweden noted that the criminalisation of lending and shortcomings in storage may be included as well, and Belgium responded that all the mentioned offences are needed to respond to firearms-related offences in Belgium. Although not having encountered any difficulties, Cyprus suggested that there is a need for EU-level action to harmonise laws and improve coordination between the Member States due to potential for firearms-related offenses that involve cross-border elements. Moreover, Greece noted that the popular modus operandi is legal importation by arms trading companies of EU Member States as well as trading of converted firearms in the domestic market.

5. *Which of the above options (a-d) addresses the wider problem of firearms-related incidents better (combinations of options are possible)?*

The majority of Member States opted for option D. Responses are broken down the following way:

OPTIONS:

A. Czech Republic, Lithuania, Romania, Sweden

B. Sweden

C. Sweden

D. Cyprus, Greece, Ireland, Sweden, Belgium, Spain

From the responses, the majority of the Member States prefer a legislative initiative focused on all firearms-related offences as suggested by the legislative guidelines of the UN (illicit trafficking, illicit manufacturing, modification of markings, illicit possession and carrying, illicitly reactivating deactivated firearms, illicit brokering, arms embargo violations, and misconduct in the context of record-keeping and licensing).

On its position, France stated in the Expert Group meeting held in November 2024 that if infringements are chosen, they must be split up into sub-groups. Additionally, based on the stronger rules for deactivation in the EU, France is not convinced of the need to include the illicit reactivation of deactivation as there have not been many cases. Regarding illicit possession, France noted that it is important to consider the fact that the EU Firearms Directive only establishes minimum rules, and that Member States can be stricter, therefore harmonising the criminalisation of illicit possession would have to reflect this. They also consider that arms embargo violations are covered within the definition of illicit trafficking as a person should be authorised to export firearms. Same goes for illicit brokering, it can be covered by the definitions of illicit trafficking and illicit manufacturing. There is no need to have this offence as a separate offence.

III. Sanction types and levels

The following options regarding different sanction types and levels were proposed to the Member States for discussion:

a) Introduce provisions on harmonising minimum levels of maximum sanctions ("maximum penalty of at least...").

b) Include a provision on aggravating circumstances (for example the number of firearms involved, if more dangerous firearms are involved, if cases relate to organised crime or terrorism; use of corruption; systematic repeated offences).

c) Include a provision on a broad range of accessory sanctions and measures such as the confiscation of the firearms, the withdrawal or refusal of the firearms authorisation/license, deprivation of rights linked to the possession and use of firearms (e.g. hunters permit), prohibition to engage in certain professional activities.

d) Include a provision on attempts, when someone takes intentionally significant steps towards committing a crime but ultimately does not complete the act.

e) Link the level of imposed penalties to the profits expected or generated and to the financial situation of businesses involved in committing the crime (for instance by taking a percentage of the annual turnover as yardstick).

Include provisions in the Directive to oblige Member States to better coordinate their administrative and criminal sanctioning systems to improve adequate sanctioning in the individual cases.

1. *Are the envisaged provisions – individually or in combination – suitable to obtain more effective, dissuasive, and proportionate sanctioning in practice?*

Out of the options provided, introducing provisions on harmonising minimum maximum levels of sanctions ("maximum penalty of at least...") (provision a) is supported the most by the Member States including Cyprus, Finland, Lithuania, France, Sweden and Belgium. Reservations were expressed especially towards provision e, being linking the level of imposed penalties to the profits expected or generated and to the financial situation of businesses involved in committing the crime (for instance by taking a percentage of the annual turnover as yardstick). Sweden reasoned their position arguing that the damage caused to society by an illegal trade exceeds the profit made by trading firearms by far, meaning that the offence is more serious than the monetary transaction. Generally, most Member States a combinatory approach towards the positions, to create a more comprehensive and flexible system for addressing firearms-related offences. Greece suggested more holistic approaches, such as opting for administrative fines, with measures that provide for special treatment for juvenile offenders and their parents.

2. *To what extent is it necessary to introduce minimum sanctions to ensure that national authorities may use special investigation measures?*

Cyprus, Greece and Belgium support the introduction of minimum sanctions to ensure that national authorities may use special investigation measures, where Cyprus argued that they create a baseline for firearms-related offences, ensuring consistency and proportionality across Member States and facilitate joint investigation and enforcement amongst the Member States. Greece further noted that, although supporting the establishment of minimum penalties, these should be limited to specific cases only, such as crimes of degree.

A neutral position was adopted by Czech Republic and France where arguments by Czech Republic included were that specific investigation measures can be used regardless of the penalty level in most cases, with some exceptions where a minimum penalty rate is required, and France reasoned their neutral position as they are open to listen to other Member States opinions on this matter, which suggests that France could also take a supportive stance. However, they also put forward that under French law, special investigative techniques can already be used in investigations into offences related to firearms trafficking.

Sceptical opinions were given by Lithuania and Romania. Lithuania suggests that the recommendations of the European Commission may be insufficient to enable national authorities to use special investigation measures, and Romania expressed that minimum sanctions are not necessary, as Romania's criminal legislation already allows special investigation measures to be used without requiring minimum sanction.

Despite the different opinions expressed amongst the Member States the responses show that introducing minimum sanctions attained the most support, where cooperation in investigation and law enforcement was given as a reason. This also suggests that international cooperation on firearms-related offences is a matter Member States want to address.

3. *Are there other suitable measures not mentioned here?*

MS were given the opportunity to add additional input to their responses to the discussion paper submitted. Key subject addressed by the Member States was international cooperation and coordination, expressed through suggestions of the establishment for regional task forces to share intelligence and cooperation, enhance national firearms focal points and enhanced cooperation at administrative level, such as promoting sufficient recordings of IMI denials. Furthermore, Cyprus suggested a more holistic approach, where, apart from the comprehensive list of provisions, educational and awareness programmes for firearms users and law enforcement entities should be provided.

17.2.2. 4th Expert Group on Firearms Trafficking initiative meeting, 13-14 November 2024

i.) Firearms trafficking initiative: Call for evidence

The Commission presented the state of play of a proposal by the Commission for a possible new EU legislative act on the harmonisation of criminal offenses related to firearms trafficking. The Member States discussed the discussion paper on the Firearms Trafficking Directive. Discussion topics focussed on the unclear definition of firearms trafficking, the limited scope of current obligatory offences and differing sanction types and levels. Member States contributed to the discussions on topics such as 3D-printed firearms and related issues such as blueprints, different scopes of criminalisation and sanctions in Member States and national law cases showcasing how Member States prosecute different firearms- related offences. The different replies during the meeting where based on the discussion paper which was send before the meeting. Several Member States discussed the mapping study carried out by the Commission, asking for verification of the numbers presented. The Commission commented that the study examined only basic offences, without any aggravating circumstances. Luxembourg suggested to add more data to the study, to which the Commission replied that they are happy to receive more data, adding to the detail and extent of the study. As a result, the Commission shared the country reports of each Member States with the respective Member States for them to give it a factual check.

ii.) Harmonisation of data collection on seized firearms: Proposal of minimum dataset and discussions

As part of priority 2 of the EU Action Plan on firearms trafficking (building a better intelligence picture), the establishment of a minimum dataset on seized firearms was discussed, as well as the definitions of proposed data in the dataset. The purpose of such EU repository is to improve the intelligence picture, with harmonised and consistent data, as well as providing an IT tool for investigators to identify links between investigations in which firearms have been reported and seized, to identify trafficking networks. The Commission pointed out the interest of some Member States to revise the categories of some firearms in the Schengen information system. The discussion was opened to the Member States, where aspects such as data protection, other datasets such as INTERPOL's iArms dataset and the connection to national databases of Member States were discussed. They all agree on the need of such EU repository and the importance of the correct development of NFFPs to develop such initiative at national level.

Member States agreed that the best way to harmonise the dataset of national databases and the interconnexion with Europol would by an EU legislative initiative (legally binding instrument)Member States also agreed that it is important to establish a minimum database, where the origin of the firearm is a key component in fighting crime. On the technicalities of the database, some Member States suggested to add pictures of the firearm seized, for marking analysis purposes.

Presentation by EUROPOL: EU Intelligence Hub on firearms.

EUROPOL presented the works for the establishment of an EU intelligence hub for the purpose of data exchange, following the key strategy of fighting against weapons trafficking. To identify flows and movements of illicit firearms, EUROPOL pointed out its intention for a database on ballistic objects (fired cartridge cases and bullets) to identify firearms, and a database on technical characteristics of seized firearms. The current situation shows that there is no national technical database that centrally stores the technical data on firearms seized in the Member States, leading to the problem that without centralised data, it is not possible to attain an overview of how many and what kind of firearms are seized on national, European and extra-European level. The database TRAFFIC as an existing application for this purpose presented, which stores data on the characteristics of seized weapons.

Member States expressed doubt on how to connect to TRAFFIC and if interconnection with national databases will be possible. The Commission stressed the importance of the works to first try to harmonise the data at national level and the need to align the minimum dataset with the dataset of TRAFFIC. Europol did not provide any details on the next steps. The Commission presented a proposal on the minimum dataset, focusing on technical discussions about the firearm type. As references of firearm types, the Firearms Directive, UNODC, the Schengen Information System and the Canadian Mounted Police were discussed, and it was suggested that the database should have the option to add several serial numbers, as confiscated firearms can have multiple serial numbers. The Commission agreed to investigate the option to include the operational system of the firearm in the dataset, under request of Lithuania. Moreover, some of the Member States suggested to add ticking boxes in the dataset, instead of boxes for typing manually, to have harmonised entries on the same type of firearm.

17.2.3. Quantitative input requested from the Member States

A more detailed analysis of the quantitative data submitted can be found in Annex 5 on sanctions and offences, Section 2.8.

Member States were asked to provide responses regarding:

- Cases of seizures of illicit firearms
- Arrests, prosecutions and convictions for illicit firearm trafficking
- Cases of illicit trafficking
- Cases of illicit possession
- Cases of illicit modification of markings
- Cases of illicit manufacturing
- The number of cases of firearms- related offences, where the firearms, essential components and/or ammunition came from outside the borders of the Member State
- Cases involving privately manufactured (e.g. 3D-printed firearms)
- Cases involving alarm & signal weapons (converted and non-converted)

Every question was followed up by asking whether the data provided depicts a complete or partial picture of the Member State, which helps mapping out gaps.

The Commission received 11 responses. Throughout the responses, it was visible that Member States gather statistics in different ways, leading partly incoherent answers. An example for this is data submitted by Czech Republic on cases of seizures of illicit firearms registered between 2020 and 2022, where they noted that the offence of "unlicensed arming" includes illicit possession, illicit modification of markings and illicit manufacturing, and that statistical data does not distinguish between them, which affected following questions on specific offences. Some of the other respondents, on the other hand, were able to submit individual data on the offences themselves. Furthermore, the data sources differed between the Member States, including the police or customs authorities. Furthermore, whilst some Member States were able to gather data on all questions, such as Spain, others did not have any data available on questions such as the number of cases of illicitly modified markings. The discrepancies of the responses highlight the need for harmonised definitions, as well as a harmonised dataset, which enhances comparability and cooperation, and addresses the issue of inconsistent, incomplete and untransparent data on firearms-related offences.

17.2.4. Discussions at the Law Enforcement Working Party, 10 January 2025

The Polish presidency decided to organise a dedicated meeting on firearms to discuss current and future threats. 2 topics on the agenda were of particular relevance to the firearms trafficking initiative: the dangers of 3D printed firearms and the harmonisation of data collection of seized firearm.

On 3D printed firearms, the European Firearms Expert group and EMPACT firearms presented the main issues affecting 3D printed firearms, as the readiness of technology with cheap 3D printers and available blueprints in internet. Also the fact that technology evolves quickly and there are already more robust polymers mixed with metallic particles which increase the effectiveness and durability of such weapons. There is a worrying annual increase of number of 3D printed weapons seized in the EU. EFE and EMPACT firearms would be in favour to regulate and ban the possession and distribution of blueprints without licence. EMPACT firearms monitor the threat by an annual operational action called PHANTOM. The Commission presented the legislative initiative to harmonise the criminal offenses at EU level, including the offense of illicit manufacturing of 3D printed weapons and the potential inclusion of a specific offense of illicit creation, possession and distribution of blueprints, which allow the manufacture of any essential component of a firearm by the use of any technology. FI and FR acknowledge the problem and welcome and support the legislative initiative of the Commission, however both referred to the need to have a good impact assessment.

On harmonisation of data collection of seized firearms, the Commission delivered a presentation on the need for harmonisation of data collection of seized firearms, identified as an action within one of the priorities of the current 2020-25 EU Action Plan in firearms trafficking. Based on the needs, identified by Member States in the last 3 COSI meetings under BE and HU presidencies, the Commission continued the discussion in the context of the Commission Expert Group on firearms trafficking and implementation of Firearms Directive. The Commission will pay special attention to align this work with potential revision of the dataset in firearms alerts in SIS and the works to integrate the data on seizures of firearms from Member States in the future EU hub on firearms in EUROPOL.

17.2.5. Commission Expert Group on EU Criminal Policy, 21 January 2025

On 21 January 2025, exchanges with the Commission Expert Group on EU Criminal Policy regarding the Firearms Trafficking Initiative were held. The main issues discussed were i.) the limited scope of offences, ii.) unclear definitions lack of focus on illicit 3D printing of firearms, and iii.) sanctions.

i. Limited scope of offences

During the discussions on the scope of offences, participants expressed varying interpretations regarding the EU's legal competence under Article 83(1) TFEU. Some participants maintained that the EU should focus exclusively on harmonising standards for illicit arms trafficking. They argued that this legal base does not extend to cover illicit manufacturing or modification of markings unless directly associated with arms trafficking activities. For instance, illicit manufacturing with the intent to traffic could fall within the scope, but broadening the definition to include standalone offences could potentially narrow the scope currently outlined in the UN Firearms Protocol, despite the EU's ratification of that protocol.

Conversely, others proposed a broader interpretation akin to drug trafficking models, suggesting the inclusion of illicit possession with the intent to traffic within the EU's regulatory framework. However, some judges and prosecutors highlighted practical difficulties, noting that it is challenging to prove intent to traffic, often leading authorities to prioritise securing convictions for trafficking over possession.

The concept of illicit possession, particularly when linked to a criminal context rather than administrative concerns of legal possession, was discussed in depth. Some participants suggested that such cases might better align with organised crime frameworks instead of illicit arms trafficking under EU competence. An illustrative example from Ireland highlighted the contested nature of offences related to illicit possession and carrying of firearms under suspicious circumstances, emphasising the necessity to clearly define possession not intended for legal purposes.

Moreover, the requirement of a cross-border element for euro crimes was debated. Several participants contended that if an investigation proves trafficking, demonstrating a cross-border aspect should not be imperative. Others noted that cross-border implications might be inferred from special needs, such as discrepancies between Member States. Despite these views, there was no consensus, and it was stressed that the European Commission must substantiate why certain issues cannot be effectively addressed at the Member State level, adhering to the subsidiarity principle.

ii. Unclear definitions and 3D printing

The experts concurred that clarifying definitions is always beneficial, as harmonised definitions provide clear guidance for practitioners and duty holders.

Discussions also addressed the potential criminalisation of the illicit possession of blueprints. The primary concern was the legal basis for such an offence, along with the challenge of proving criminal intent, which could render the law ineffective in practice. Therefore, some suggested addressing blueprints through administrative law, where the burden of proof is lighter, and imposing high sanctions for deterrence. However, there were objections to this approach, noting that moving under administrative law might bypass essential legal safeguards for offenders.

An expert cited existing legislation in Germany that criminalises the uploading of blueprints for explosives. Additionally, the experts agreed that differentiating between blueprints for firearms and those for toys should not pose difficulties, as investigations would focus on confirming the functionality of the firearm. There was a consensus on the value of sharing information about blueprints already identified as capable of producing functional firearms, as this could aid in broader enforcement efforts.

iii. Sanctions

During the discussion on sanctions, participants had mixed views on the efficacy of penalties in reducing firearm incidents. While some remained unconvinced about their impact, the example of Japan was highlighted, where severe penalties were correlated with a reduction in firearm incidents. Additionally, the Commission presented data suggesting a statistically significant correlation between higher firearm incidents and lower sanction levels within certain Member States.

Experts advised caution against incorporating too many aggravating circumstances, as each element must be substantiated, complicating investigations and prosecutions. It was recommended to avoid overlaps with other offences, such as organised crime or terrorism, when considering aggravating circumstances. If a firearm is linked to organised crime, both offences should be prosecuted separately to avoid complicating legal proceedings through overlapping charges.

Moreover, it was emphasised that legislation should clearly define aggravating circumstances, such as high quantities of weapons or particularly dangerous firearms, to ensure these concepts are concrete and actionable. Lastly, participants noted that accompanying sanctions, when appropriately applied, could enhance deterrence, particularly given the legal status of firearms as commodities.

17.3. TARGETED STAKEHOLDER CONSULTATIONS

17.3.1. Seminar on the prevention of firearms trafficking, firearms printed with 3D technology. Conclusions and results, 6-7 November 2023, Madrid

Key outcomes of the conference were the aim to strengthen the cooperation amongst law enforcement agencies, the private sector and judiciary, to have the tools to respond to the challenges of the expanding use of 3D-technology. One of the main threats identified, on European as well as global scale is the illicit manufacturing of firearms using 3D-printing as a method. The main concern is that this technology is affordable and that parts of society, namely acting under the extreme right ideology, has a growing interest in the production of firearms.

i.) Understanding of the threat

The ARES investigation centre gave a presentation of the historical and future context of the threat of privately manufactured firearms (PMFs). Key conclusion was that previous limitations are being eroded by 3D-printing technologies, especially hybrid firearms. Furthermore, the main emerging technology in this field is 3D printing, also known as additive manufacturing, which, as a method, greatly reduces the barriers of entry, by reducing the production costs, increasing access to the tools needed and raw materials, which facilitates the production of firearms and their components.

ii.) Cooperation with the private sector

Working in close cooperation with the private sector is essential to tackle the issue, as technology evolves rapidly, and new trends need to be identified and addressed quickly. Technological advancement is not subject of the printer and software exclusively, but also for the filament or other types of materials that can be used for printing. Private sector companies present at the conference were ZIGGZAGG, MELTIO/SICNOVA, TARGET, COINBASE and MICROSOFT. Discussions were held on the printers not being the threat, but the filament used, such as metal filaments, which are being used in the aerospace industry. Cooperation with tech companies is essential, and Microsoft offered all available avenues of cooperation to address this threat. Furthermore, the links between 3D-printing of firearms and the use of cryptocurrency were discussed, with the use of Blockchain technology. COINBASE expressed their clear mission in the intersection of 3D-printed firearms, with the objective to provide intelligence, being the detection and termination of any accounts illegally using COINBASE platforms or services to procure, distribute or supply PMFs, hybrid firearms or components that can be 3D-printed or constructed by additive manufacturing.

iii.) Police cooperation

On police cooperation, different law enforcement agencies presented their work, to show the work and response the emerging threat from actors around the world. The Royal Canadian Mounted Police explained how they work on a comprehensive response, based on the pillars of prevention, detection and investigation. The United States presented cases, explaining how 3D-printing is becoming a growing trend and risk. Cases are presented from the Caribbean area, as well as from Brazil, Europe including the United Kingdom, which presents Operation SWEEPFORWARD, an undercover operation that began in May 2022, which was able to dismantle a network dedicated to the manufacture and distribution of 3D firearms on the black market, mainly FGC9.

iv.) Cooperation with the judicial sector

Experts from the USA, Canada, Jamaica, Singapore, Northern Macedonia, the Netherlands and the European Commission, agreed on the common vectors of change, being the of the possession of blueprints of 3D firearms.

v.) Project of the creation of hybrid firearms in Guardia Civil

Aiming to assess the threat with its own means, the Spanish Guardia Civil addressed the process of 3D-producing firearms internally. Based on the apprehension at global level and the most popular printed firearms, they produced a long gun and a short gun. The models printed were the Glock 19 and FGC-9 MKII. Concerning materials, Polylactic Acid has shown that printed at 100% filler is more than enough to provide the necessary hardness to absorb the energies generated at the moment of firing. In the case of both the GLOCK and the FCG-9, its hardness and quality of finish allow for a perfect and functional assembly. The fastest printing was identified for the HP MULTIJET FUSION 850, which allows printing a complete firearm in only 16 hours. Regarding costs, the use of Polylactic Acid allows to obtain functional and quality components for not much more than 60 Euro. In summary, valuing all the aspects mentioned above, the cost of the machine and materials, as well as the accessibility to the general public, the BAMBULABS X1 CARBON printer is positioned as the most recommendable printing option, for its quality of finishes, printing speed, reliability, possibility of remote control and price; which makes it an accessible and reliable printer for these tasks. The firing tests and forensic ballistic analysis proved to be very enlightening. The 9 mm ammunition was used for firing, with an initial velocity of 350 m/s, ballistic gel penetration of 64 cm. This implies that the injury potential of the firearms studied is the same as with a conventional weapon. Given these results, it was concluded that this globally emerging threat calls for the cooperation of and exchange on the operational level and with the private sector, to keep up with the fast developments of the technology.

17.3.2. Consultations with law enforcement agencies, 17 December 2024

During the consultation, a presentation was held on the Firearms Trafficking Initiative, explaining the legal basis for the establishment of minimum rules concerning the definition of criminal offences and sanctions in the areas of serious crimes with cross-border dimensions. The following topics were discussed.

A. Court requirements

The discussion showed that the court requirements to test the functionality of firearms differ strongly between the Member States, where e.g. in the case of Belgium, the decision to test the functionality of the firearm depends on the type of crime committed, where murder weapons are subject to ballistic comparison and the magistrate decides whether a case is administrative or judicial and if the weapon undergoes ballistic examination. In Spain, on the other hand, every firearm needs to be tested to see if the weapon is functional and can be classified as a firearm. This pushes the already understaffed forensic centres, which leads to delays in investigations. Additionally, especially Belgium commented on the fact that the identification of firearms requires technical knowledge. Often first responders police officers do not have enough knowledge which leads to misclassification of firearms. The other Member States concurred that this is indeed an issue.

The lack of resources in ballistic and forensic departments also have consequences on the prioritisation of firearms incidents. In Belgium, the national strategy determined that only firearms seized in the Canal zone of Brussels would be checked from a ballistic point of view. Additionally, the establishment and staffing of National Firearms Focal Points in the different Member States also suffer from the lack of prioritisation of firearms violence.

B. 3D-printed firearms

On 3D-printed firearms, it was discussed to what extent the functionality of the firearm plays a role, where Belgium noted that they already encountered cases where test-firing was requested. Spain added that this is a challenge they are facing, as only a functional firearm is considered a firearm, affecting the prosecution of the crime. It was also discussed at what stage

3D-printing a firearm is illicit manufacturing or a preparatory act, where Portugal gave the examples of 3D-printing toy guns or 3D-printing a firearm without the intent to use it.

C. Blueprints

It was discussed on how to legally address blueprints, questioning on how to deal with the preparatory acts including illicit ownership and dissemination of blueprints. The idea of criminalising the download of blueprints was welcomed, to also tackle issues of the server being outside of the EU, where the participants noted that the illicit possession of blueprints could be criminalised, which would then cover the online and offline sphere.

D. Illicit possession vs illicit trafficking

The legalities behind illicit trafficking were discussed, with a special focus on the cross-border element, as well as legal gaps and loopholes with regards to illicit trafficking. Spain noted that illicit possession is a key element that needs to be included in the initiative and harmonised, as it can fill gaps where illicit manufacturing or illicit trafficking cannot be proven. Belgium and France also agreed to this, and Portugal noted that the illicit possession of a firearm is an additional crime, as under their legislation, an individual can be prosecuted for illicit trafficking for facilitating trafficking, without being in the possession of the firearm itself.

E. Special investigation measures

The availability of special investigation measures and potential benchmarks for their application was discussed, which differed throughout the Member States. Spain noted that these measures need to be allowed by the judges, which happens on a case-by-case basis, balancing penalty versus privacy. In France, benchmarks are similar, and an offence is needed first, before these measures are requested/granted. Similarly to Spain, it is decided if a crime is severe enough to infringe the person's privacy rights. However, a distinguishment is made between customs and police authorities, where for customs, almost all offences investigated are severe enough to be granted special investigation measures, but for the police forces, the remit is wider and can vary. In Portugal, illicit possession and illicit trafficking of firearms is defined in their law on special investigation measures, therefore making them a commonly available instrument which is not subject to individual cases.

17.3.3. Consultation meeting with magistrates, 02 February 2025

During these consultation activities, the following output was discussed:

i.) Cross border investigations

The discussions revealed several key insights regarding the intersection of firearms-related offences with other criminal activities and the challenges faced in cross-border cases. The French magistrate noted that while firearms cases are less frequent compared to drug cases, many involve connections to both firearms and drugs. A significant challenge in handling cross-border firearms cases is the legislative differences, particularly in the categorisation of firearms and essential components. There was a general agreement on the need for harmonised definitions across the EU to address these disparities.

The Spanish magistrate highlighted the role of European investigation orders in facilitating cross-border cooperation, emphasizing that these orders must be pursued even without harmonised crime definitions. The linkage between firearms and other crimes was further explored, with firearms often serving as indicators of violence in cases. In France, specific incrimination of firearms is considered within the same case, and separate cases are only pursued when sufficient evidence of smuggling or manufacturing exists.

Furthermore, the Spanish magistrate addressed the connection between firearms and terrorism, explaining that two separate investigations are opened in terrorism cases involving firearms. Firearms frequently appear in drug-related crimes and violent crimes committed by organised crime organizations, illustrating the intertwined nature of these offences.

ii.) 3D-printing

The discussions highlighted several key issues regarding 3D-printed firearms and the associated legal challenges. In France, current 3D-printed firearms are typically hybrid models, where barrels are illegally imported, often from the USA, while other components are printed. This combination raises significant concerns about traceability, which is expected to worsen with advancements in metal printing technology. To address these issues, there is a proposal to implement software blocks on 3D printers to prevent the printing of firearms or essential components, similar to technology used to prevent the illegal copying of money.

In Spain, existing criminal laws have gaps concerning new technologies, particularly with blueprints for 3D printing. The Spanish magistrate suggested using existing laws on money forgery as a model for drafting new legislation on blueprints. Such laws would empower prosecutors to act in cases where blueprints, printers, and residues are found, but the firearm is absent. Currently, without specific legislation, investigations cannot proceed, especially where proving illicit manufacturing is challenging.

Additionally, in Spain, to initiate a criminal investigation based on blueprints, it must be demonstrated that these blueprints pose a risk to public order by proving they can produce a real firearm. The magistrates also stressed that future legislation should be broad enough to accommodate technological advancements and avoid overly narrow definitions, which could limit the efficacy and adaptability of the laws over time.

iii.) Special investigation measures

In France, firearms offences are included on a list of incriminations that permit special investigation measures, such as controlled deliveries. However, due to safety concerns for officers, these measures are typically applied to essential components rather than fully assembled firearms. In contrast, Spain does not have a predefined list for such measures; instead, the decision to allow controlled deliveries is made on a case-by-case basis and largely depends on the discretion of the judge involved.

When discussing the potential need for harmonisation at the EU level, both the French and Spanish magistrates expressed support. The French magistrate highlighted that the lack of harmonisation affects cooperation in cross-border cases, causing delays. The Spanish magistrate concurred, pointing to the provisions in the Counter Terrorism Directive as a suitable example for establishing a more uniform approach across Member States.

iv.) Sanctions

The French magistrate emphasised the importance of including the conversion of weapons in the definition of illicit manufacturing. He pointed to cases in France where firearms, such as Glocks, have been modified with 3D-printed parts to convert them from semi-automatic to fully automatic. This type of modification should be considered an aggravating circumstance in legal terms.

Additionally, the magistrate suggested that the absence of markings on 3D-printed firearms could also serve as an aggravating circumstance during prosecution. While illicitly 3D printing a firearm constitutes illicit manufacturing, the lack of identifiable markings could lead to additional charges, further strengthening the legal framework for addressing such offences.

v.) Statistics

The French magistrate highlighted the crucial role of systematically recording seizures and ballistic information, emphasizing the need for harmonisation across Member States. Such harmonisation would facilitate comparisons and enhance the traceability of firearms, which is vital for uncovering the routes and networks involved in illicit activities.

He cited an example where an investigation began with the illegal importation of essential parts for Glock pistols. By focusing on tracing these routes, authorities uncovered more than 52 firearms and parts. The comprehensive recording of firearms not only led to the discovery of additional weapons but also enabled the identification of illicit manufacturers in Austria. This case illustrates the pivotal role that standardised recording and collaboration play in effectively tackling firearms trafficking.

17.3.4. Closing workshop of the HamsTeR project to assess potential threats from 3D printed firearms, 12-13 February 2025, Wiesbaden, Germany

The results from the project showed that the manufacturing of a reliable 3D printed firearm can be done with no prior knowledge by just following the instructions provided by the respective manuals or community. The initial costs are moderate, and the learning curve is steep. The fact that there is a very small number of 3D printed firearms used at crime scenes is attributed to the fact that even though they are easy to manufacture, for the moment, it is still easier and cheaper to buy illegally a regular firearm or a convert an alarm- and signal weapon. The development of 3D printing needs to be monitored, and research continued within EMPACT firearms and further projects like MIX3D (part of the ISF Protect-call).

The aim of the HamsTeR project was to provide an overview of what had changed since 2013 and to provide German legislators with the information needed to adequately assess the potential threat of “modern” 3D printed weapons like the FGC-9.

i.) Police investigation findings of 3D printed firearms in Germany

The seizures of 3D printed firearms in Germany are monitored since 2020. Normally, these are bycatches of other operations carried out by the state polices and are reported to the BKA. The annual number has constantly been very low; until the end of 2024 only 23 3D printed firearms (or essential components) were seized. Most of the seizures concerned the model FGC-9. None of them had been used in a crime scene; however, those searched had committed the crime of illegal possession and illegal manufacturing.

ii.) Application of current printer models and new filament materials, and simulation of their behaviour

The Fraunhofer society has several modern printers of various quality levels at its disposal. In the project, only printers with a purchase price of up to EUR 6,000 were used to cover the area up to the advanced consumer level. The printers were capable to print various filaments with different material properties (e. g. strength and flexibility) that affect their durability.

The project analysed the durability of the FGC-9, a hybrid 3D printed semi-automatic firearm invented around 2020. The rifled barrel and receiver are made of metal while the frame and most other parts are printed. All components and required tools are easily available at hardware stores. After some additional improvements it was possible to produce a fully automatic version of the FGC-9 which had a cadence of 830 rounds/minute and a projectile velocity of around 340 m/s with reliable precision and no loss of functionality of the weapon. The mode of operation corresponds to that of commercially produced submachine guns.

iii.) Forensic methods to trace use and production of 3D printed firearms

Forensic aspects examined include fragments lost from the firearms during the shot, bullets with possible adhesions, breech face of cartridge cases, gun-smoke residue (GSR) and individual characteristics of the printing device (printer bed, nozzle). It was shown that traces on bullets and cartridge cases differ largely from traces on ammunition fired from regular firearms. While this is helpful in determining that a 3D printed gun was used it does not allow to identify the individual firearm because the characteristics change after each shot in case of printed barrels. In hybrid weapons like the FGC-9, however, it can be possible to identify the tool that was used to insert the rifling if found in a workshop.

Overall, it was found that the forensic examination of 3D printed objects differs significantly from conventional ballistic examinations and requires special training.

17.4. CONSULTATIONS WITH EU AGENCIES

17.4.1. Europol

The Europol experts on firearms were consulted to provide their input on the initiative through a set of questions, which were discussed bilaterally in January 2025. Information was requested on aspects of international and cross-border cooperation, cases of different firearms-related offences, 3D-printed firearms, and messages exchanged in SIENA.

The consultations with Europol at expert level highlighted how between 2017-2019 and 2020-2022, the total number of cases and exchanged messages by Europol in general has increased, whilst the total number of cases and exchanged messages by AP “Weapons & Explosives” has decreased. As part of the information provided, Europol suggested that by assessing the numbers of SIENA messages, it seems that the cooperation on firearms cases through Europol has significantly decreased for the years 2020-2022 compared to 2017-2019.

On cross-border cooperation, Europol stated that it would be useful to include provisions on obliged cooperation with EU agencies, for the purpose of creating better knowledge of weapon trends and criminal networks involved in trafficking. The cases contributed will still be subject to a prioritising mechanism. The cooperation will need to follow Europol's mandate and include a nexus to serious organised crime investigations. Limitations in cross-border cooperation identified by Europol included legal loopholes in some European and non-European countries regarding the availability of certain "non-essential" firearms components, which are transferred outside their borders into other Member States. Issues arise if these transfers are not proven, indicated or expected and the lack of punishable acts in their criminal law for "non-essential" components limits applying investigative measures.

Also, on alarm and signal weapons, many EU countries do not consider these as firearms, resulting in purchase, possession, import/export in these firearms not being subject to registration. This limits investigative measures in such countries, disabling tracing, arrests, observations and/or documentation seizure. Harmonisation of the offences of illicit trafficking, illicit manufacturing, illicit possession and the illicit modification of markings is considered supportive to enhancing international cooperation by Europol.

Generally, Europol notes a lack of international cooperation between National Firearms Focal Points and a lack of specialised expert knowledge between the focal points.

Europol was not in the position to provide and assess specific information on the number of referrals related to firearms blueprints, investigations hindered the fact that possession, creation and dissemination of blueprints to produce privately manufactured firearms are not criminalised in the EU Member States, cases of illicit manufacturing shared with Europol, cases of illicit modifications of markings, cases of illicit modification of markings and cases of illicit possession, as these actions are not processed as structured specifications in their database as such.

17.4.2. Eurojust

Eurojust submitted a report providing reflections of figures on crime type "illicit trafficking in arms, ammunition and explosives" in the Case Management System (CMS) and the excel overview of their Data Management Unit (DMU), including data on coordination meetings (CMs), coordination centres (CCs) and joint investigation teams (JITs). The timeframe covered in their data is 1 January 2020 to 22 January 2025. As an overview:

- 221 new cases involving illicit trafficking in arms, ammunition and explosives were registered

- 51 coordination meetings cases involving illicit trafficking in arms, ammunition and explosives

- 0 coordination centres cases involving illicit trafficking in arms, ammunition and explosives

- 10 new JITs established in cases involving illicit trafficking in arms, ammunition and explosives

Key statistics provided by Eurojust include:

- A total of 175 bilateral cases and 45 multilateral cases.
- Bilateral cases ranged from 19 in 2020 to 44 in 2024, with three already reported in 2025.
- Multilateral cases fluctuated from 10 in 2020 to 12 in 2023, with no cases yet in 2025.
- Coordination meetings increased over time, notably 16 in 2024 and 3 as of January 22, 2025.
- Newly signed JITs varied annually, with three in 2024.

The overview shows that there is cooperation with Europol and the International Criminal Court (ICC), but that it is at low and declining rates. In 2020, there were 3 cooperations in case with Europol, in 2022 it was only one, and the total number of cooperations between 2020 and 2025 was 4. With regards to ICC, there was only one cooperation on a case in 2024. Due to the nature of the cases, figures may change post-reporting, as stated by Eurojust. Additionally, figures on CMs, CCs and JITs for 2024 are provisional.

Key implications from the input submitted by Eurojust include a consistent increase in the number of bilateral cases over the years and a variable yet notable increase in coordination meetings, but relatively stable numbers of JITs, with a slight overall increase due to newly signed JITs, which may suggest enhancing collaborative efforts. The involvement of non-EU countries underlines a widespread concern and need for international cooperation in combating illicit trafficking.

17.5. CONSULTATIONS WITH INTERNATIONAL ORGANISATIONS

17.5.1. Meetings with United Nations Office on Drugs and Crime (UNODC)

As part of the consultations with international organisations, three meetings were held with UNODC.

The first meeting with the head of the firearms team in UNODC took place on 10 July 2024. During the meeting, UNODC expressed their support for the initiative. In the meeting, UNODC suggested to implement the UN Firearms Protocol and to focus on the additional offences, next to the mandatory offences as established in Article 5 in the UN Protocol. They also suggested to look at the self-assessment questions for the review mechanism under the United Nations Convention against Transnational Organised Crime (UNTOC) and asked if there would be the possibility to focus on corruption related offences as an aggravating circumstance. In this context, suggestions were made to focus on public officials and destroying documents. Moreover, UNODC referred to the lessons learned in drugs, related to the harmonisation of offences, especially the ballon effect and “shopping around” by criminals.

On 16 October 2024, the second meeting with UNODC was held in Vienna, with three team members of the UNODC Firearms team. During the meeting, the Commission walked UNODC through the different steps of the legislative processes of the EU and gave a short overview of the results of the criminalisation study, which examined the transposition of the UN Firearms

Protocol by different Member States. The link with the Palermo Convention, as this Convention requires confiscation and the criminalisation of the attempt, was discussed. On illicit possession of firearms, UNODC suggested to investigate the criminal code of Singapore, noting that they could have an interesting definition of illicit possession for the purpose of illicit trafficking. Moreover, UNODC offered to help substantiate some of the problems identified through cases, referring to the Divert publication, and obstacles for cooperation through unharmonised definitions and through the lack of mutual recognition and harmonised rules for the use of special investigative measures were discussed. Further discussed topics in the meeting were the lack of reliable statistics regarding firearms-related offences, and the definition of aggravating sanctions linked to large quantities of firearms.

A third meeting under the consultation took place on 21 January in Brussels. During the meeting, the state of play of the impact assessment was provided, and restrictions of the EU's competence were explained to the UNODC. UNODC further reiterated that they are happy to help in the search for more cases if needed in the research feeding into the impact assessment.

During the three meetings, UNODC expressed their support to the initiative, suggesting focusing on the additional offences beyond only the mandatory offences in the UN Protocol. Furthermore, UNODC showed itself enthusiastic to provide cases and input if needed, showing how both organisations share the same interest in this issue.

17.6. CONSULTATIONS WITH INTERNATIONAL PARTNERS

17.6.1. Western Balkans

The Commission presented the firearms trafficking initiative to the SALW commissions of the Western Balkan. The discussion during the meeting focused mainly on 3D printing of firearms. However, there are clear indications that the phenomenon is entering the region. In the Western Balkan region, no 3D printed firearms have been seized so far. Nevertheless, some of the countries have already taken legislative actions to address the threat. North Macedonia has already criminalised the illicit possession of blueprints and Serbia is in the process of doing the same.

During the discussion, a reference was made to the FLARE database of the UK. The intend of the FLARE database is that it will contain digital files, through which it will be possible to see if this is a common blueprint and/or if this blueprint is found in other cases/ identified as a lethal and functioning firearm.

17.7. CONSULTATIONS WITH PRIVATE STAKEHOLDERS

17.7.1. Formnext conference, 21 November 2024

The Commission together with a representative of Europol's EUCTC and the Spanish EMPACT Firearms Drivers team visited the Formnext conference. FormNext is a yearly conference organised by and for the Additive Manufacturing industry (3D printing). The conference takes 4 floors of the exposition hall in Frankfurt and contains 850 exhibitors. The different economic operators show the latest technological developments in the industry.

The objective of the visit was to understand the latest technological advances and to give a presentation to raise awareness on 3D printing of firearms and the upcoming legislative firearms trafficking initiative. The following elements were noteworthy:

- Some exhibition stands publicly showed firearms parts such as frames and silencers. When asked about some stands explained that they think silencers are legal, which is not true in Germany but it is indeed not regulated at EU level, and the company that was showing the frames explained that they are a subcontracting company from a legal firearms manufacturing and they stated that because of that, according to them, they do not need to be licensed.

- Metallic printing is no longer a future technology. There were many exhibitors showing the latest metallic printers in which complicated metallic parts can be printed from zero. The smallest of these printers, capable to print full metal costed around 7.000 euro but the prices go up to 250.000 euro for printers of 1,5 meters by 1 meter.

- Some printers that predominately print polymer fillers are also able to print metal if the particles inside the filament are smaller than 0.1 mm. Which is very feasible, and these printers costed about 1.700 euro.

- The technological developments of the ‘plastic’ fillers has also advanced to where the printed elements are extremely durable. It can withstand up to 1.000 newtons of force, more than enough to fire a firearm.

The presentation from Europol focused on a few important cases showing the threat of 3D printing. Following the presentation, the participants were asked some questions regarding their knowledge of the threat and the legislation, including the upcoming firearms trafficking initiative.

- Participants in general were not aware of the possibility to 3D print firearms, although some did know as they had come across online blueprints to print firearms.

- Participants were interested in the fact that you can 3D print firearms and essential components if you are licensed to do so. There is clear need to raise more awareness of the fact that printing firearms and essential components without a license is a criminal act.

- A participant noted that silencers and frames should not be presented in the expo halls because it might give people ideas to try it out. More awareness raising efforts should go to contacting the organisation of the conference to prevent this.

- There was an agreement in the room that the technology should not be misused for the illegal printing of firearms and essential components. Ideas from the audience where the following:

    - Instead of focusing on tracing blueprints, companies should produce printers that recognize blueprints and refuse to print them (similar as is done with banking notes). An idea was launched that there could be some certificate for those printers who do this.

- Criminalising the dissemination of blueprints was considered a good idea.
- Creating a guidebook that shows pictures of essential components which cannot be printed without a license was also suggested. This guidebook could be distributed to 3D printing shops to raise awareness and to inform them. These guidebooks should also refer to firearms contact points in the MS, so that persons can contact them if they have questions.

17.7.2. ESFAM, 3 December 2024

High-level representatives of CZ, Dikar, Browning, Arex/Steyr and the ESFAM secretariat were present for the consultations, covering a range of manufacturers.

The main focus of the meeting was the recast Firearms Regulation.

Regarding the firearms trafficking initiative, the manufacturers asked if this new initiative would influence the legal trade or manufacturing. The Commission assured that the aim of the initiative focusses on the illicit side of firearms, not targeting the legal side. The only concern they had was if blueprints of 3D printed firearms are prohibited, it might curb possible future developments linked to experimenting with legal 3D printing, as experts on 3D printing will not be licensed dealers.

Incorporation of the results

The results of these consultations have been included throughout the impact assessment, considering the different feedback obtained from the wide range of the stakeholders. As the consultation strategy followed a similar structure as the impact assessment itself, the incorporation of the feedback was facilitated, to, if necessary, feed into the relevant sections of the impact assessment and substantiate it.

ANNEX 3: PUBLIC CONSULTATION AND CALL FOR EVIDENCE

1. INTRODUCTION

The public consultation and the call for evidence for an impact assessment for the Firearms Trafficking Initiative covered a period of 12 weeks, from 01 October 2024 to 24 December 2024 (midnight Brussels time) and sought the views from all interested parties.

The public consultation was designed to follow the same logical sequence of the impact assessment, commencing with a problem description and gradually developing towards the possible policy options and their potential impacts. Additionally, the call for evidence provided for the possibility to formulate feedback on the Commission’s understanding of the problem and possible solutions. By gathering this qualitative data, the Commission tried to ensure that the general public interest in the EU is well reflected in the proposal on the criminalisation of firearms-related offences.

The consultation aimed at gathering views on (i) better describing the problem(s); (ii) alternative ways of harmonising the criminalisation of firearms-related offences; (iii) the scope for harmonising national rules criminalising firearms-related offences; and (iv) the possible pros and cons of a new legislative framework.

Key stakeholders identified were (i) law-enforcement authorities and customs authorities; (ii) judicial authorities and prosecutors; (iii) other authorities in the field of firearms policy, including ministries of the interior and ballistic expertise centres; (iv) legal firearms users and owners (hunters, sport shooters and collectors); (v) economical operators such as dealers and brokers (manufacturers, traders etc.); and (vi) international organisations and non-governmental organisations in the field of firearms policy.

16 responses were received for the public consultation and 81 responses for the call for evidence.

2. PUBLIC CONSULTATION

2.1. OVERVIEW OF THE RESPONDENTS

In total, 16 responses were received to the online public consultation. More than half of the respondents listed Switzerland, France or the Czech Republic as their country of origin. Second highest number of responses was given from Belgium followed by Romania, Greece, Finland and Germany. Figure 1 gives a more detailed breakdown of respondents listed by country of origin.

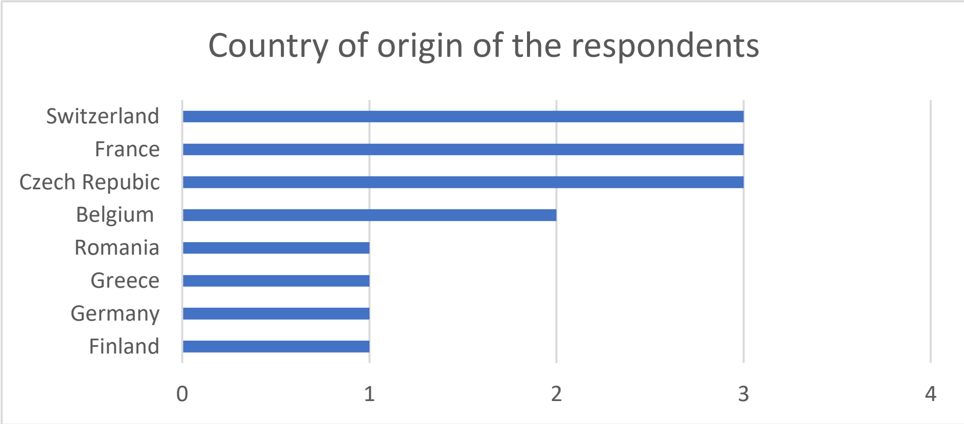

Figure 1: Source: Public Consultation, publishes on EU Have Your Say, 2025.

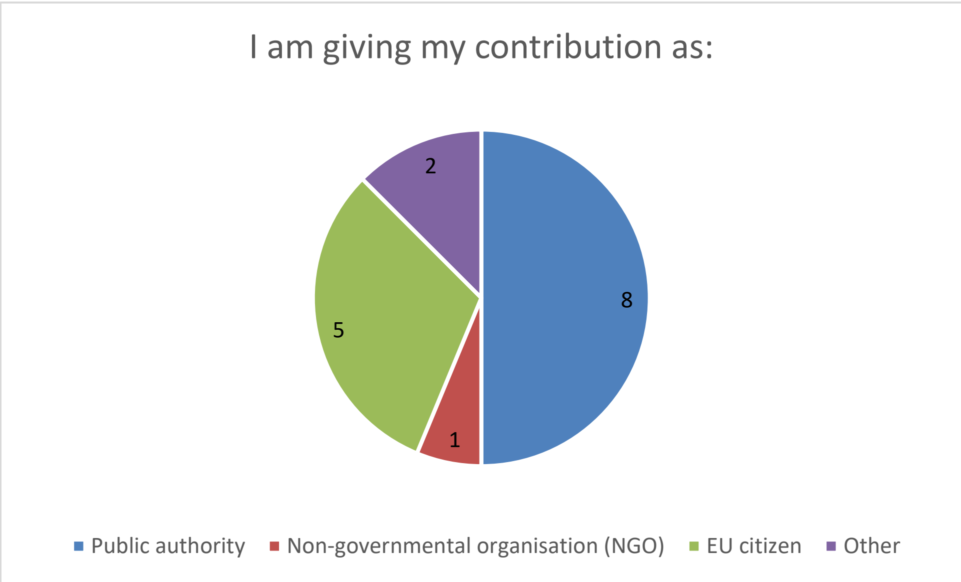

Figure 2: Key stakeholders identified. Source: Public Consultation, EU Have Your Say, 2025.

Key stakeholders identified were public authorities, who account for 50% of the respondents, EU citizens, who make up for nearly one third of respondents, NGOs (6,25%) and other stakeholders that make up for 12,5% of the respondents. All data is visualised in Figure 2. Out of the public authorities, 75% indicated that they belong to a large organisation, with 250 or more employees.

2.2. GENERAL TRENDS AND APPROACH TO THE ANALYSIS

The questionnaire first asked the respondents to give some information on their category of stakeholder and interest in the initiative, as discussed in the previous section. After this, respondents were asked 42 questions on the initiative, clustered into three sub-sections:

i. Questions concerning current problems
ii. Need for EU Action and possible policy options

iii. Evaluation of the impact of options

Respondents were given the opportunity to answer based on ordinal scales, ranking six different categories such as extent, level of risk, level of importance, level of mitigation or scale of appropriateness. One section of questions on different forms of sanctions (prison sentence or financial sanctions) gave the opportunity to personally allocate the perceived appropriate level of sanctions for the different core firearm-related offences, where, unlike the other questions, it was possible to select multiple answers. Furthermore, each section included open-response questions, where respondents could further elaborate on their opinions expressed.

The general trend of the responses suggests a more restrained attitude of the public regarding the legislative initiative, and that minimum rules on the offences do not have a great effect in resolving the issues discussed throughout the questionnaire. Respondents were generally most supportive of policy options focusing on the enhancement of pre-existing legislative frameworks, namely the UN Firearms Protocol and the firearms Directive. Furthermore, it appeared as if the perception of threat towards the security of the public is not extensively connected to specific firearms-related offences, as visible in the questions below. A re-emerging topic in the open question was enhanced border controls, which was seen as the key point in addressing firearms-related offences. Generally, it appeared as if public authorities were more supportive of the legislative initiative than EU citizens, NGOs and respondents identifying themselves as “other”. Overall, the answers to the publication suggest that respondents regard addressing firearms-related offences as a national responsibility, where EU intervention should remain low.

2.3. ANALYSIS OF THE SPECIFIC QUESTIONS

2.3.1. QUESTIONS CONCERNING CURRENT PROBLEMS

Respondents were asked to answer questions on the more general threat perception in the EU, as well as how they estimate the role and effectiveness of national laws in addressing firearms-related offences.

How would you generally rate the threat of firearms, their essential components and ammunition to the security of people living in the EU?

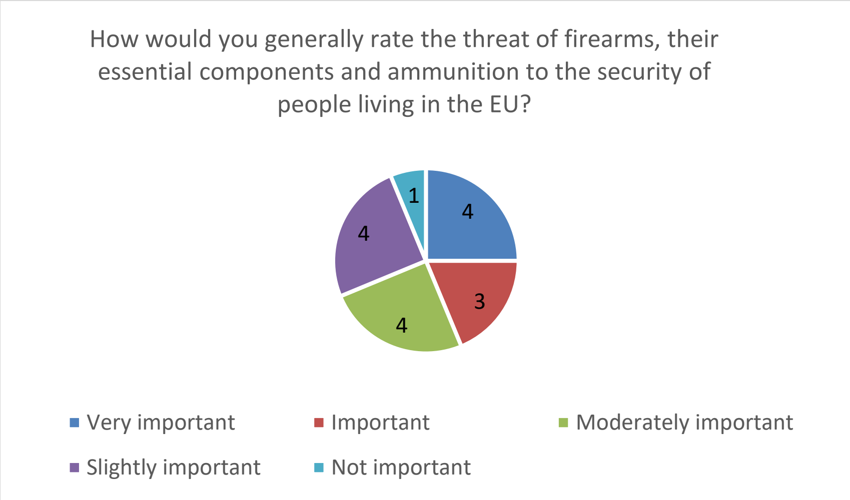

Figure 3: Source: Public Consultation, EU Have Your Say, 2025.

25% of the respondents rate the threat as very important, 18,75% rates it as important and another 25% as moderately important, showing that the majority of respondents perceive firearms as a threat to public security. 31,25% of the respondents attribute slightly to no importance to the threat of firearms to the security of the people living in the EU. A breakdown of the number can be found in Figure 3.

In your view, have existing national laws that criminalise firearms offences contributed to effectively bringing criminals to justice? If you can, please explain why in your view, existing national laws that criminalize firearms offences contributed or did not contribute to reducing gun violence and bringing criminals to justice.

The responses indicate a high level of confidence in the national legal systems in addressing firearms-related offences, where 68,75% of the respondents answered either "high extent" or "moderate extent". Figure 4 gives a detailed overview of the responses. Only one respondent answered that national laws do not effectively bring criminals to justice, reasoning their reply in the open-answer section with the argument that criminals do not care about existing laws. In total, nine respondents gave explanations to why national laws that criminalise firearms-related offences do or do not contribute to reducing gun violence and bring criminals to justice. Topics addressed on the side of national laws not being effective enough included the lack of systematic tracing of seized firearms, preventing effective prosecution and the punishment of

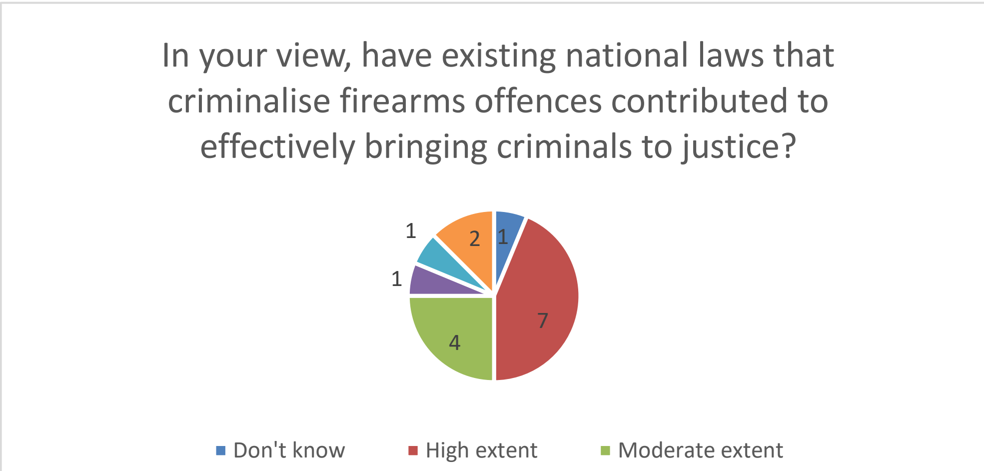

Figure 4: Source: Public Consultation, EU Have Your Say, 2025.

offenders, as well as the declining application of judicial steps throughout the judicial chain. Moreover, one public authority highlighted how the criminalisation of firearms-related offences enables the use of investigative resources otherwise not available and stresses the need for closer European and international cooperation. A similar view was expressed by another public authority, noting that the criminalisation allows for more efficient investigation and prosecution of the perpetrators. More critical respondents argued that the only effective measure to address the problem is increase border controls.

In your view, to what extent does each of the below firearm's offences imply security risks?

Out of the offences listed within the question, the respondents regarded illicit possession, illicit cross-border trade and illicit manufacturing of firearms, their essential components and ammunition as those offences posing the highest risk to security.

Offences with the lowest level of risk to security were two administrative offences: the licensing offences and record-keeping offences. Beyond this, illicit modification of existing firearms to increase their capacity and illicit conversion of firearms are the categories with the highest disparity of replies, where the majority of replies were given on both ends of the spectrum, with similar amounts of respondents indicated very high/ high risks and small risks to security.

In your view, to what extent does an uneven criminal framework regarding firearms offences in the EU area, without internal borders, lead to the following problems?

Security gaps and obstacles for cross-border operational cooperation were identified as the main problems coming from an uneven criminal framework regarding firearms. From the 11 responses given, six ranked obstacles to cross border cooperation as high or very high extent, and 7 security gaps as very high or high. Also, on "criminals exploiting diverging legal frameworks and finding the most favourable location for their criminal activities" the response given the most was a "very high extent". The problem "feelings of insecurity among the EU public" was seen as the least problematic amongst the respondents.

In your view, to what extent do the below issues linked to the criminalisation of illicit trafficking limit an effective EU approach to the firearms threat?

On the criminalisation of illicit trafficking, most respondents indicated that only focusing on cross-border trafficking and not covering illicit domestic trade limits an effective EU approach to the firearms threat to the highest extent. Also diverging sanctions and ways of applying them is regarded as an extensive issue for an effective approach to the firearms threat. No explicit criminalisation of either arms embargo violations, illicit brokering activities, record keeping offences or licensing offences were not seen as extensive issues by the respondents, were 50-56% of the respondents either attributed no extent at all or a small extent to the question. Besides arms embargo violations and illicit brokering, it shows that the respondents do not see an extensive link in administrative offences and the criminalisation of illicit trafficking limiting an effective EU approach to the firearms threat.

Without further EU intervention, how do you think that the firearms threat will develop in the next 5-10 years?

The respondents were asked to estimate how the firearms threat will develop in the next 5-10 years without further EU intervention. 31,25% of the respondents indicated that the situation would deteriorate and that there will be an increase in illicit trade (or diversion) of firearms to conflict zones and dictatorships, and/or smuggling of firearms and convertible weapons into the EU. Another 31,25% responded that the situation will remain unchanged, and that the current framework will be enough to ensure proper law enforcement cooperation, but intelligence-based targeted checks will remain defective. 25% of the respondents suggested that the situation would improve in the next 5-10 years without EU intervention, and that the current framework will be enough to ensure increased cooperation among law enforcement agencies, more intelligence gathering and increased detection of firearms smuggling.

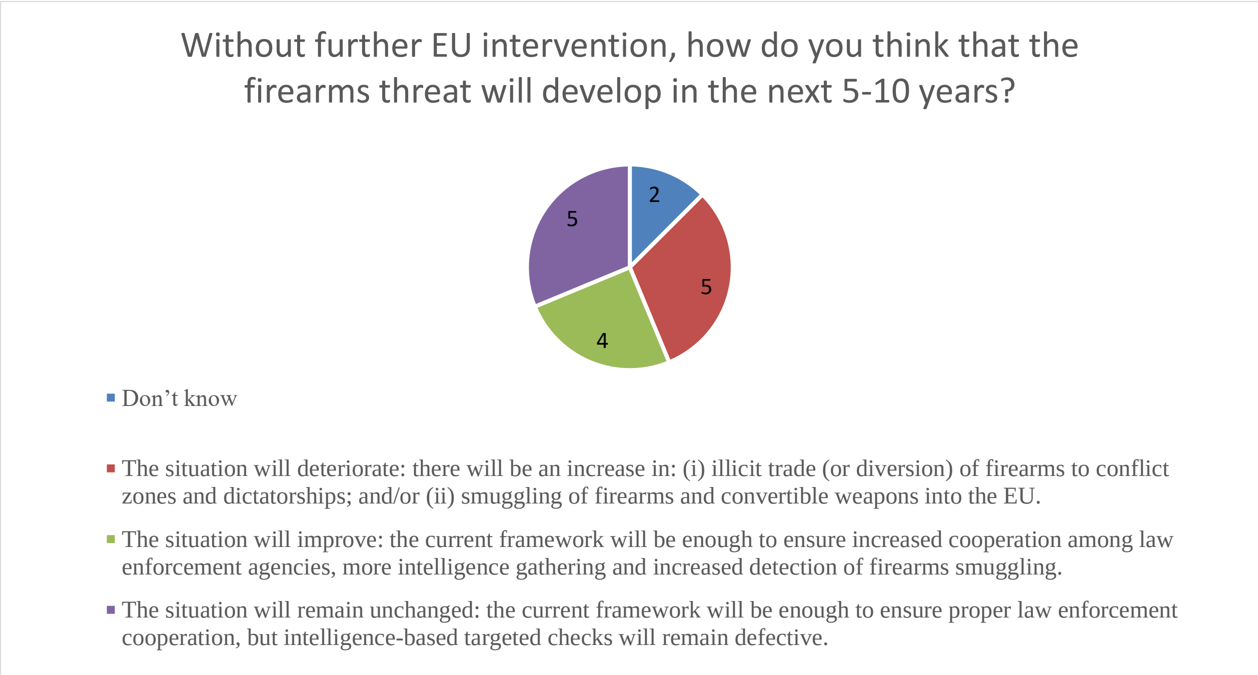

Figure 5: Source: Public Consultation, EU Have Your Say, 2025.

2.3.2. *NEED FOR EU ACTION AND POSSIBLE POLICY OPTIONS*

In the second section of the consultation, a series of questions was posed concerning the need for EU action and possible policy options. Respondents were given the opportunity to give a ranking as a reply to the questions, either in terms of importance, or appropriateness of measures for types of offences, the extent to which issues are resolved by options posed, levels of mitigation or questions for open replies to support the response were given.

Question: Do you think that the EU is sufficiently addressing firearms threats?

As an opening question to the second section on the need for EU action and possible policy options, respondents were asked if they think that the EU is sufficiently addressing firearms threats. 56,25% of the respondents indicated that the EU sufficiently addresses these threats, and 43,75% of the respondents do not think that the EU sufficiently addresses firearms threats. Figure 6 shows an exact breakdown of the numbers. The nine respondents indicating "yes" comprised of 5 public authorities, 2 EU citizens, 1 NGO and 1 other, showcasing how the vast majority of those thinking that the EU addresses firearms threats sufficiently are public authorities. Of those responding “no”, response categories were more evenly spread out, as there were 3 public authorities, 3 EU citizen, and 1 other.

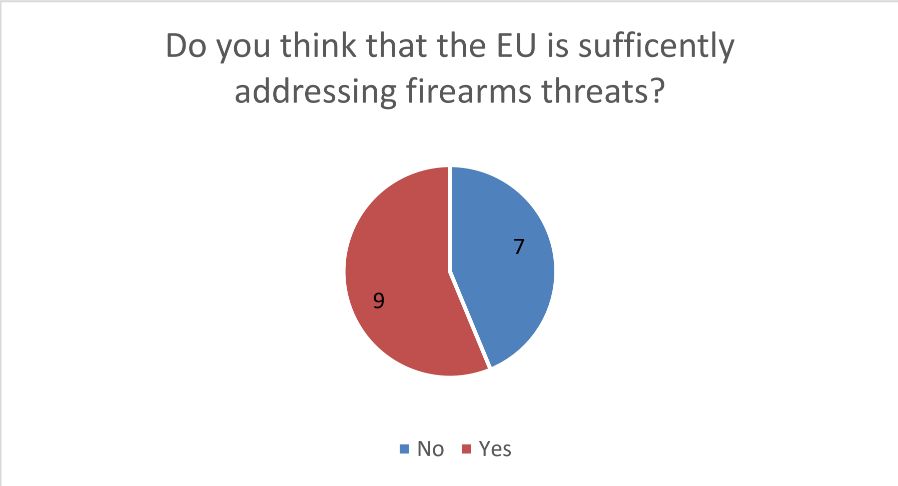

Figure 6: Source: Public Consultation, EU Have Your Say, 2025.

Question: In your view, how important is it to establish minimum EU-wide rules on the definition of, and sanctions regarding, the below firearms offences?

Respondents were asked to indicate how important they regard establishing minimum rules on the definition of, and sanctions regarding, different firearms offences provided in the questionnaire. Illicit cross-border trafficking, illicit manufacturing (including 3D-printing), illicit possession, illicit domestic trade and the modification of markings of firearms, ammunition and essential components were regarded as the most important offences, where minimum EU-wide rules on the definition of, and sanctions on, should be established. As visible in Figure 7, the majority of the criminal offences were ranked as very important or important by 50% or more of the respondents. Regarding the administrative offences, as shown in Figure 8, the respondents suggest that harmonised minimum rules are less important.

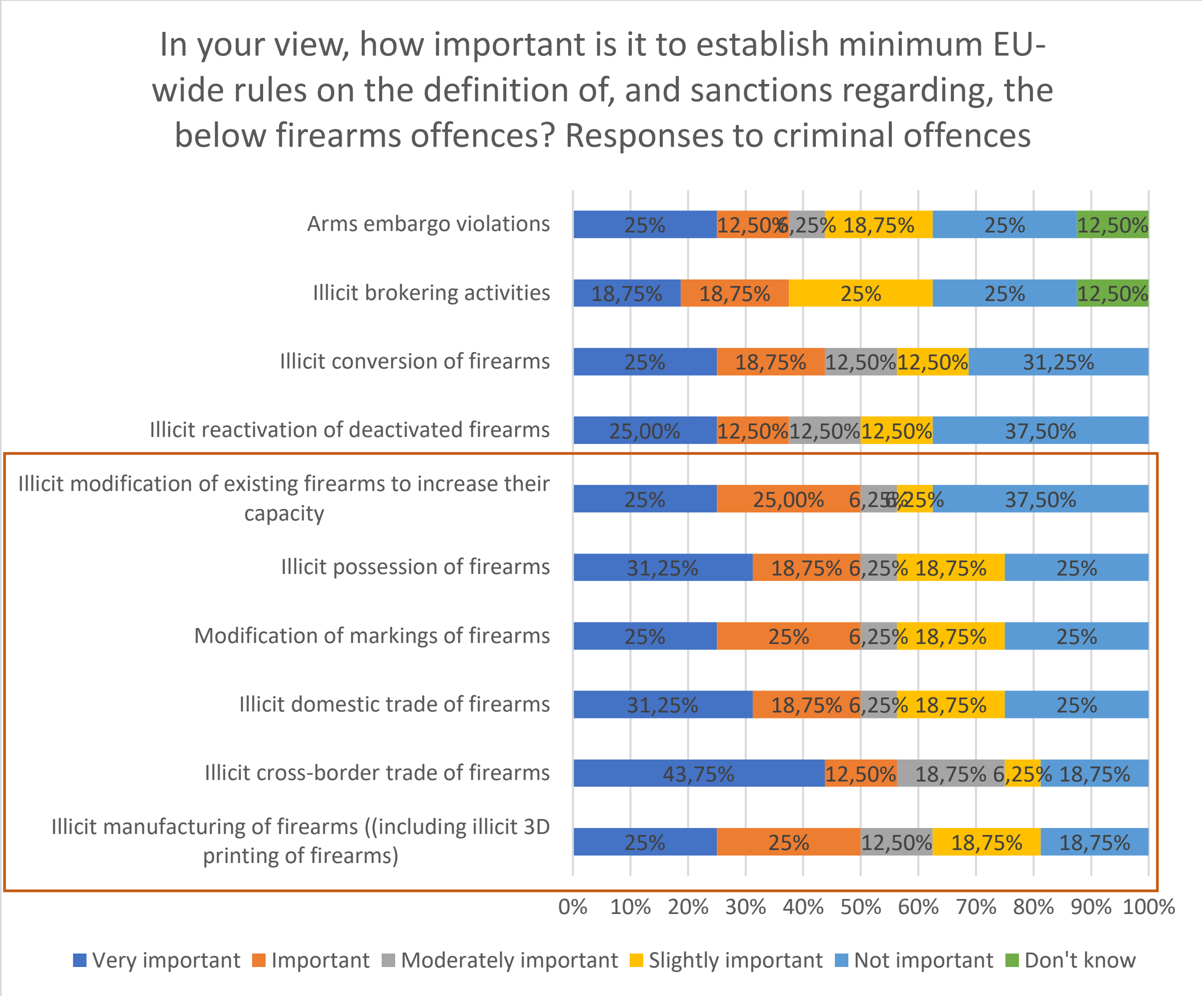

Figure 7: All categories cover firearms, their essential components an ammunition. Data source: EU Have Your Say, 2025.

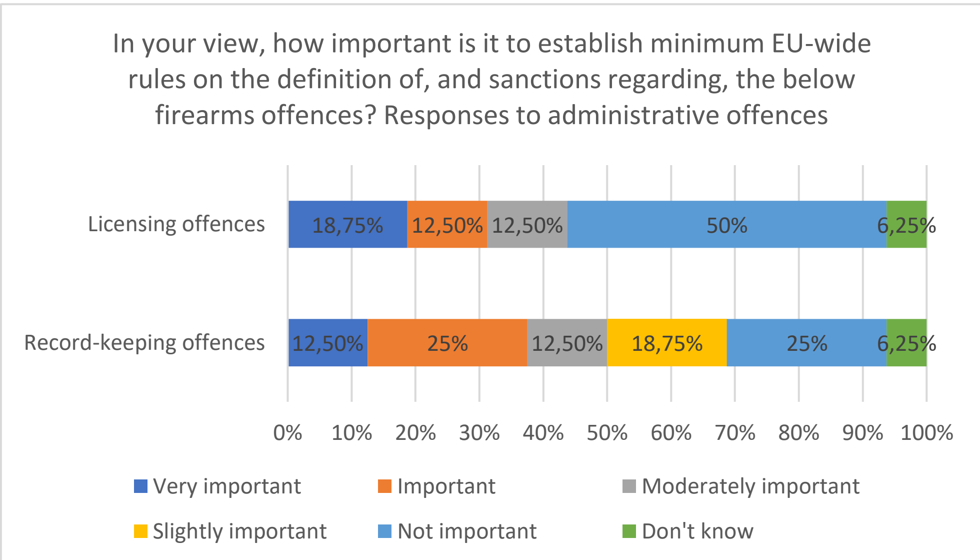

Figure 8: Data Source: EU Have Your Say, 2025.

If you consider EU intervention necessary, what would be the appropriate measure for each type of identified offence?

Enhancing enforcement of the firearms Directive and the UN Firearms Protocol (addressing Member States who have a lack of effective, dissuasive and proportionate penalties) was ranked as the most appropriate intervention, where 9 out of 16 respondents indicated that they found it either a very appropriate or appropriate intervention. 5 respondents, 2 EU citizens and 3 public authorities regarded a legislative proposal on the core firearm offences as an appropriate intervention, whereas the option including the voluntary firearms offences did not gather significant support from any category. Four written responses were submitted. Out of these replies, one respondent indicated that they do not find any EU intervention necessary, another respondent highlighted the need for better actual prosecution of organised crime and another respondent called for stronger border controls and increased human resources on the ground.

When focusing on the different offences, respondents were asked how establishing minimum rules on the criminalisation of a specific offence would solve different issues (the issues being: criminals exploiting legal discrepancies, increase number of illicit firearms, lack of systematic tracing of firearms, feelings of insecurity, deficiencies in law enforcement, security gaps and obstacles for cross-border cooperation):

- illicit manufacturing: respondents do not think that minimum rules on criminalising illicit manufacturing have an extensive role in resolving the issues listed. However, minimum rules are considered to have the highest extent of resolving deficiencies in law enforcement, prosecution and/or the confiscation of criminal proceeds and resolving security gaps.

- illicit cross-border trafficking: respondents suggested that obstacles for cross-border operational cooperation and criminals exploiting diverging legal frameworks would be resolved to the highest extent, in comparison with the other issues. Small to no extent of resolution at all was regarded for deficiencies in law enforcement and feelings of insecurity among the EU public.

- illicit domestic trade: respondents primarily regarded minimum rules as extensively helping to resolve the issue of an increased number of illicit firearms in the EU, where 50% of the respondents either answered either a “very high” or “high” extent. Unlike the previous replies on the public perception of security, the respondents suggested that minimum rules on criminalising illicit domestic trade would help resolve this issue to a moderate to small extent. On criminals exploiting diverging legal frameworks, the highest number of replies was no extent at all, where, however, the majority of respondents indicating a very high to high extent were public authorities.

- modification of markings: Respondents the action would resolve obstacles for cross-border operational cooperation. Generally, however, replies suggest that respondents think that this action would not resolve most issues.

- illicit possession: the respondents suggests that the action would have a small influence in resolving the issues listed in the figure. Notably, nearly all indications of a very high extent of focusing on illicit possession resolving the issues below were by public authorities.

- illicit brokering activities: respondents do not think that the intervention is going to have an extensive influence in resolving the listed issues.

- arms embargo violations: responses suggest that this EU intervention will not sufficiently address the issues listed. Especially on security gaps, feelings of insecurity among the EU public and an increased number of illicit firearms in the EU, the respondents indicated that minimum rules would have no extent or only a small extent in resolving these issues. Respondents thought that it would have a slightly higher effect on obstacles for cross-border operational cooperation and criminals exploiting diverging legal frameworks.

- record-keeping offences: most respondents indicated that minimum rules on criminalising record-keeping offences would have no extent at all or only a small extent in resolving these issues.

- licensing offences: most respondents indicated that minimum rules would not have any extent or only a small extent in resolving the issues.

In your view, what would be an appropriate level of sanction for the different core firearms offences?

Respondents were asked to indicate what they found the appropriate level of sanction for the different core firearm offences, where they could choose multiple options. In this block of questions, sanctions included both prison sentence in years and financial sanctions. Respondents suggested the highest level of prison sentence (>10 years) and the highest financial sanctions (EUR 500,000-1,000,000) for illicit cross-border trafficking of firearms, ammunition and their essential components. 5-10 years prison sentence were suggested for illicit manufacturing and 2-5 years for illicit possession and the modification of markings of firearms, ammunition and essential components.

In your view, which circumstances should contribute either to mitigating or aggravating the sanctions for the core firearms offences?

Respondents were asked to indicate which circumstances (listed in Figure 9) should contribute as either a mitigating or aggravating circumstance for the five core firearms offences. The strongest aggravating circumstances were firearms offences in the context of terrorism, where 75% of the respondents indicated this as a strong aggravating circumstance and firearms offences in the context of organised crime ranked by 65.75% of the respondents. The strongest mitigation was suggested for misconducts in record-keeping and for non-intentional commissions of firearms-related offences, both accounting for 18.75% of the respondents.

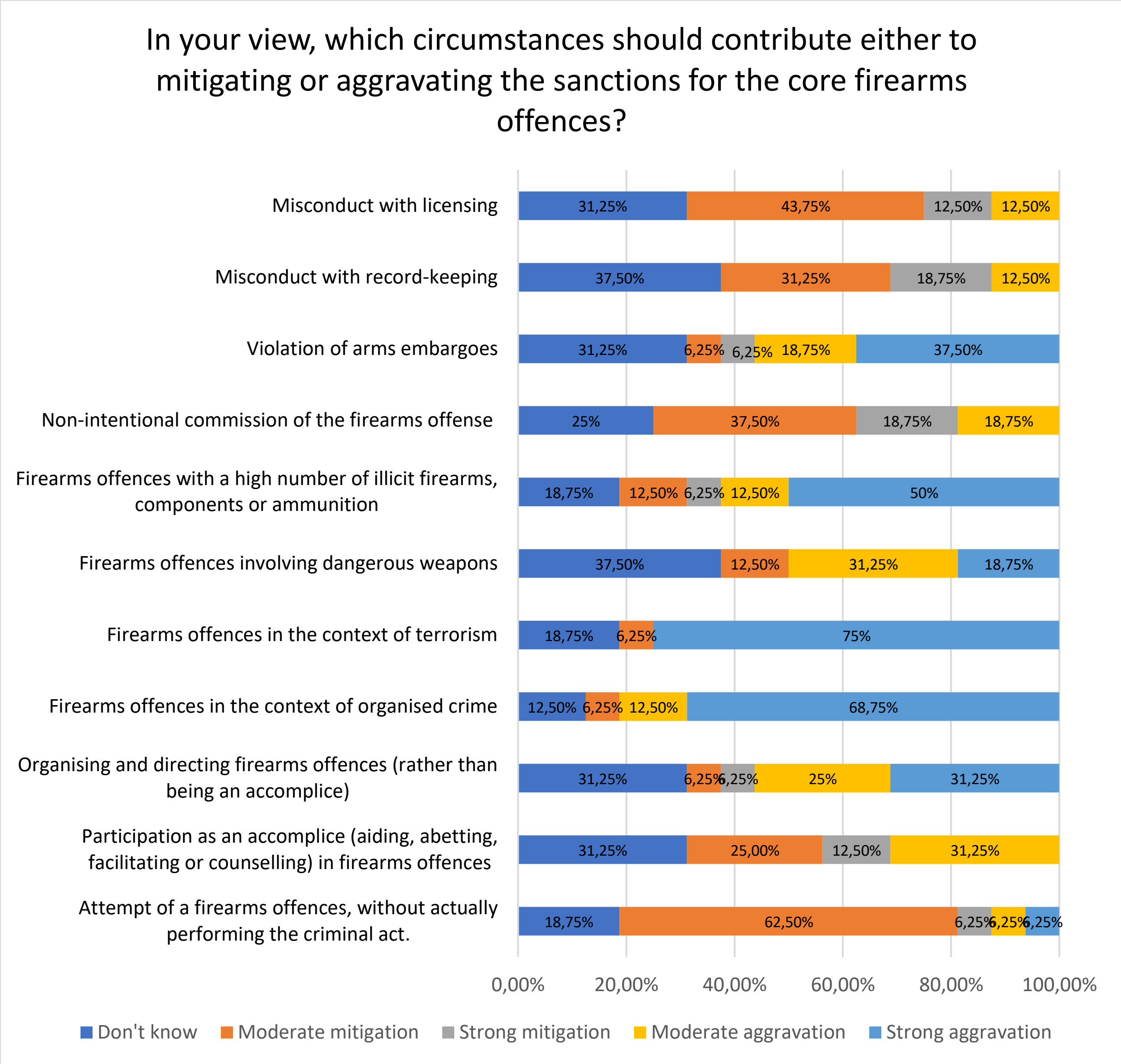

Figure 9: Source: Public Consultation, EU Have Your Say, 2025.

To what extent do you think that the following actions contribute to a more effective EU-wide criminalisation strategy on firearms offences?

Respondents were asked about different actions (more details in Figure 10) contributing to a more effective EU-wide criminalisation strategy on firearms offences. The general trend through the replies suggests that the majority of respondents regard the actions listed as moderately to not contributing to a more effective EU-wide criminalisation strategy. Actions with the highest extent of contribution, as suggested by the respondents, were harmonised rules on criminal sanctions for firearms offences, where 12.5% of the respondents indicated a high contribution (all of them public authorities), and 25% a very high extent of contribution. Moreover, criminalising firearms offences that involve illegal 3D printing (without a dealer's or broker's license) was amongst the actions with the highest extent of contribution to a more effective EU-wide criminalisation strategy of firearms offences.

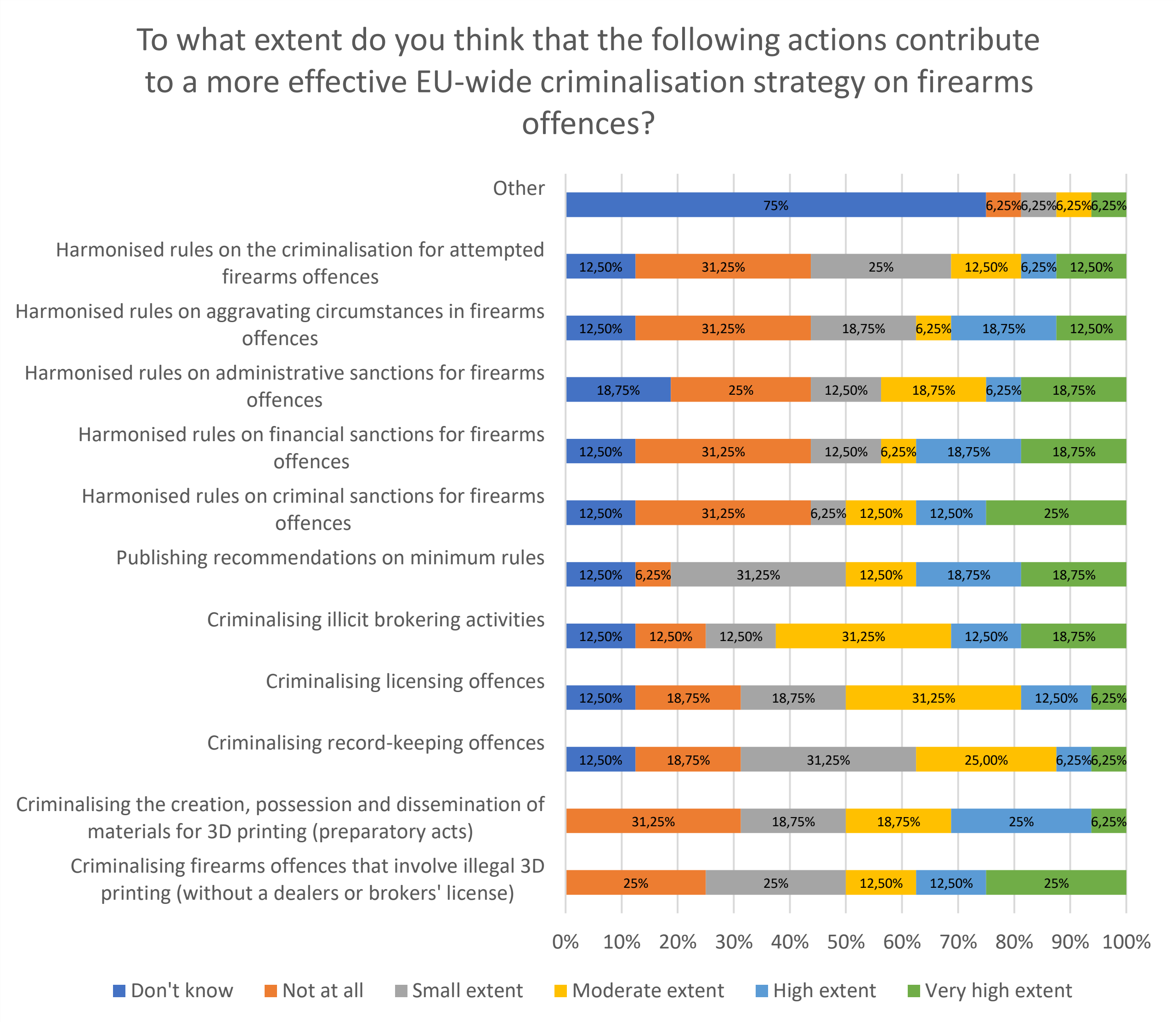

Figure 10: Source: Public Consultation, EU Have You Say, 2025.

2.3.3. *EVALUATION OF THE IMPACT OF OPTIONS*

In the third part of the public consultation, respondents were asked to rank how they see the impact of different policy options.

In your view, to which extent will the following policy options help protect society against gun-related violence?

Throughout the responses, it was visible that the respondents did not regard the policy options listed as remarkably helpful against gun-related violence. The highest extent of helpfulness against gun-related violence was attributed to a new legislative proposal regarding the core firearms offences: illicit manufacturing (including illicit 3D printing), illicit firearms trafficking, illicit modification of marking and illicit possession, where 31,25% of the respondents suggested it was either helpful or very helpful. After this, enhancing enforcement of the firearms Directive and the UN Firearms Protocol was seen as helping to a high to very high extent by 25% of the respondents.

In your view, to which extent will the following policy options increase the administrative burden on national authorities (in transposing these rules into national legislation)?

As visible in Figure 11, respondents suggest a generally increasing degree in administrative burden on national authorities in transposing the rules listed into national legislation. Excluding the question "other", on only two options, less than 50% of the respondents saw a high to very high increase in administrative burden. These options were a recommendation paper and enhancing enforcement of the firearms Directive and the UN Firearms Protocol, and the option to enhance enforcement of the firearms Directive and the UN Firearms Protocol, so notably options that focussed on already-existing measures. On all other responses, 56% or more of the respondents suggested increased administrative burdens. The majority of public authorities suggested a high to very high extent of administrative burden throughout the options.

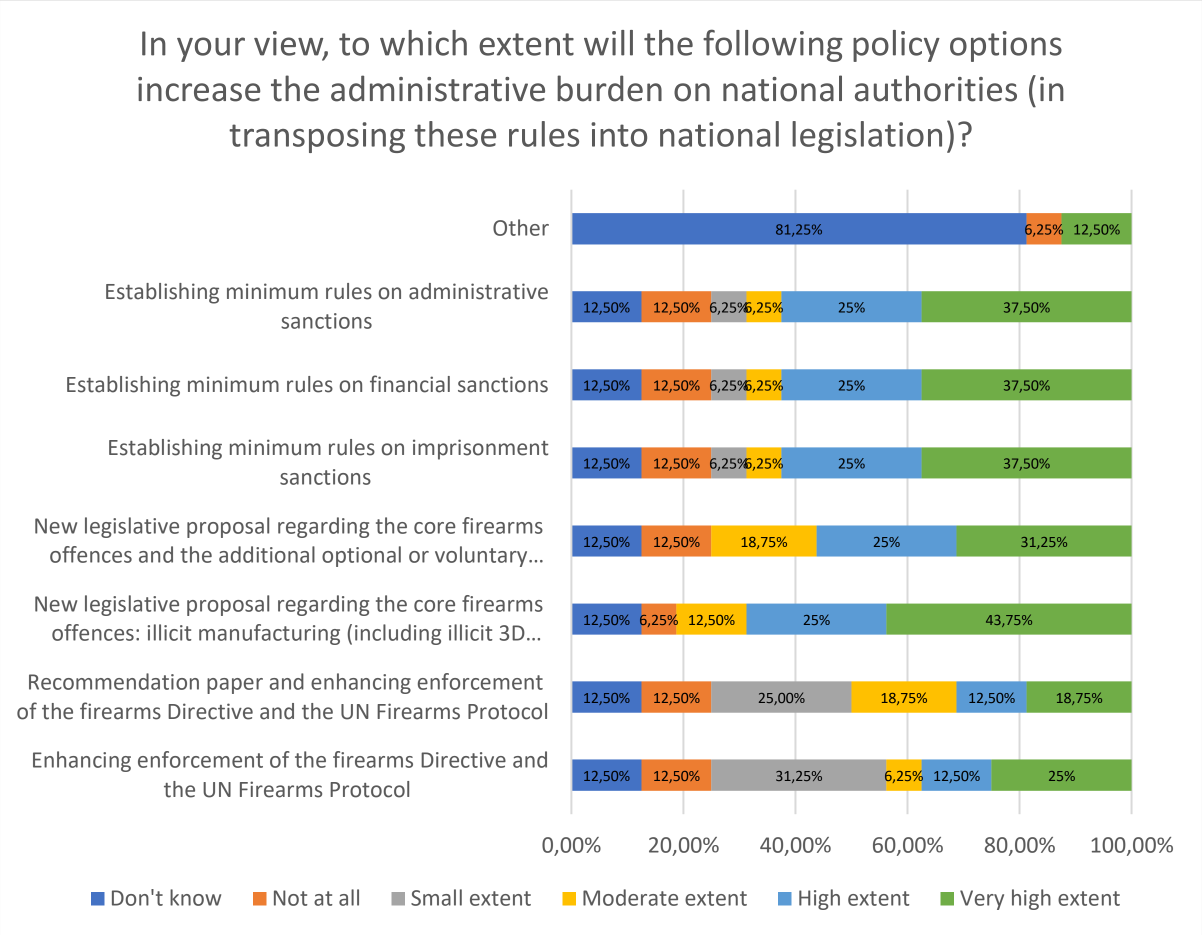

Figure11: Source: Public Consultation, EU Have Your Say, 2025.

Is there anything else you wish to mention on the issue of establishing minimum EU rules on the definition and sanctions of firearms offences – within the scope of this questionnaire?

The final thematic question in the consultation gave room for an open reply on the issue of establishing minimum EU rules on the definition and sanctions of firearms offences. One respondent noted that any EU rules setting minimum rules on firearms-related offences must be coherent with other EU criminal law instrument, such as the ENVI-Directive. Two respondents linked firearms-related crimes to open borders within the EU, requesting stronger border controls. One French public authority suggested that penalties for participation as an accomplice in a firearms-related crime should be aligned with those for predicate offences, without any mitigation or aggravation and without preventing the criminal court from adjusting the penalties according to the facts before it. More critical responses did not agree with the approach towards the legislative initiative, suggesting an impact assessment and then a public consultation based on the impact assessment, whereas other respondents stated that any new legislative action by the EU on this matter is not needed.

3. CALL FOR EVIDENCE

3.1. OVERVIEW OF RESPONDENTS

A total of 82 feedback were given, out of which 81 are considered valid, as one comment did not comply with the European Commission's rules for feedback submission. As shown in Figure 12, respondents came from eight different categories: i.) EU citizens; ii.) public authorities; iii.) business associations; iv.) companies/businesses; v.) non-governmental organisations (NGOs); vi.) non-EU citizens; vii.) trade unions and viii.) other. Out of the total responses, nearly 80% were submitted by EU citizens (64 out of 81 responses). The second biggest category were public authorities, followed by business associations. Trade unions, with one response, make the smallest category.

Observing the data by country (Figure 13), the highest number of responses was issued by stakeholders from the Czech Republic, covering 26% of the total responses. They are followed by France (21%) and Belgium (12%). Six responses from non-EU countries were issued, with five from Switzerland and one from the United Kingdom. Out of the 27 EU Member States, stakeholders from 16 Member States responded to the public consultation.

The data for these statistics was retrieved from the EU Have Your Say platform[187].

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[187] Firearms Trafficking Initiative: Statistics. https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14314-Firearms-trafficking-Directive/feedback_en?p_id=33172995 [accessed 07/01/2025].

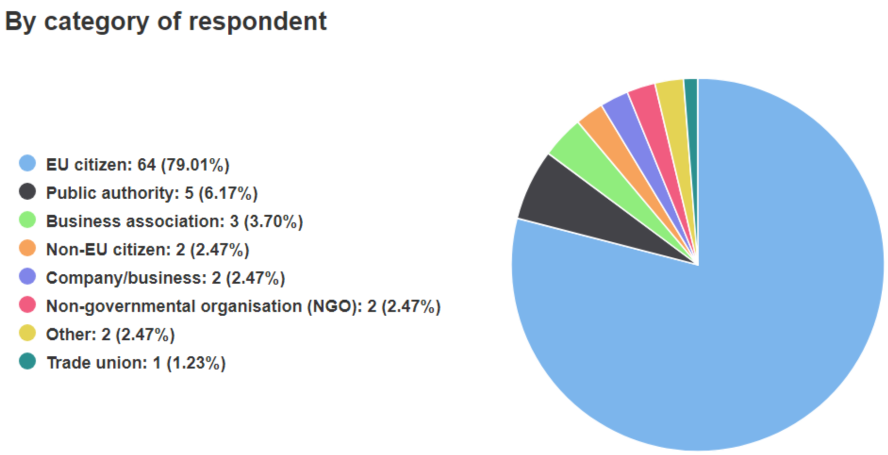

Figure 12: Public consultation responses by category of respondent. Data retrieved from and chart generated by https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14314-Firearms-trafficking-Directive/feedback_en?p_id=33172995 [accessed 03/01/2025].

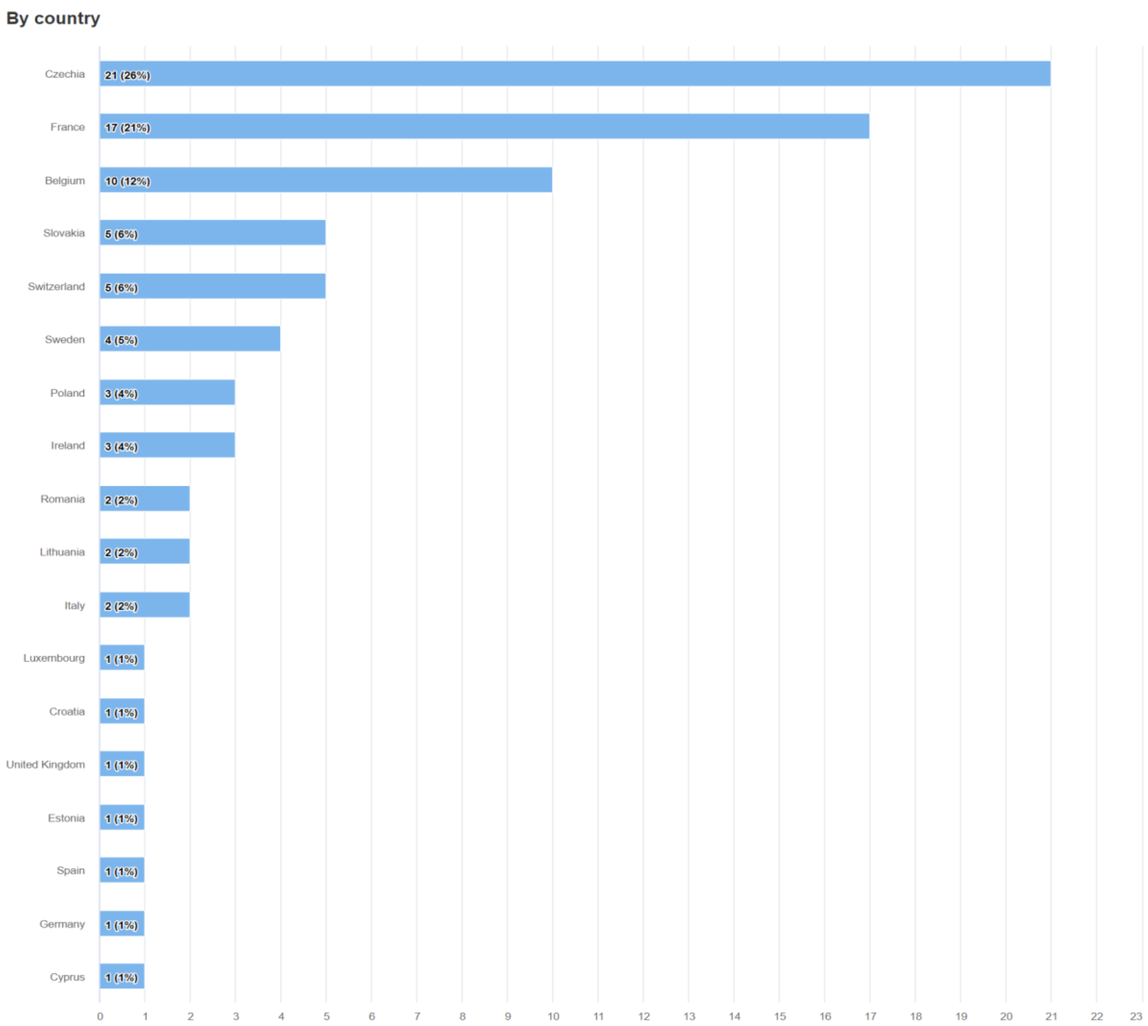

Figure 13: Public consultation responses by country. Data retrieved from and graph generated by https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14314-Firearms-trafficking-Directive/feedback_en?p_id=331729 [accessed 03/01/2025].

3.2. GENERAL TRENDS AND ANALYSIS OF THE OPINIONS EXPRESSED

Respondents were asked to provide feedback on the call for evidence published for the firearms trafficking initiative.

Although not all responses showed a clear and constructive position on whether they agree with the initiative described and their opinions on the three different policy options, it was clearly visible that opinions against the initiative as a whole mainly came from EU and non-EU citizens, whereas positions supporting the initiative stakeholders such as non-governmental organisations, police authorities, public authorities, business associations and universities. From this trend, it appears that the underlying position of citizens as public stakeholders is against the legislative initiative, whereas police authorities, NGOs, public authorities and business associations, as more operational authorities, are on the supporting side of the initiative. It needs to be stressed that this does not imply that all positions by (non-) EU-citizens were against the legislative, but that the majority of disagreements came from the citizen side.

Furthermore, it is important to stress that an analysis of the answers from the citizens, reveals that many might not have understood fully the objectives of the initiative. Multiple citizens criticised the initiative stating that the EU should not focus on law abiding citizens and legal owners but rather on reinforcing law enforcement response and the illegal market. Both are exactly amongst the objectives of the initiative. Additionally, multiple respondents expressed general anti-EU feelings and therefore rejected any EU intervention at all.

Several respondents criticised that the internal mapping study of the European Commission, which was referred to as a source for the discrepancies of sanctions for firearms-related crimes across the EU, was not published with the call for evidence. The majority of respondents mentioning this requested the source and another public consultation, where responses can be based on the sources mentioned.

Those respondents who support the proposal argue that a harmonisation of criminal classifications and penalties for firearms-related offenses is necessary to improve legal coherence and facilitate transnational cooperation. They also believe that a more uniform approach to regulating 3D printed firearms and unauthorised reactivation of deactivated weapons is desirable. Additionally, respondents cherished the idea of a single EU database with detailed information on all firearms seized in the EU, which help law enforcement authorities to identify criminal networks and combat arms trafficking more effectively.

Respondents opposing the proposal, who, as mentioned above, are mainly (non) EU-citizens, argue that any legislative revision that affects law-abiding firearm owners should be avoided. They also believe that further legislation will not effectively address the issue of terrorism and organised crime, and that criminalization of possession of blueprints for 3D printing of firearms is unacceptable. Some argue that harmonisation of criminal law at the EU level is unnecessary and would lead to a loss of national sovereignty, while others believe that links to the UN Firearms Protocol are undesirable and would lead to increased security restrictions. Furthermore, an explicit prohibition on possessing computer files that can be used for 3D-printing of firearms is seen as unnecessary and would infringe on intellectual freedom.

Some stakeholders expressed neutral and open-ended positions on the proposal, suggesting that it should prioritize the non-legislative path. Others believe that the proposal should focus on regulating both industrial-grade and consumer-grade 3D printing technology. A more nuanced approach to regulating 3D printing of firearms is also seen as necessary.

3.3. ANALYSIS OF THE OPINIONS EXPRESSED IN THE CALL FOR EVIDENCE

Key topics addressed by the respondents were the following:

A. *Legal firearms owners*

42% of the respondents expressed concerns that the initiative will also affect legal firearms holders, such as hunters, sports shooters or collectors. Out of these 42%, 86% were EU citizens. In other words, from the 62 respondents who from the category “EU Citizen”, 48% interpreted the questionnaire as targeting legal firearms users. Comments highlighted the importance that the legislation should not infringe upon the existing rights of legal firearm owners, as they are not part of the issue of firearms-related offences. It was suggested to enforce already existing laws, instead of narrowing down the rights of legal firearms owners. However, it is to be noted that many respondents interpreted the initiative as enhanced laws on the licit side, instead of tackling illicit firearms related offences. Moreover, antique firearms were mentioned in the consultation responses by different stakeholders, being EU citizens and a regulatory authority for public auctions. It was raised that legal collectors already face a lot of issues with their local/national authorities, and that the initiative should not create more barriers.

B. Challenges in the industry, research and technology

Progressive regulatory framework can impose significant burdens so SMEs, who face challenges in adapting to the frequent changes in regulations. Some respondents stated that legal frameworks in the civilian firearms sector have become increasingly complex and therefore sometimes difficult to interpret, making room for good-faithed errors for manufacturers. Concerns were raised about the destabilisation of the industry through excessive punishments for these clerical errors. These concerns of overregulating were also expressed by the Conseil Maisons de Vente for antique firearms, expressing concerns about heavy regulations discouraging operators from the legitimate market in favour of illicit actors. Conversely, they propose simplifying regulation targeting the legal market, to ensure a higher compliance with the law. This is also linked to the concerns about legal firearms owners, in the context of collectors.

C. Regulation of blueprints for 3D-printed firearms

Opinions expressed on the criminalisation of illicit firearms by means of 3D-printing or the illicit creation, possession and dissemination of the intellectual materials (blueprints) needed for 3D-printing differed amongst the responses. Arguments in favour included the problems due to lack of traceability and control of 3D-printed firearms as well as uncontrolled proliferation. A registry for 3D-printers was supported by respondents, where one respondent mentioned the focus on industrial- and consumer grade printers, similar to the regulation of illicit drone activities under the European Union Aviation Safety Agency. The respondent proposed a uniform regulatory framework enabling Member States to coordinate effectively and implement proportionate penalties for the misuse of 3D-printing technology, particularly the illicit manufacturing of firearms. Amongst those in favour of the criminalisation of the illicit creation, possession and dissemination of blueprints, it was pointed out that the wording in the directive should not accidentally include files used in computer games which represent firearms, so called “models”, that look similar to blueprints but are only digital representations of firearms. Furthermore, concerns were expressed about the blueprints for lethal firearms compared to toy guns, which can look similar and should not be subject to the criminalisation.

Respondents against the criminalisation of blueprints followed rationales arguing that the 3D-printing firearms falls into the category of illicitly manufacturing, and hence does not need to be criminalised additionally. Furthermore, it was argued that the possession of blueprints would not differ from possessing knowledge or information on how to manufacture a regular firearm with common machining tools, and that it would harm those people with the intellectual interest in the technology and theoretical aspects of manufacturing firearms. These responses were submitted in the context that the criminalisation of the possession, creation and dissemination of blueprints would infringe the privacy and right to freely gather information in the EU.

D. Further opinions expressed

Further solutions expressed included enhanced activities on the ground through law enforcement rather than a legislative solution. Often, these comments were put forward in connection to concerns about the rights of legal firearms owners. Furthermore, a small number of responses raised to tackle firearms-related crimes from the angle of examining why people decide to engage in violence and commit crimes, where comments were made about the circumstances “dragging” individuals into committing crimes, such as the social conditions and upbringing. Moreover, one responded suggested empowering armed and trustworthy citizens with greater responsibility for public safety.

Policy Options:

The call for evidence provided three policy options for the legislative initiative. From the 81 responses in total, nine expressed a clear position regarding the policy options. Two respondents were NGOs, three EU citizens, two public authorities, one business association and one trade union.

Out of those respondents four opted for policy option 1, two for each option 2 and 3 and one agreeing with both option 2 and 3. The following rationales backed the respondent’s opinions:

Policy Option 1: Non-legislative measures and enhancing enforcement

Arguments by stakeholders opting for policy option 1 included that states should remain managing their legislation in the area of firearms at national level and that local actors, who are best informed about national history and culture, should develop the precise norms in this area. National differences were also indicated as the key argument for another stakeholder agreeing with option 1, noting that these differences could not be accommodated under policy option 3. Furthermore, it was argued that a non-legislative response would minimise the risk of affecting the legal market, whilst curbing the illicit market for firearms. Beyond this, option 1 was also supported with the argument that it would cause less “bureaucratic entanglement” than passing additional laws, whilst Member States could concentrate on better enforcing already-existing legislative frameworks and enhanced cross-border information exchange.

Policy Option 2: Legislative proposal on the ‘core’ firearms offences

Key arguments by stakeholders supporting policy option 2 included greater public safety through the measures taken focusing on the core firearms-related offences. With regards to 3D-printed firearms, the creation of an EU-wide registry for 3D-printers was supported and compared to the current legislation on illicit drone activities. Potential drawbacks mapped out by the respondents included that amending or leveraging the current legislation (e.g. EASA or Union Customs Control) requires resources and time, and that the EU legislation or regulations do not get outpaces by technological developments. Furthermore, issues surrounding operator privacy were raised, noting that the 3D-printer registry would need to be compliant with the General Data Protection Regulation.

Policy Option III: Legislative proposal on a wider set of firearms-related offences

Public stakeholders arguing in favour of option 3 pointed out that the third option is the most appropriate, as it goes beyond harmonising definitions and firearms-related offences, and of sanctions/penalties, stressing in the context of currently ongoing conflicts on or near the borders of the EU, potentially leading to an upsurge in illicit transfer into the EU, once these conflicts are over.

From a law enforcement perspective, it was indicated that a legislative proposal on a wider set of firearms-related offences would offer the highest level of safety for police officers.

ANNEX 4: WHO IS AFFECTED AND HOW?

1. PRACTICAL IMPLICATIONS OF THE INITIATIVE

1.1 Member States public authorities

The adoption of a legislative initiative harmonising the definitions and sanctions of the core firearms offences (illicit trafficking, illicit manufacturing, illicit modification of markings and illicit possession) and introducing the new offence of illicit possession, creation and dissemination of blueprints, are expected to crease some costs for judicial and law enforcement authorities in the Member States. As some Member States have not transposed all core offences into criminal law yet, the requirement to do so via a Directive, will need additional resources in terms of staff along the enforcement chain (mainly in the police, forensic centres and prosecution of firearms offences).

Equally, the obligation to establish a well-functioning National Firearms Focal Point, will create a burden for those Member States that have not yet established such focal point or have not yet attributed all tasks to make them well-functioning. Lastly the establishment of a harmonised minimum dataset on seized firearms will create a burden for those Member States that will have to adjust their databases accordingly.

1.2 The European Commission

The implications of the proposal on the European Commission are not considered high and for the most part limited in times. For instance, most of the obligations, which rely upon the Commission, only occur once and are linked to the follow-up of the transposition of the Directive.

One recurring cost would be the organisation of the meetings of the Focus Group for prosecutors specialised in firearms offences.

1.3 EU businesses and SMEs

As this initiative is only focused on criminal law and not on breaches of administrative law and rules, there are no direct cost foreseen for EU businesses associated with this legislative initiative. More effective law enforcement in the area of firearms crimes would protect legally operating businesses from unfair competition from illegal business activities. Furthermore, reputational damage for the legal side of the firearms industry would be reduced.

1.4 EU citizens

Increased enforcement of cases related to firearms crimes are expected to have a positive impact on society at large. The reduction in criminal activity supports better governance, reduced corruption and reduction of the risks posed by organised crime groups and terrorist mis-using firearms.

As this initiative is focused on criminal law, it will not affect legitimate firearms owners such as hunters and sport shooters.

2. SUMMARY OF COSTS AND BENEFITS

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	***Amount***	***Comments***
Direct benefits		
Reduction in firearms crimes in the EU due to increased enforcement activity	Indicatively, the costs related to shootings would go down. Costs where calculated for shootings resulting in injuries (+/- 20% of shootings) in Sweden alone as amounting to €120 to 140 million in half a year.	It is not possible to quantify exactly the costs related to shooting, nor the decrease of shootings due to increased enforcement. However, the costs are estimated to be very high, so the benefits are ensured.
Improved cooperation between Member Sates	So far only 8 NFFPs of Member States fulfil more than 75% of the tasks. 3 Member States do not even have a NFFP yet.	NFFPs are a proven way of working that improve national and international cooperation, coordination and exchange of information. It is not possible to quantify these benefits.
Indirect benefits		
Reputational and competition benefits for legally compliant businesses	Businesses that comply with firearms law will not face unfair competition from those that do not. The reputation of the industry will improve if there is less criminal activity.	Not quantifiable
Improved knowledge and exchange of information on firearms-related offences between judges and prosecutors	The Focus Group of specialised prosecutors against firearms trafficking will allow prosecutors to exchange information and best practices.	It is unclear how many specialised prosecutors against firearms trafficking there are in the EU. Based on the contacts with EMPACT Firearms and Eurojust, there are not that many. The Focus Group will therefore not only facilitate exchange of information it will allow Member States to increase the amount of specialised prosecutors.

(1) Estimates are gross values relative to the baseline for the preferred option as a whole (i.e. the impact of individual actions/obligations of the preferred option are aggregated together); (2) Please indicate in the comments column which stakeholder group is the main recipient of the benefit;(3) For reductions in regulatory costs, please describe in the comments column the details as to how the saving arises (e.g. reductions in adjustment costs, administrative costs, regulatory charges, enforcement costs, etc.;);.

	II. Overview of costs – Preferred option								
		Citizens/ Consumers		**Businesses**		**Administrations**			
		One-off	**Recurrent**	**One-off**	**Recurrent**	**One-off MS**	**One-off EC**	**Recurrent MS**	**Recurrent EU**
Action (a)	Direct adjustment costs								
	Direct administrative costs					EUR 12,070,917 (National		EUR 906,671 (increase in number of ballistic reports	

						Firearms Focal Points) EUR 10,800,000 (modification of national databases)		firearms+3D blueprints)	
	Direct regulatory fees and charges								
	Direct enforcement costs							EUR 4,069,175 (costs of an increase in staff in Member State police and prosecution offices per year, during at least 5 years.)	
	Indirect costs								

(1) Estimates (gross values) to be provided with respect to the baseline; (2) costs are provided for each identifiable action/obligation of the <u>*preferred*</u> *option otherwise for all retained options when no preferred option is specified; (3) If relevant and available, please present information on costs according to the standard typology of costs (adjustment costs, administrative costs, regulatory charges, enforcement costs, indirect costs;).*

III. Application of the 'one in, one out' approach – Preferred option(s)			
[M€]	**One-off** (annualised total net present value over the relevant period)	**Recurrent** (nominal values per year)	**Total**
Businesses			
New administrative burdens (INs)	N/A	N/A	N/A
Removed administrative burdens (OUTs)	N/A	N/A	N/A
Net administrative burdens*	N/A	N/A	N/A
Adjustment costs**	N/A	N/A	
Citizens			
New administrative burdens (INs)	N/A	N/A	N/A
Removed administrative burdens (OUTs)	N/A	N/A	N/A

Net administrative burdens*	N/A	N/A	N/A
Adjustment costs**	N/A	N/A	
Total administrative burdens***			

(*) Net administrative burdens = INs – OUTs;
(**) Adjustment costs falling under the scope of the OIOO approach are the same as reported in Table 2 above. Non-annualised values;
(***) Total administrative burdens = Net administrative burdens for businesses + net administrative burdens for citizens.

3. RELEVANT SUSTAINABLE DEVELOPMENT GOALS

IV. Overview of relevant Sustainable Development Goals (SDG) – Preferred Option(s)		
Relevant SDG	**Expected progress towards the Goal**	**Comments**
SDG no. 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels	Increased enforcement activity and improved cooperation between Member Sates will lead to a reduction of firearms-related violence and related death through In addition, it will lead to a reduction of arms flows and will help the fight against organised crime.	

ANNEX 5: ANALYTICAL METHODS

1. OVERVIEW OF THE DATA USED

The data for the impact assessment covers the timeframe from 01/01/2020 to 31/12/2022, as the UNODC Firearms dataset only covers data up until 2022 and this dataset is one of the most important sources.

Quantitative data comes from two key sources: The UNODC Firearms dataset and gunviolence.eu. This data was further enriched with data from Eurojust, Europol and quantitative data submitted by the Member States as per request.

The UNODC firearms trafficking dataset is based on submissions of national data by Member States to the UNODC through the Illicit Arms Flow Questionnaire (UN-IFAQ) or other means, which are not further elaborated in the methodological report or metadata information provided by UNODC. The dataset covers national data on firearms, their components and parts, ammunition and the criminal justice system responses, collected through UN-IAFQ. Complementary data included in the dataset has been collected from the United Nations Office for Disarmament Affairs' National Report on the implementation of the Programme of Action on small arms and light weapons. The UN-IFAQ, key input for the UNODC Firearms Trafficking dataset, falls under the framework of the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. EU Member States not part of the dataset are Austria, Germany and Malta.

Gunviolence.eu is a website developed by EU funded project INSIGHT (International Network Studying Incidents with Guns: Harm and Trafficking), with the aim to build a better intelligence picture, through the creation of an online knowledge platform that clusters all information on firearms-related violence and firearms trafficking in the 27 EU Member States. It provides an almost real-time and automated tracking tool of firearms-related incidents in all EU Member States. Data is collected by deploying different methods of artificial intelligence (AI), such as machine learning and large language models, which automate the process of identifying, assessing, clustering and analysing media articles on firearms seizures and firearms violence across the EU. However, this media information is not complemented by official data from police sources. Classifiers are established to distinguish the relevance of the articles, where cases regarding the following media articles are not included in the data:

- Articles referring to explosions and explosives, nor those referring to fireworks and/or pyrotechnics.
- Shooting of animals.
- (Legitimate) shootings by police forces.
- (Murder-)suicide in which the suicide was committed with a gun, whereas a murder occurred with a weapon other than a firearm (e.g., a knife).

Data on the maximum imprisonment sanctions for firearms-related offences is taken from the European Commission Mapping Study from 2023/2024, which summarises the highest criminal sanctions in Member States for firearms-related crimes. The study is summarised in

Annex 8 This study is based on desk research and national reports sent by the Member States. The data only covers the basic offenses and excludes aggravating circumstances. The study focused on illicit manufacturing, illicit trafficking, illegal possession and the falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms and essential components. The desk research provided information as follows:

- Offences covered, i.e., what specific offence(s) this sanction covers.
- Type of firearms covered by this sanction, i.e., Category A, B, C of the Directive or any firearms. Military, war and nuclear weapons should not be considered, unless these include several Category A firearms of the Directive (if it only includes, for instance, Category A1, it is not relevant - in such cases, the next sanction that covers most Category A firearms should be indicated). If not clear what firearms the sanction covers, please indicate 'Not specified'.
- Other note - any other information relevant for the comparability and interpretation of the data.

Further data on illicit trafficking of firearms, ammunition and essential components was provided by Eurojust, as well as data on joint investigation teams (JITs). The sources of the Eurojust data are the Case Management System (CMS) and an Excel overview at the Data Management Unit (DMU) with data on coordination meetings (CMs), coordination centres (CCs) and joint investigation teams (JITs). The report reflects figures on crime type *14b - Illicit trafficking in arms, ammunition and explosives* in CMS, where the full name of this crime type has been replaced by the shorter version “illicit trafficking in firearms” in the charts. CMs and CCs that took place during the reporting period are included in the report and one case can deal with more than one crime type and can have more than one CM, CC or JIT. Notably, due to the ongoing nature of cases, the figures may change after the reporting date, and as stated by Eurojust, figures on CMs, CCs and JITs for 2024 are provisional, not yet verified by the desks.

The Europol experts on firearms were consulted to provide written input through a set of questions, which were discussed bilaterally in January 2025. Information was requested on aspects of international and cross-border cooperation, cases of different firearms-related offences, 3D-printed firearms, and messages exchanged in SIENA.

Demographic data is taken from the EUROSTAT dataset on population change, the “Demographic balance and crude rates at national level dataset”, which summarises national data sent by the Member States to the compiling agency EUROSTAT. EUROSTAT is also the source for data on crime, regarding intended homicide, robbery, theft and burglary.

Values per 100 000 inhabitants were calculated by determining the average population of each Member State for the years 2020, 2021 and 2022, based on the EUROSTAT demographic data. After this, the value per capita of the variable of interest, e.g. number of cases of illicit firearms trafficking, was calculated, and the result multiplied by 100 000. By transforming the absolute values of the data into standardised values by 100 000 inhabitants, the data is made more comparable amongst the Member States.

2. DATA ANALYSIS

2.1. Illicit manufacturing

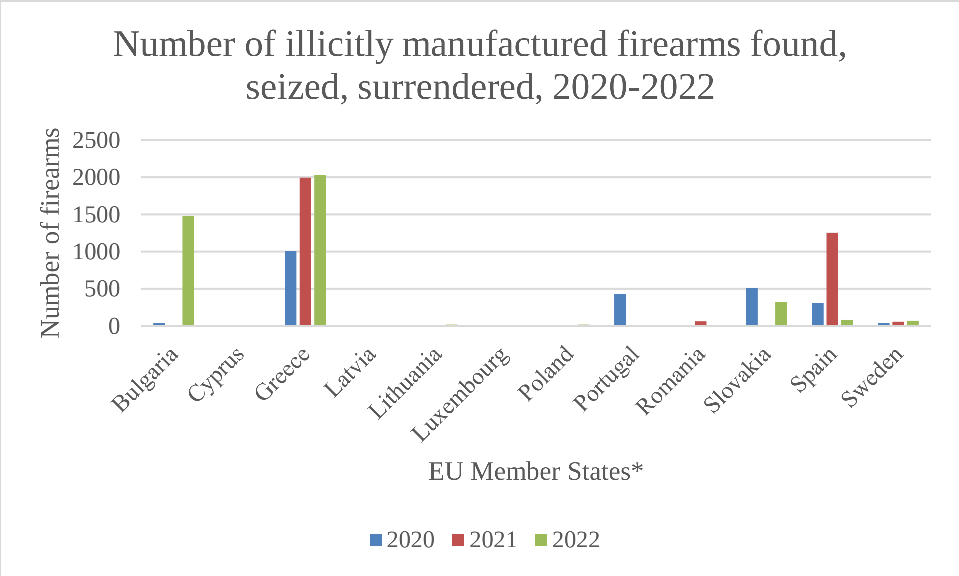

Figure 1: A more detailed breakdown of the data can be found in Table 1.
* Member States missing: Austria, Belgium, Czech Republic, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Ireland, Malta, Netherlands, Slovenia.
Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [28/11/2024]).

Figure 1 shows the number of illicitly manufactured firearms seized, found or surrendered per Member State for the timeframe of 2020-2022. The absolute values, as shown in Figure 1, show how Greece had the highest number of illicitly manufactured firearms seized, found or surrendered in the three consecutive years. This is followed by Spain in 2021 and Bulgaria in 2022. Regarding the relative number of illicitly manufactured firearms per 100 000 inhabitants, Figure 2 illustrates that Greece, Bulgaria and Slovakia count (in the order mentioned) the highest number of illicitly manufactured firearms per 100 000 inhabitants for the three years combined.

The detailed data feeding into both figures can be found in Table 1.

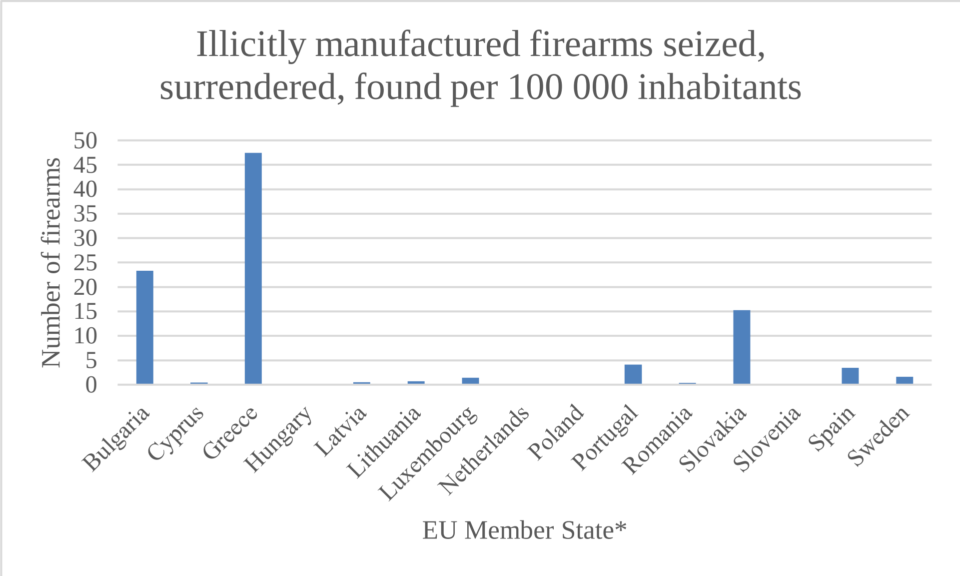

Figure 2: * EU Member States missing: Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Malta.
Data Sources: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [28/11/2024]).
EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [28/11/2024]).

ILLICITLY MANUFACTURED FIREARMS SEIZED, SURRENDERED, FOUND PER 100 000 INHABITANTS, 2020-2022

Country	Illicit manufacturing 2020-2022	Average Population 2020-2022	Illicitly manufactured firearms seized, surrendered, found per 100 000 inhabitants
Bulgaria	**1523**	6,527,959	23.33041733
Cyprus	**4**	896,239	0.446309522
Greece	**5040**	10,618,993	47.46212753
Hungary	**0**	9,650,413	0
Latvia	**10**	1,892,218	0.528480241
Lithuania	**20**	2,808,912	0.712019458
Luxembourg	**9**	635,412	1.416404588
Netherlands	**0**	17,491,224	0
Poland	**19**	37,307,085	0.050928664
Portugal	**429**	10,396,936	4.126215514

Romania	**67**	19,190,985	0.349122257
Slovakia	**832**	5,450,789	15.26384622
Slovenia	**0**	2,107,495	0
Spain	**1646**	47,401,897	3.472434869
Sweden	**167**	10,386,403	1.607871316

Table 1: Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [28/11/2024]).
* Member States missing: Austria, Belgium, Czech Republic, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Ireland, Malta, Netherlands, Slovenia.

2.2. Illicit modification of markings

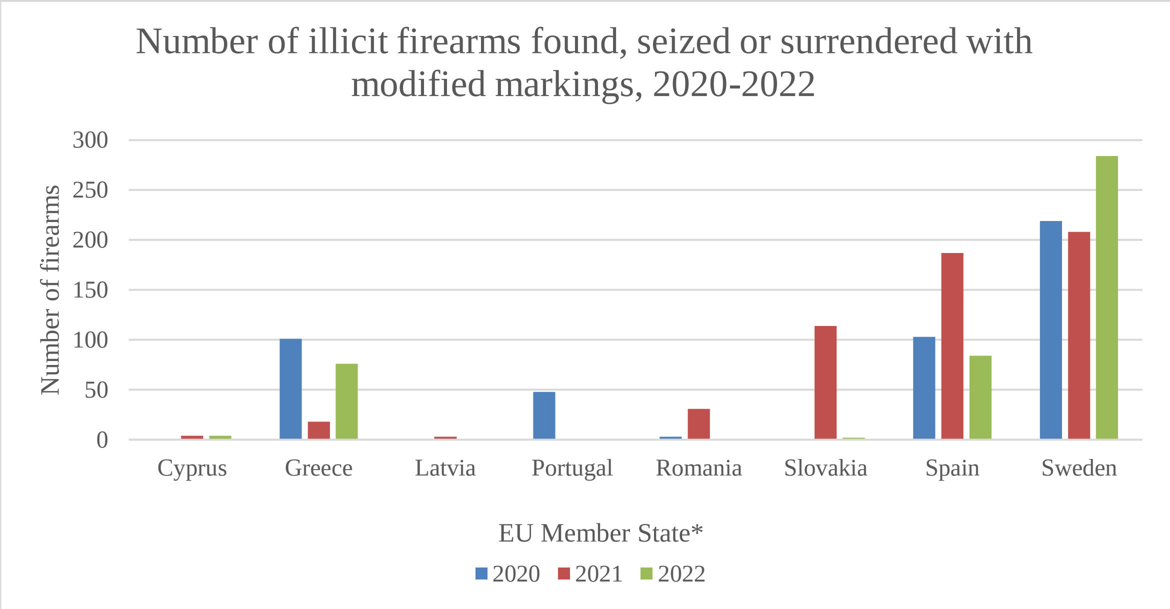

Figure 3: Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [28/11/2024]).

Figure 3 summarises the number of illicit firearms found, seized or surrendered with modified/removed marking(s) for the years 2020-2022. In absolute numbers, Sweden reported the highest number of firearms for all three years, followed by Spain and Slovakia. In relative numbers, as depicted in Figure 4, Sweden also counts for the highest number of firearms seized, found or surrendered per 100 000 inhabitants for 2020-2022, followed by Slovakia and Greece. For both graphs it is to be noted that missing Member States do not directly imply that there was no reporting on the numbers of firearms with modified/removed markings, as Member States such as Bulgaria and Hungary have reported an absence of cases, whereas other Member States might have not reported on the absence of cases and are therefore not mentioned in the dataset under the according parameters. This, however, further underlines the lack of reliable, accurate and complete data on firearms proceedings across the MS, preventing national policy-makers and practitioners from monitoring the effectiveness of their measures. Table 2 complements both Figures 3 and 4.

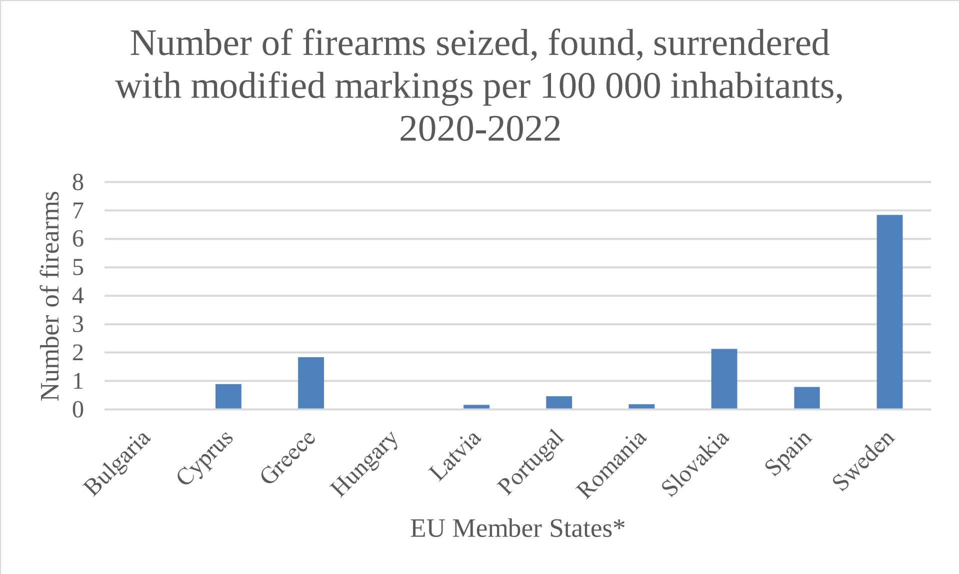

Figure 4: * EU Member States missing: Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Luxembourg, Lithuania, Malta, Netherlands, Poland, Slovenia.
Data Sources: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [28/11/2024]).
EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [28/11/2024]).

FIREARMS WITH MODIFIED MARKINGS SEIZED, SURRENDERED, FOUND, 2020-2022

Country	Total illicit firearms seized, surrendered, found with modified markings, 2020-2022	Average population 2020-2022	Value per 100 000 inhabitants
Bulgaria	0	6,527,959	0
Cyprus	8	896,239	0.89261904
Greece	195	10,618,993	1.83633232
Hungary	0	9,650,413	0
Latvia	3	1,892,218	0.15854407
Portugal	48	10,396,936	0.46167446
Romania	34	19,190,985	0.17716652
Slovakia	116	5,450,789	2.12813241
Spain	374	47,401,897	0.78899796
Sweden	711	10,386,403	6.84548806

Table 2: * EU Member States missing: Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Luxembourg, Lithuania, Malta, Netherlands, Poland, Slovenia.
Data Sources: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [28/11/2024]).
EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [28/11/2024]).

2.3. Illicit possession

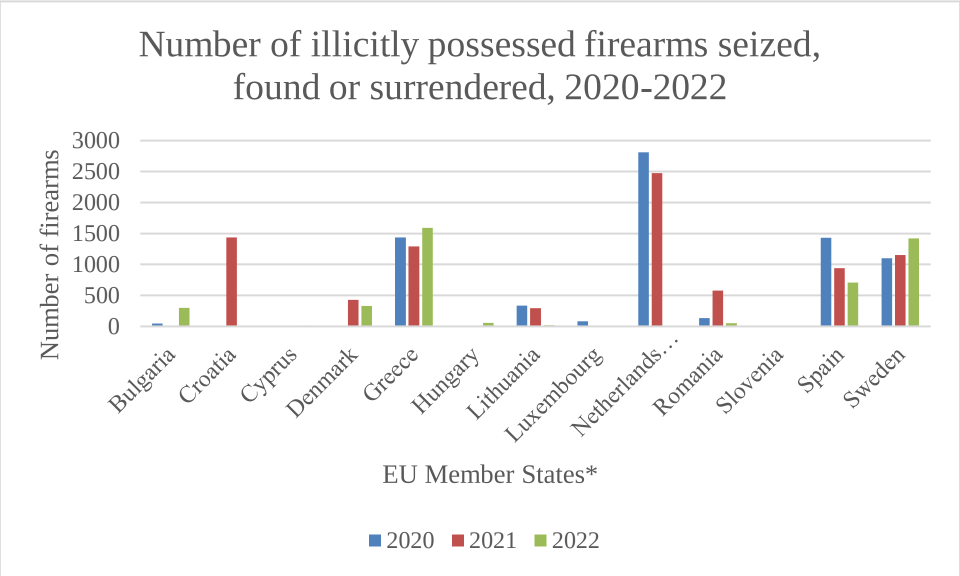

Figure 5: * Member States missing: Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Malta, Slovakia, Portugal, Poland.
Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [28/11/2024]).

Figure 5 gives an overview of the number of illicitly possessed firearms that were seized, found or surrendered in the years 2020 to 2022 in the EU. 13 EU Member States reported on this data, from which the Netherlands had the highest absolute number of illicitly possessed firearms for 2020 (2810) and 2021 (2473) (no values were reported for 2022). In 2020, Greece (1436) and Spain (1430) have the second and third-highest values, whereas in 2021 Greece (1292) and Sweden (1154) follow after the Netherlands (2473). Regarding 2022, Greece has documented the highest number of illicitly possessed firearms (1593), followed by Sweden (1419) and Spain (707).

When standardised to illicitly possessed firearms seized, surrendered or found per 100 000 inhabitants in 2020-2022 (Figure 6), Greece, Sweden and Croatia document the highest number of firearms. A more detailed overview of the numbers is shown in Table 3, feeding into Figures 5 and 6.

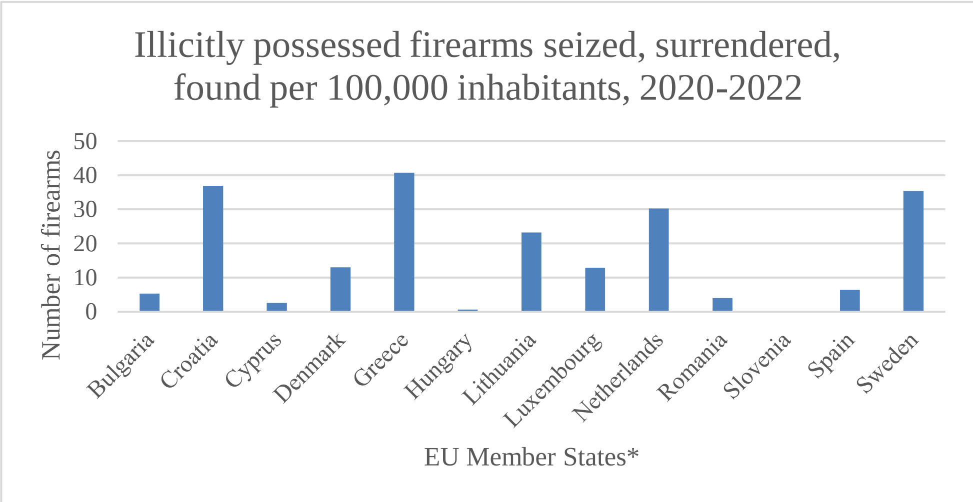

Figure 6: * Member States missing: Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Malta, Slovakia, Portugal, Poland.
Data Sources: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [28/11/2024]).
EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [28/11/2024]).

ILLICITLY POSSESSED FIREARMS SEIZED, SURRENDERED, BY MEMBER STATE*, 2020-2022

	2020	2021	2022	Total 2020-2022	Average Population 2020-2022	Illicit possession per 100 000 inhabitants
Bulgaria	47		298	345	6,527,959	5.284959933
Croatia		1438		1438	3,896,281	36.90699216
Cyprus		8	15	23	896,239	2.566279754
Denmark		430	331	761	5,845,409	13.01876321
Greece	1436	1292	1593	4321	10,618,993	40.69124069
Hungary			59	59	9,650,413	0.611372777
Lithuania	335	296	22	653	2,808,912	23.24743531
Luxembourg	82			82	635,412	12.90501958
Netherlands	2810	2473		5283	17,491,224	30.20371816

Romania	135	578	54	767	19,190,985	3.996668227
Slovenia	0			0	2,107,495	0
Spain	1430	941	707	3078	47,401,897	6.493411013
Sweden	1101	1154	1419	3674	10,386,403	35.37316896

Table 3: *Member States missing: Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Malta, Slovakia, Portugal, Poland.
Data Sources: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [28/11/2024]).
EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [28/11/2024]).

2.4. Maximum prison sentence for illicit firearms trafficking

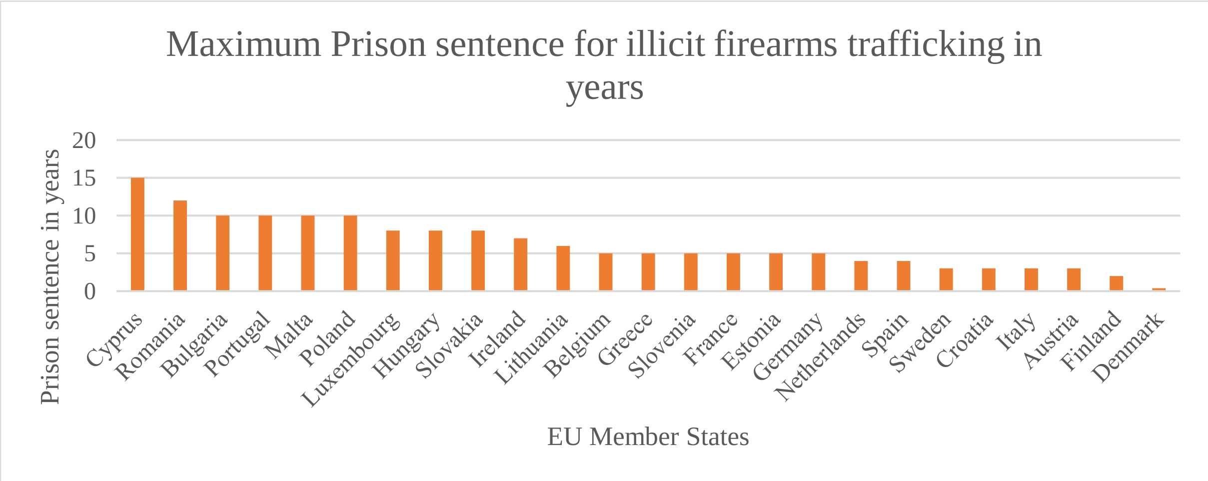

Figure 7: The study only examines basic offenses, excluding aggravating circumstances.
Data Source: European Commission Mapping Study, 2023.

Figure 7 depicts the maximum prison sentence for illicit firearms trafficking in years for 25 of the EU Member States[188]. The data examines the basic offences, excluding aggravating circumstances. The graph highlights the variance and discrepancies between Member States, with values stretching from 15 years (Cyprus) to 4 months (Denmark). The input was taken from the European Commission Mapping Study from 2023, which summarised the differences in prison sentencing and financial sanctions for firearms-related offences across the Member States.

[188] CZ and LT missing

2.5. Illicit trafficking

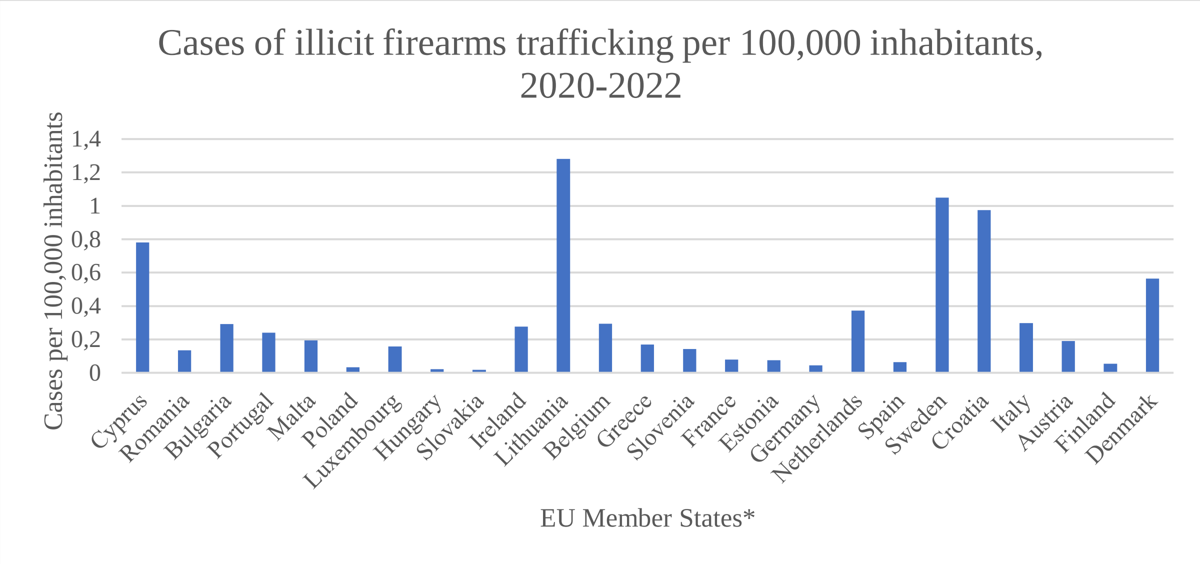

Figure 8: *EU Member States missing: Czech Republic, Latvia.
Data Sources: Gunviolence.eu (2024), Incident Monitor. Firearms Incident Monitor | Gunviolence.eu. Accessed on [18/11/2024]. EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [28/11/2024]).

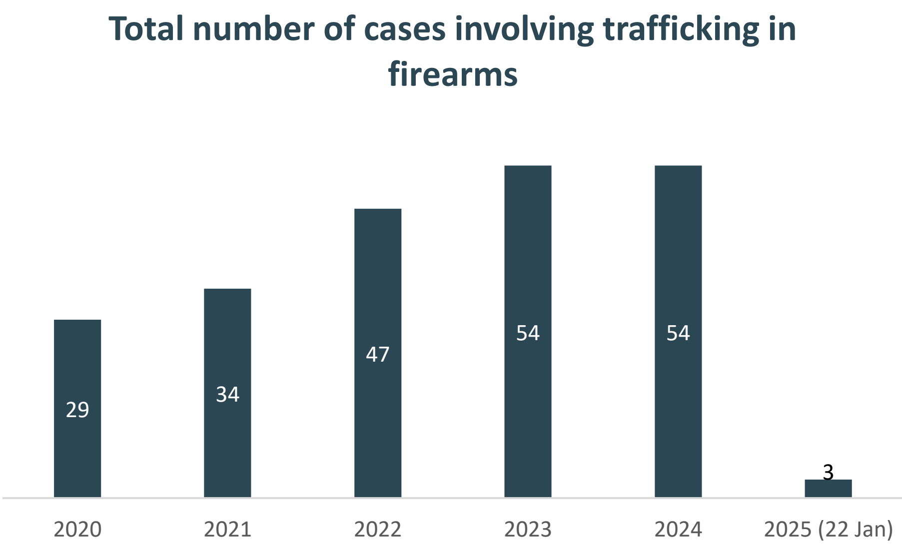

Figure 9: Data Source: Eurojust, 2025.

Figure 8 summarises cases of illicit firearms trafficking per 100 000 inhabitants in the EU. Czech Republic and Latvia are excluded, as no data was available. The data originates from the incident monitor of gunviolence.eu, by Project INSIGHT. It is based on the variable "trade.crime", which summarises illicit trafficking of firearms, firearms cache, illicit modified markings (removed serial number) and illicit firearms.

The data was taken for the timeframe 2020-2022. Hits in the gunviolence.eu dataset were clustered by Member State, where media articles covering the same incident, this incident was grouped as one case, summarising the total cases of illicit firearms trafficking for 2020-2022. The value was then divided by the average population of each Member State for the years 2020 to 2022 and multiplied by 100 000, to calculate the number of cases per 100 000 inhabitants.

The number of cases of illicit firearms trafficking per 100 000 inhabitants varies throughout the EU Member States. Lithuania (1.2816 cases per 100 000 inhabitants) and Sweden (1.0494 cases per 100 000 inhabitants) count for the highest numbers, whereas Slovakia and Hungary have the lowest numbers, with 0.0183 (Slovakia) and 0.02072 (Hungary) cases per 100 000. The data substantiating the graph in Figure 8 is found in Table 4 below. As visible in Figure 9, there has been a steady increase in cases supported by Eurojust of illicit trafficking in the past years.

CASES OF ILLICIT FIREARMS TRAFFICKING PER 100 000 INHABITANTS, 2020-2022* AND MAXIMUM PRISON SENTENCE FOR ILLICIT FIREARMS TRAFFICKING IN YEARS.

Country	Average population 2020-2022	Cases of illicit firearms trafficking, 2020-2022	Cases of illicit firearms trafficking per 100.000 inhabitants, 2020-2022	Maximum Prison sentence for illicit firearms trafficking in years
Slovakia	5,450,789	1	0.018345969	8
Hungary	9,650,413	2	0.020724501	8
Poland	37,307,085	12	0.032165472	10
Germany	83,186,289	37	0.044478484	5
Finland	5,535,775	3	0.054192951	2
Spain	47,401,897	30	0.063288606	4
Estonia	1,330,280	1	0.075172144	5
France	67,719,757	54	0.079740392	5
Romania	19,190,985	26	0.135480279	12
Slovenia	2,104,006	3	0.142585145	5

Luxembourg	635,412	1	0.157378288	8
Greece	10,618,993	18	0.169507598	5
Austria	8,937,552	17	0.190208676	3
Malta	517,051	1	0.193404394	10
Portugal	10,396,936	25	0.24045545	10
Ireland	5,077,923	14	0.275703257	7
Bulgaria	6,527,959	19	0.291055764	10
Belgium	11,564,943	34	0.293991929	5
Italy	59,302,611	177	0.29846915	3
Netherlands	17,491,224	65	0.371614931	4
Denmark	5,845,409	33	0.56454558	0.4
Cyprus	896,239	7	0.781041664	15
Croatia	3,896,281	38	0.975289083	3
Sweden	10,386,403	109	1.049448943	3
Lithuania	2,808,912	36	1.281635025	6

Table 4: EU Member States missing: Czech Republic, Latvia. The maximum prison sentence for illicit trafficking only examines basic offenses, excluding aggravating circumstances.
Data Sources: Gunviolence.eu (2024), Incident Monitor. Firearms Incident Monitor | Gunviolence.eu. Accessed on [18/11/2024]. EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [28/11/2024]).

Comparison between the figures 7 and 8 suggests a degree of proportion in the relationship between the maximum prison sentence for illicit firearms trafficking and the number of cases per 100 000 inhabitants. However, there is no total alignment in the two variables. An outlier is Cyprus, as, although ranking the highest for prison sentencing (15 years), they still rank number 4 in cases per 100 000 inhabitants.

This trend observed can be further substantiated Figure 10, showing the relationship between the number of illicit firearms seized, found, surrendered per 100 000 inhabitants and the maximum average prison sentence for firearms-related offences, 2020-2022.

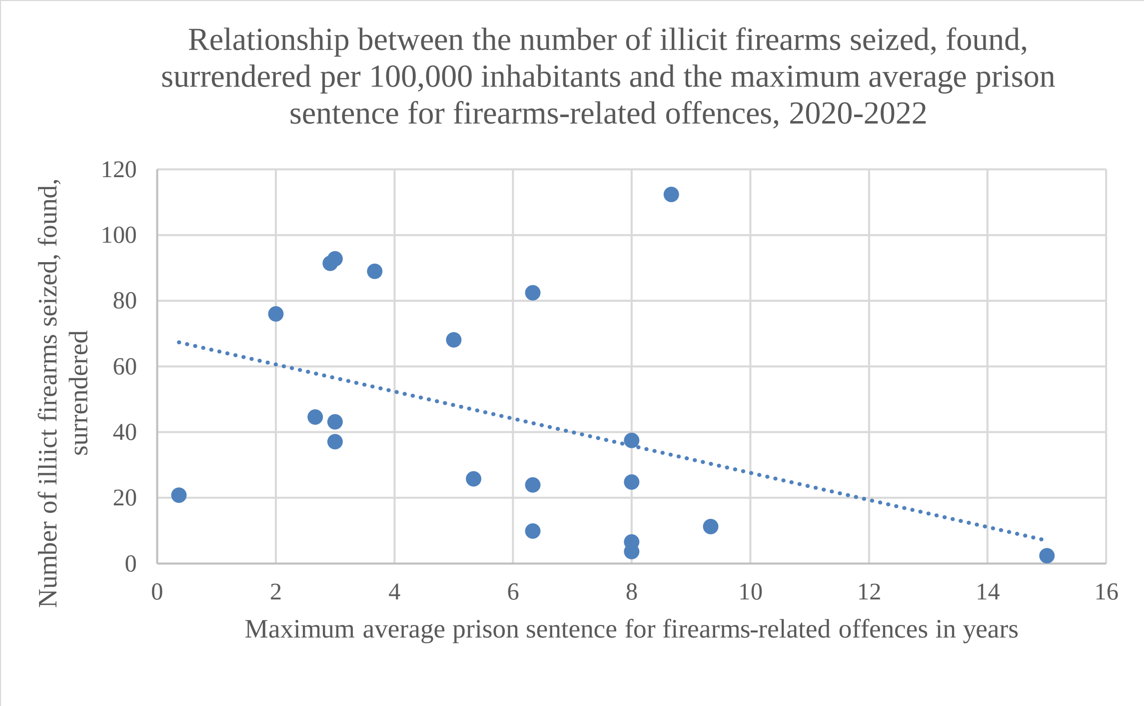

Figure 10: EU Member States missing: Austria, Belgium, Czech Republic, Estonia, Finland, Ireland, Germany, Malta, Slovenia. The maximum prison sentence for illicit trafficking only examines basic offenses, excluding aggravating circumstances.
Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [23/10/2024]). EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [23/10/2024]).
European Commission Mapping Study (2023).

The UNODC dataset defines seized arms as "arms, their parts and components and ammunition that have been temporarily physically apprehended by a competent authority in relation to a suspected criminal offence or administrative violation related to these items. Seized items can be permanently confiscated at a later stage by the state or returned to their legitimate owners"[189]. It is to be noted that the UNODC label for the variable is "arms" and not "firearms", but the definition accounts for firearms. Since the number of illicit firearms seized, found or surrendered includes illicit trafficking, illicit possession, illicit manufacturing and the modification/ removal of marking(s) in the same variable, the maximum average prison sentence for firearms-related offenses compiles of national maximum prison sentences for the corresponding offenses. The values for each Member State are the average value of the Member States in the European Commission Mapping Study from 2023 to the maximum prison sentence in years for illicit manufacturing, illicit trafficking, illegal possession and the falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms and essential components (only examining basic offenses and excluding aggravating circumstances).

The explanatory variable in Figure 10 is "Maximum average prison sentence for firearms-related offences in years" and the response variable "Number of illicit firearms seized, found, surrendered", standardised to 100 000 inhabitants. The regression line suggests a negative relationship between the two variables, where a higher number of average prison years for

[189] UNODC (2024): Data UNOC - Metadata Information, p.1. https://dataunodc.un.org/dp-firearms-arms-seized ([Accessed 02/12/2024)].

firearms-related offences corresponds to a lower number of illicit firearms seized, found or surrendered per 100 000 inhabitants.

The values substantiating the regression are summarised in table 5 below.

MAXIMUM PRISON SENTENCE (YEARS) AND CASES OF ILLICIT FIREARMS SEIZED/ NUMBERS OF ILLICIT FIREARMS SEIZED, SURRENDERED, FOUND 2020-2022.

MS	Maximum prison sentence for illicit possession in years	Maximum prison sanction for illicit trafficking in years	Maximum prison sanction for illicit manufacturing in years	Average prison sanction for firearms-related crimes in years	Cases of firearms seizures 2020-2022	Illicit firearms seized, found, surrendered per 100 000 inhabitants, 2020-2022
DK	0.4	0.4	0.3	0.37	765	20.78554179
NL	0.75	4	4	2.92	8217	91.42870733
CZ	2	2	2	2		
AT	2	3	2	2.34		
FI	2	2	2	2		75.96045263
ES	3	4	4	3.67	14412	88.92260156
HR	3	3	3	3	3613	92.72945943
IT	3	3	3	3	10151	43.12963531
LV	3	3	3	3	233	37.04646486
SE	3	3	2	2.67	3081	44.62565001
BE	5	5	5	5		
LT	5	6	5	5.33	23	25.73950341
EE	5	5	5	5		
DE	5	5	5	5		
EL	5	5	5	5	4777	68.10438617
RO	5	12	7	8	1193	6.628112106
SI	5	5	5	5		
IE	7	7	5	6.33		9.86623797
FR	7	5	7	6.33	8027	23.89701416
SK	8	8	8	8	678	37.4808147
PT	8	10	8	8.67	1785	112.3504042
BG	8	10	6	8	1587	24.80101488
HU	8	8	8	8	59	3.626787661

LU	8	8	3	6.33	93	82.46622269
PL	8	10	10	9.33	4185	11.21770828
MT	10	10	10	10		
CY	15	15	15	15	21	2.343124992

Table 5: EU Member States missing: Austria, Belgium, Czech Republic, Estonia, Finland, Ireland, Germany, Malta, Slovenia. The maximum prison sentence for illicit trafficking only examines basic offenses, excluding aggravating circumstances.
Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [23/10/2024]). EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [23/10/2024]).
European Commission Mapping Study (2023).

	2020	2021	2022	2023	2024	2025 (22 Jan)	Total
Bilateral cases	19	29	39	42	44	3	175
Multilateral cases	10	5	8	12	10		45
Total	**29**	**34**	**47**	**54**	**54**	**3**	**221**

Table 6: Bilateral and multilateral cases involving illicit trafficking in arms, ammunition and explosives. Source: Eurojust, 2025.

As table 6 shows, bilateral cases involving illicit trafficking in arms, ammunition and explosives have increased steadily from 2020-2025 (notably, the numbers of 2025 only include January), whilst multilateral cases have remained rather stable in the timeframe covered.

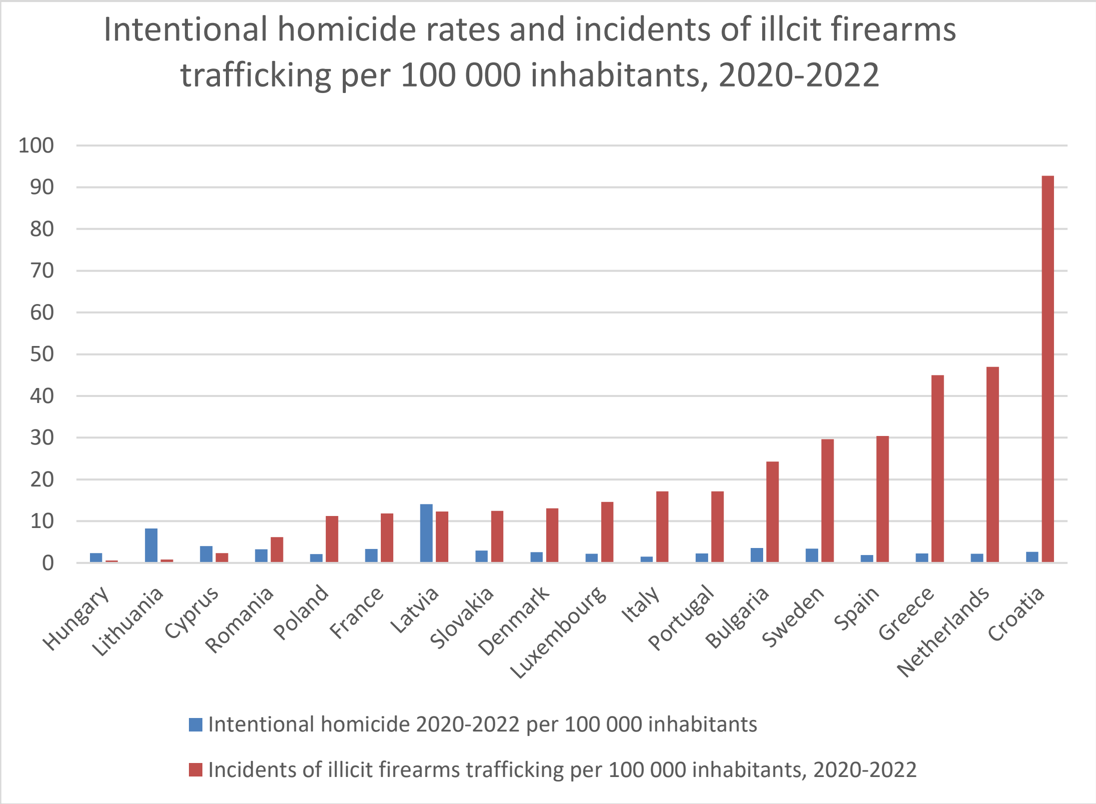

Figure 11: EU Member States missing: Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Ireland, Malta, Slovenia.
Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [05/02/2025]). EUROSTAT Crime Statistics 2024.

Putting illicit firearms trafficking in the bigger context of crime in the Member States, Figures 11 and 12 compare the incidents of this offence with intentional homicide, robbery, burglary and theft, as these crimes often involve firearms. Figure 11 depicts a basic comparison of incidents of illicit firearms trafficking with intentional homicide rates, for the years 2020-2022. Notably, incidents of illicit firearms trafficking per 100 000 inhabitants do not correspond with intentional homicide rates, as both columns do not increase or decline proportionally. Hence, on this, a connection between crime in Member States and illicit firearms trafficking cannot be suggested. This is further seen in the linear regression in Figure 12, which examines the relationship between robbery, burglary and theft and incidents of illicit firearms trafficking per 100 000 inhabitants, 2021-2022, that shows that there is no significant correlation between the two variables in either direction. Therefore, it can be suggested that illicit firearms trafficking is an issue beyond and outside the general criminal context of the Member States, which needs to be tackled.

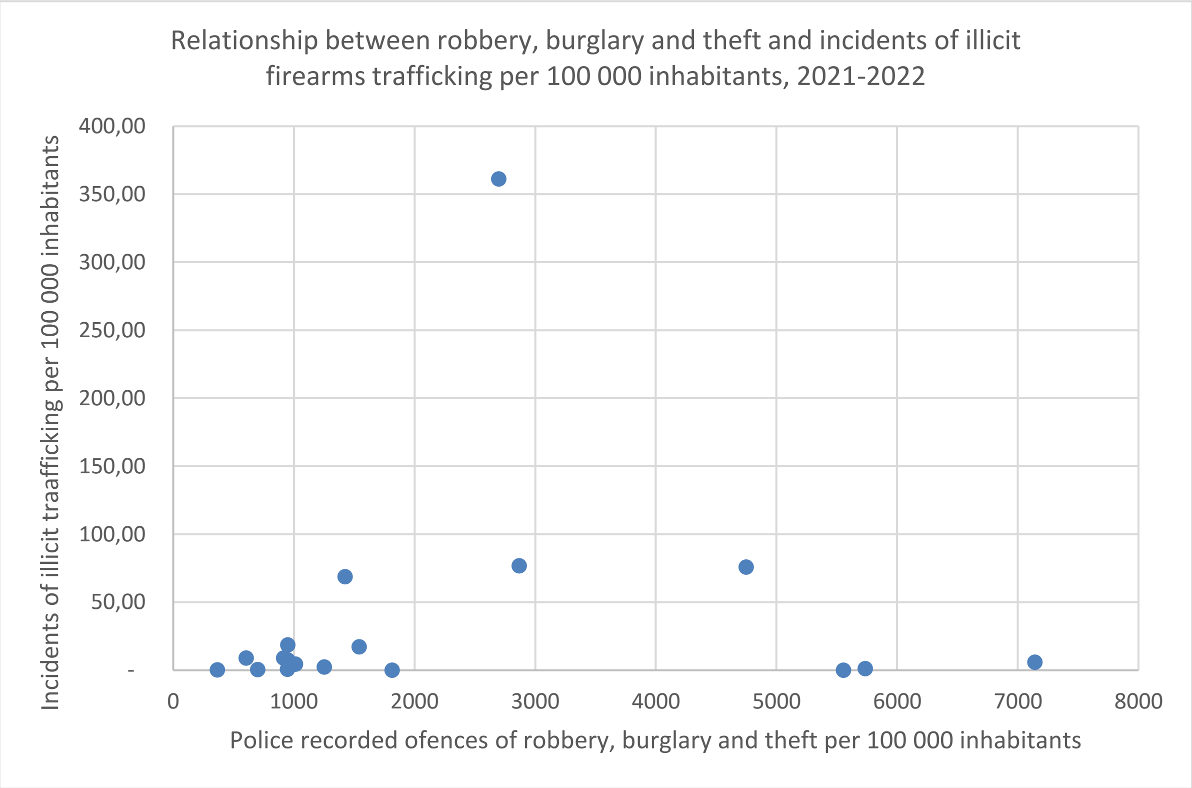

Figure 12: EU Member States missing: Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Ireland, Luxembourg, Malta, Portugal, Slovenia.
Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [05/02/2025]). EUROSTAT Crime Statistics 2024.

Figure 12: EU Member States missing: Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Ireland, Luxembourg, Malta, Portugal, Slovenia.
Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [05/02/2025]). EUROSTAT Crime Statistics 2024.

Figure 12: EU Member States missing: Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Ireland, Luxembourg, Malta, Portugal, Slovenia.
Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [05/02/2025]). EUROSTAT Crime Statistics 2024.

Figure 12: EU Member States missing: Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Ireland, Luxembourg, Malta, Portugal, Slovenia.
Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [05/02/2025]). EUROSTAT Crime Statistics 2024.

2.6. Judicial response

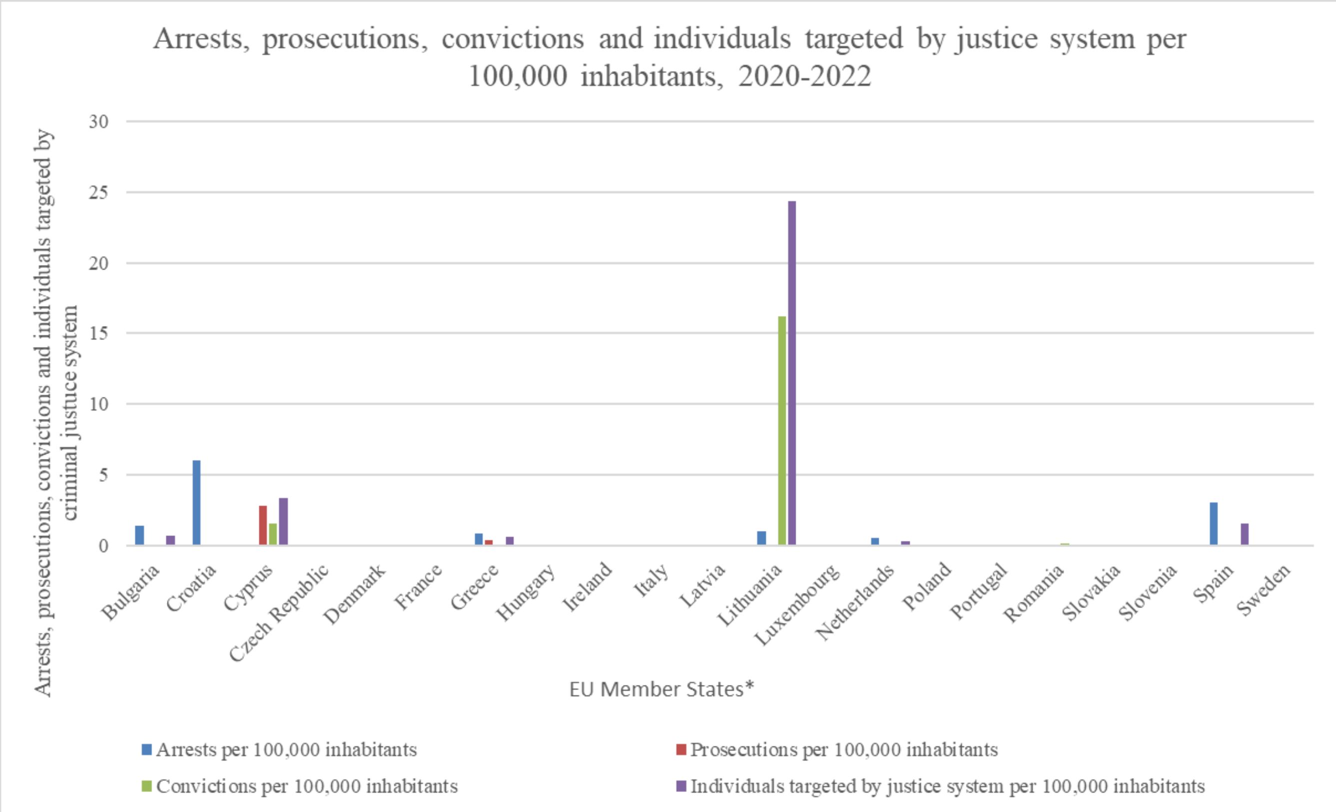

Figure 13: *Member States not included: Austria, Belgium, Estonia, Finland, Germany, Malta.
Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [23/10/2024]). EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [23/10/2024]).

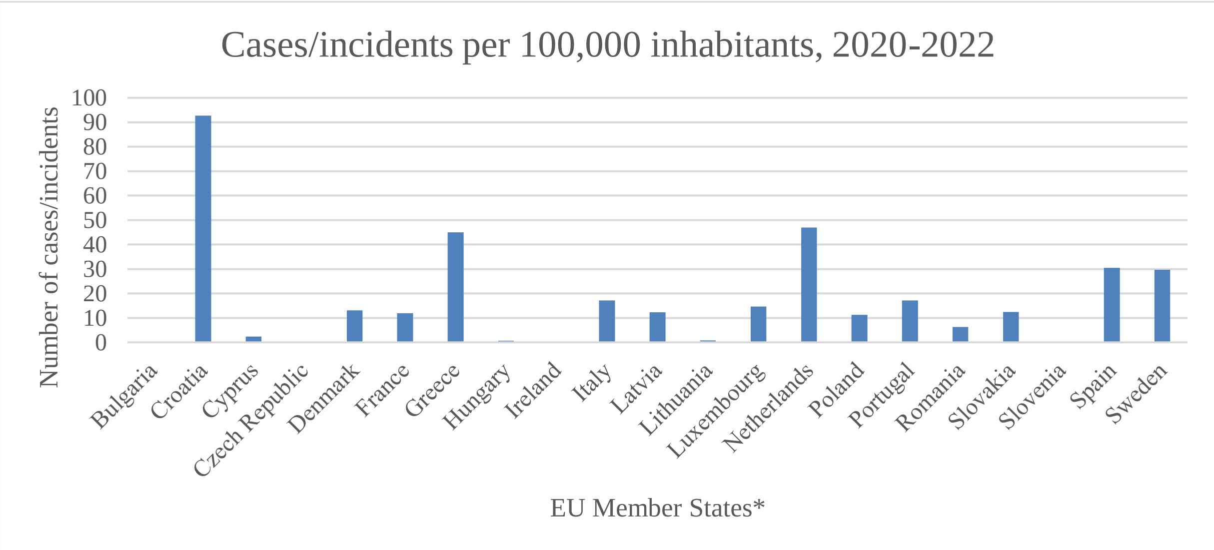

Figure 14: *Member States not included: Austria, Belgium, Estonia, Finland, Germany, Malta.
Data Source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [23/10/2024]). EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [23/10/2024]).

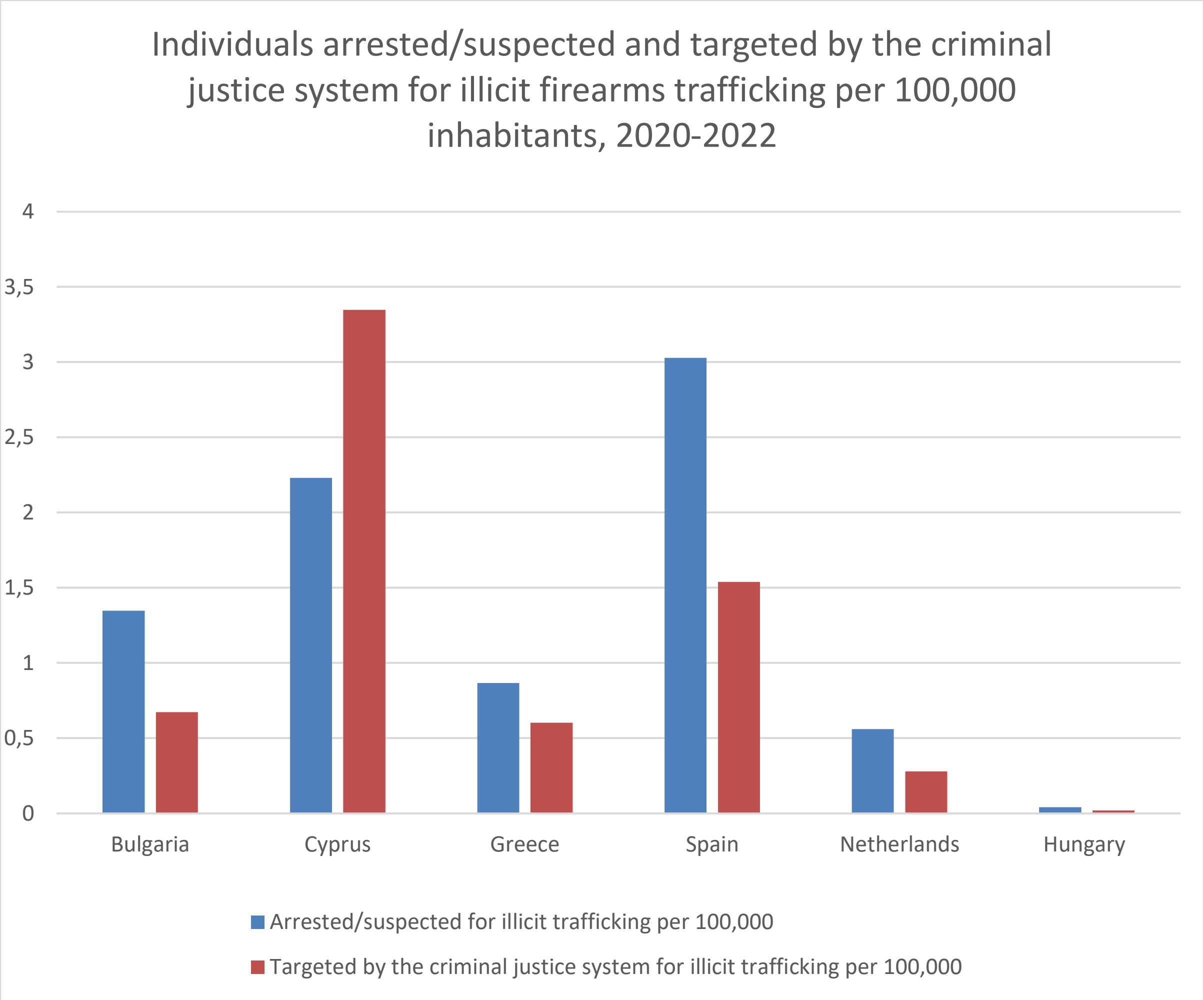

Figure 75: Data only available for the Member States shown in the figure.
Data source: UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [23/10/2024]). EUROSTAT (2024), Population change - Demographic balance and crude rates at national level (Accessed on [23/10/2024]).

Figures 13 and 14 show the number of cases/incidents of illicit firearms seized per 100 000 inhabitants, compared to the judicial response in the Member States. These responses, standardised to the number per 100 000 inhabitants, are broken down into arrests, prosecutions, convictions and individuals targeted by the judicial system. UNODC defines the variables as the following:

- **Individuals prosecuted:** Alleged offenders against whom prosecution commenced in the reporting year. Persons may be prosecuted by the public prosecutor or the law enforcement agency responsible for prosecution. All persons for which prosecution starts are included, irrespective of the case-ending decision.
- **Individuals targeted by criminal justice system:** Persons brought before any legal body authorised to pronounce a conviction under national criminal law, whether the person is finally acquitted or convicted, at the national level. Persons brought before court in a plea-bargaining procedure, or in an abbreviated procedure, are included.
- **Individuals convicted:** Persons found guilty by any legal body authorised to pronounce a conviction under national criminal law, whether or not the conviction

was later upheld. Persons receiving a sentence after plea-bargaining, or in an abbreviated court procedure, are counted as persons convicted.

- **Instances/cases of seizures:** The counting unit is the case of seizure. In most cases, an individual seizure case covers more than one arm.[190]

The metadata information does not provide a definition for individuals arrested.

Comparing figures 13 and 14 suggests that throughout the EU Member States, the judicial steps taken do not reflect on the number of cases per 100 000 inhabitants, with cases often exceeding the judicial responses. Furthermore, different values for arrests, prosecutions, convictions and the general judicial response to firearms-related crimes suggests that judicial action taken decrease with every judicial step, potentially indicating insufficient sanctioning for firearms-related offenses. Figure 15 however suggests that, for those Member States where data was available, the number of individuals targeted by the justice system for illicit firearms trafficking is lower than the number of arrests for illicit trafficking, apart from the data on Cyprus, where judicial response exceeds the number of arrests.

The fragmented reporting on the legal actions taken against firearms-related offenses further shows the lack of transparent and coherent data on firearms-related crimes across the EU.

2.7. International cooperation

Looking at the comparisons between 2017-2019 and 2020-2022 in Table 7 below, it can be seen that the total number of cases and exchanged SIENA messages by Europol in general has increased. However, the total number of cases and exchanged SIENA messages by AP on weapons and explosives as overall decreased. The numbers provided by Europol in the targeted questions suggest that the cooperation on firearms cases through Europol has significantly decreased for the years 2020-2022, compared to 2017-2019.

HOW MANY MESSAGES ON FIREARMS WERE EXCHANGED IN SIENA COMPARED TO OVERALL AMOUNT FOR THE YEARS 2020-2022?		
	2017-2019	**2021-2022**
Overall amount of SIENA messages exchanged	505899	541546
Number of SIENA messages exchanged with or by AP Weapons & Explosives	12575	8781
Number of cases (initial messages in SIENA) overall	63578	84162
Number of cases (initial messages in SIENA) for AP W&E	970	875

Table 7: Data Source: Europol reply to the targeted question: How many messages on firearms were exchanged in SIENA

[190] UNODC (2024), UNODC Research - Data Portal – Firearms Trafficking, p. 2. https://dataunodc.un.org/dp-firearms-arms-seized (Accessed on [13/12/2024]).

compared to overall amount for the years 2020-2022 (2025).

Data provided by Eurojust suggests a slight increased international cooperation through joint investigation teams (JITs), in the timeframe between 2020 and 2024 (2025 is only covered for January). Out of the total supported JITs, as shown in Figure 16, there was an increase in the number of newly signed JITs, and a slight decrease in JITs from previous years. Notably, the Total supported JITs shows the number of unique JITs supported. One JIT may have been supported in multiple years*.

In total, 12 EU Member States have been involved in establishing JITs involving illicit firearms

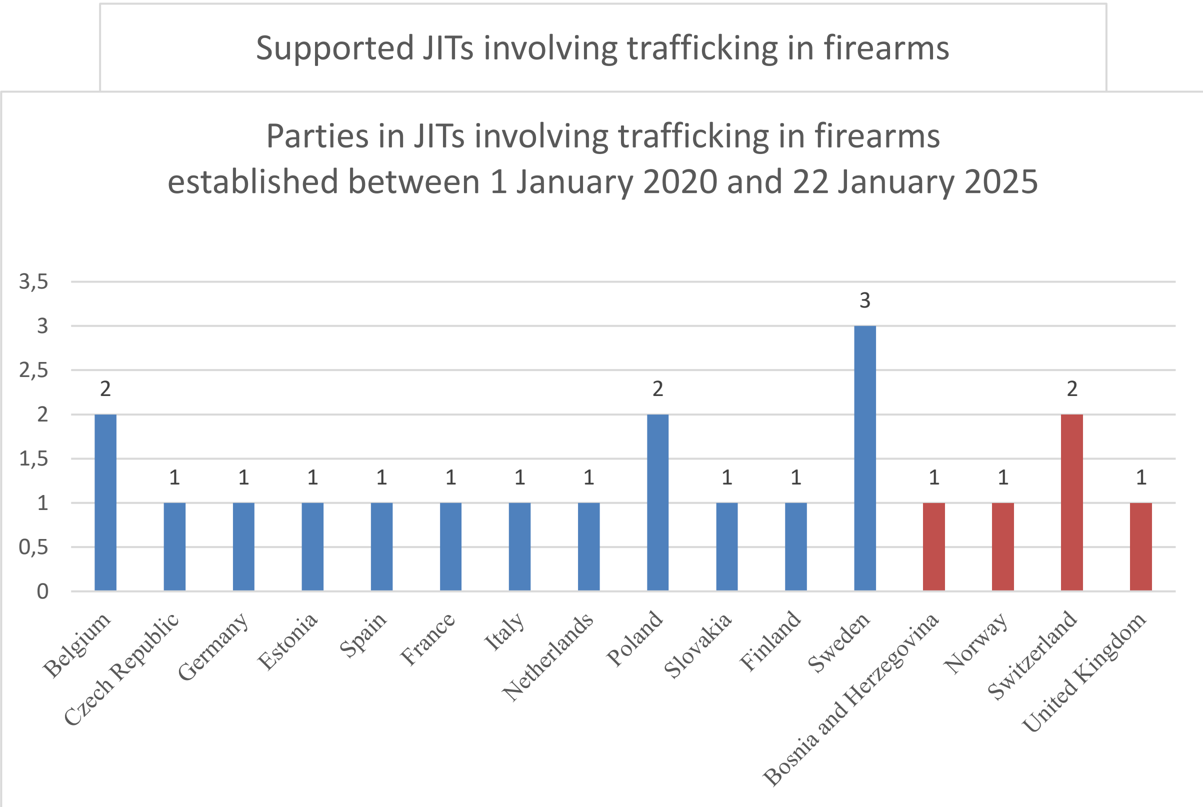

Figure 17: Parties in JITs involving firearms trafficking established between 2020-2025. This figure also includes non-EU States, as they can be involved in JITs with EU Member States.
Data Source: Eurojust (2025).

trafficking between 2020 and 2025. As depicted in Figure 17, most parties are only involved in one establishment of a JIT. However, Belgium, Poland and Sweden were involved in more than one, where Sweden was involved in establishing 3 JITs and Poland and Belgium 2 each. Notably, beyond leading in the number of JITs established in the timeframe analysed, Belgium and Sweden also lead in their performance as a national firearms focal point (NFFP), as shown in their status of implementation, where both Member States cover 76%-100% of the tasks in the questionnaire on NFFP fulfilment for both 2023 and 2024[191]. Furthermore, as previously depicted, Sweden counted the highest number of cases of illicit firearms trafficking per 100,000 inhabitants in the years 2020-2022.

[191] National Firearms Focal Points in the Member States (2025): Copy of NFFP_Scoreboard_2024 update and comparison with 2023.xls

Furthermore, as the data provided by Eurojust in Table 9 suggests, cooperation between international partners, namely Europol and ICC, is generally low, and decreasing. This can be further seen through the lack of coordination centres, as depicted in table 8 below.

	2020	2021	2022	2023	2024	2025 (22 Jan)	Total
Coordination meetings	8	10	6	8	16	3	**51**
Coordination centres	-	-	-	-	-	**-**	**-**

Table 8: Data Source: Eurojust, 2025.

Cooperation with partners in cases involving illicit trafficking in arms ammunition and explosives

Partners	2020	2021	2022	2023	2024	2025 (22 Jan)	Total
Europol	3	-	1	-	-	-	4
ICC	-	-	-	-	1	-	1

Table 9: Data Source: Eurojust, 2025.

Looking at coordination meetings, there has been a general increase throughout the EU, where the number of coordination meetings doubled from 2020 to 2024, as depicted in Figure 18. By country, Italy, France and the Netherlands have organised the largest number of coordination meetings involving trafficking in firearms by organising country (Figure 19).

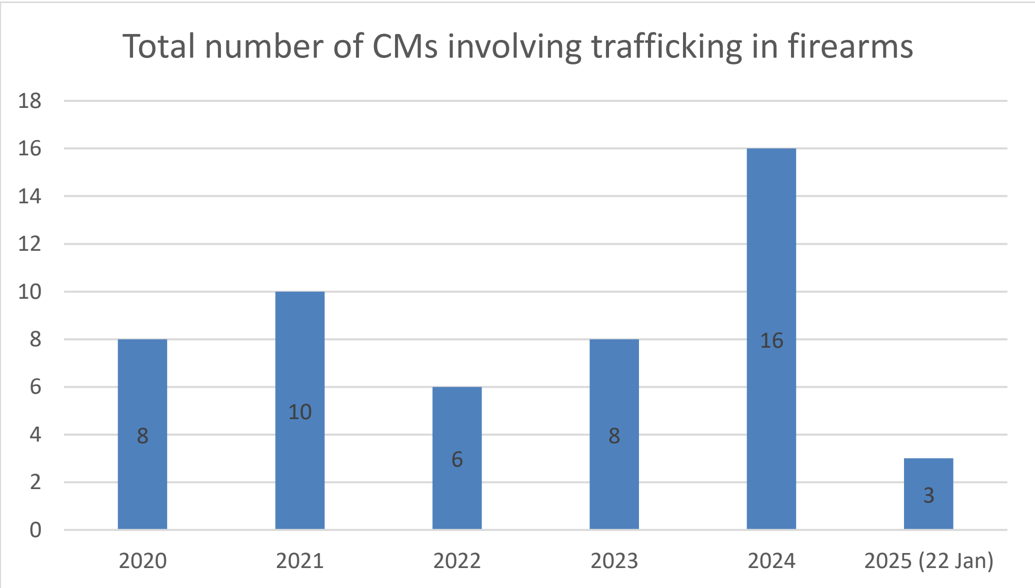

Figure 18: Data Source: Eurojust, 2025.

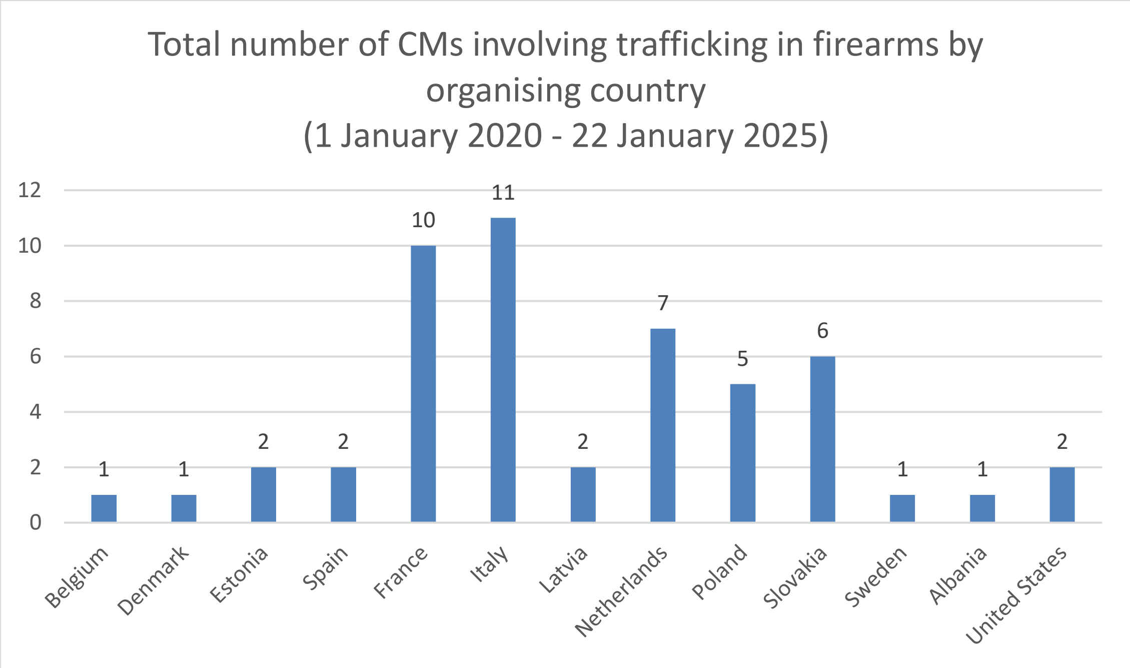

Figure 19: Data Source: Eurojust, 2025.

Looking at joint investigation teams (JITs), there was an increase in newly signed JITs from 2020 to 2024, and the number of ongoing JITs from the previous years has remained stable. Overall, the total supported JITs in cases involving the illicit trafficking of firearms, ammunition and explosives has increased slightly. By country, as seen in Figure 20s, Sweden, Poland and Belgium have had the highest numbers of JITs in the timeframe analysed, with Sweden having 3 JITs, and Poland and Belgium each 2.

Joint investigation teams in cases involving illicit trafficking of arms, ammunition and explosives2025 (22 Jan)						
Newly signed	1	2	2	2	3	-
Ongoing from previous years	4	3	5	4	4	4
Total supported	**5**	**5**	**7**	**6**	**7**	**4**

Table 10: Data Source: Eurojust, 2025. Newly signed JITs during the reporting period plus JITs ongoing during the reporting period that were signed prior to the reporting period. The Total supported JITs shows the number of unique JITs supported. One JIT may have been supported in multiple years.

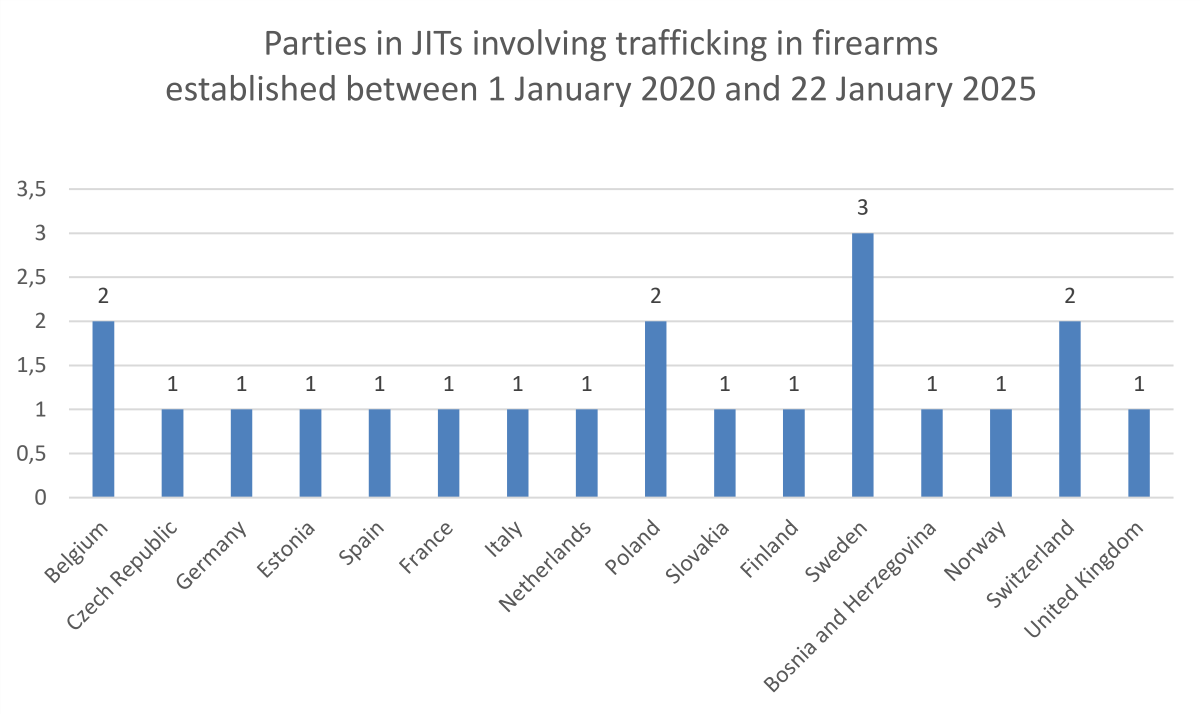

Figure 20: Data Source: Eurojust, 2025.

2.8. Responses to the targeted questionnaire sent to the Member States

To fill in the gaps in the data, a targeted questionnaire was sent out the Member States, posing questions on the following topics:

Member States were asked to provide responses regarding:

- Cases of seizures of illicit firearms
- Arrests, prosecutions and convictions for illicit firearm trafficking
- Cases of illicit trafficking
- Cases of illicit possession
- Cases of illicit modification of markings
- Cases of illicit manufacturing
- The number of cases of firearms- related offences, where the firearms, essential components and/or ammunition came from outside the borders of the Member State
- Cases involving privately manufactured (e.g. 3D-printed firearms)
- Cases involving alarm & signal weapons (converted and non-converted)

Every question was followed up by asking whether the data provided depicts a complete or partial picture of the Member State, which helps mapping out gaps.

In total, 11 Member States replied to the questionnaire, being Spain, Slovenia, Finland, Czech Republic, Greece, Ireland, Belgium, Lithuania, France, Sweden and Cyprus.

The cases of seizures of illicit firearms registered for the years 2020-2022 ranged from 43,925 (Spain) to 74 (Cyprus). Within the responses, some Member States pointed out that these seizures include criminal as well as administrative offences, and other Member States submitted the number of firearms seized, instead of the cases, making the data difficult to compare. On the judicial responses, being arrests, prosecutions and convictions, for illicit trafficking, the data of the Member States is difficult to compare, as some Member States only submitted information on arrests and suspicion, whilst others submitted data on all offences rather than illicit trafficking, and other Member States indicated that there is no such data available, making the responses to the question generally fragmented.

On cases of illicit trafficking, Spain accounted for the highest number with 955 cases between 2020 and 2021, followed by Belgium with 583. The least cases were Cyprus, with 0. On illicit possession, the highest number was recorded by France, with 13,185 cases, and again Cyprus had 0 cases. The data was getting sparser on replies on cases of illicit manufacturing identified in the period of 2020-2022, where Spain had the highest number of cases with 255, and Cyprus the lowest with 2. However, 5 out of the 11 respondents did not have any data available, and Sweden noted that in the timeframe analysed, they could not provide data, as illicit manufacturing was not criminalised. Although asking for the number of cases regarding firearms with removed or altered markings, most Member States submitted the number of firearms seized with modified markings. Sweden counted 700 firearms with modified markings, however noting that it is difficult to precisely say, as an additional 100 firearms had no information on serial numbers at all.

To gather a picture of cross-border trafficking, the Member States were asked to indicate the number of cases of firearms-related offences, where the firearm/essential component/ ammunition could be traced back outside of their national borders. Only Spain, Slovenia and Cyprus were able to provide data. In Spain, these were 863 cases, in Slovenia 1 and in Cyprus 2. On the number of cases of privately manufactured firearms (e.g. 3D-printed), Finland counted the highest number with 153 cases, and both Greece and Cyprus have 0 cases. Nevertheless, many other respondents were not able to provide data, which does not imply, that there were no cases at all. On the number of cases of seizures of alarm and signal weapons, both converted and non-converted, Finland indicated 1,664 cases and Sweden indicated that more than 1,000 alarm and signal weapons had been seized in the years 2020-2022 (making up for 954 cases). Out of these 1000, 600 were found converted.

For most of the questions, Czech Republic was unable to provide data, as their statistical data does not allow for more detailed distinction, as cases are counted as criminal offences of Breach of Regulations on Circulation of Goods in Relation with Foreign States (Article 261 of the Criminal Code) and of criminal offences of Conducting Foreign Business with Military Material without Licence or Permit (Article 265 of the Criminal Code). These crimes may also include illegal firearms trafficking, but statistical data do not allow for a more detailed distinction.

The difference in the data landscape amongst the Member States responding to the questionnaire highlights the incomplete, incoherent and also untransparent data available on firearms-related offences throughout the EU, further showcasing a need for a harmonised dataset. Furthermore, the lack of harmonised definitions show, that certain countries can provide detailed data on the offences discussed, whilst other countries do not have the tools to distinguish in detail between the data. A comprehensive overview of the responses submitted can be found in Tables 11 and 12 below.

RESPONSES OF THE MEMBER STATES TO THE QUANTITATIVE QUESTIONNAIRE, PART I.

Member State	How many cases of illicit firearms trafficking did you record between 2020-2022?	Does the above answered data provide:	How many cases of seizures of illicit firearms did you have/register between 2020-2022?	Does the above answered data on seizures provide:	How many arrests, prosecutions and convictions for illicit trafficking did you have from 2020-2022?	Does the above answered data on arrests, prosecutions and convictions provide:	How many cases of illicit trafficking can be identified for the period of 2020-2022?	Does the above answered data on illicit trafficking provide:	How many cases of illicit possession can be identified for the period of 2020-2022?	Does the above answered data on illicit possession provide:
Spain			23,065	Partial picture	In 2020, 443 people arrested or suspected to offences related to firearms In 2021, 148 people arrested or suspected to offences related to firearms In 2022, 127 people arrested or suspected to offences related to firearms	Partial picture	955	Partial picture	3,078	Partial picture

			Data according to the IAFQ.					
Slovenia	173	Complete picture	Illicit modification /1, Illicit possession 109, illicit manufacturing/ 23,	Partial picture	15	Partial picture	109	Complete picture
Finland	5,929	Complete picture	Firearms offence; arrests n.a., 3,094 prosecutions and 2,808 convictions. attempted: arrests n.a., 23 prosecutions and 18 convictions. Aggravated firearms offence: arrests n.a., 207 prosecutions and 176 convictions. attempted: arrests n.a., 2 prosecutions and 1 conviction. Petty firearms offence: arrests n.a., 2,402 prosecutions and 2,266 convictions.	Complete picture	n/a	No data available	n/a	No data available

					Unfortunately it not possible to divide the offences for illicit modification or marking, illicit manufacturing and illicit possession.				
Czech Republic	2,557	Partial picture	1,098	Partial picture	Between 2020-2022, 4 cases of criminal offences of Breach of Regulations on Circulation of Goods in Relation with Foreign States (Article 261 of the Criminal Code) and 4 cases of criminal offences of Conducting Foreign Business with Military Material without Licence or Permit (Article 265 of the Criminal Code) were registered. These crimes may also include illegal firearms trafficking, but statistical data do not allow for a more detailed distinction.	Partial picture	n/a	Partial picture	n/a	Partial picture

Greece	4,703	Partial picture	n/a		19	Partial picture	4101	Partial picture
Ireland	777	Complete picture	n/a	Complete picture	n/a	No data available	593	Complete picture
Belgium	11,253	Partial picture	n/a	No data available	583	Partial picture	11,607	Complete picture
Lithuania	1,109	Partial picture	692	Complete picture	n/a	No data available	1,164	Complete picture
France	43,925	Partial picture	Prosecutions between 2020 and 2022 (Ministry of Justice) 2020 - Illicit manufacturing: <5 - Illicit possession: 2,823 - Illicit modification of marking: 8 2021 - Illicit manufacturing: 9 - Illicit possession: 3,771 - Illicit modification of marking: 7 2022 - Illicit	Partial picture	Number of prosecutions (Ministry of Justice) Illicit transfer 2020: 29 2021: 23 2022: 23 Illicit acquisition 2020: 344 2021: 459 2022: 418 Illicit import 2020: 34	Partial picture	13,185	Partial picture

manufacturing: 7 - Illicit possession: 3,772 - Illicit modification of marking: 14 Convictions between 2020 and 2022 (Ministry of Justice) 2020 - Illicit manufacturing: <5 - Illicit possession: 2,985 - Illicit modification of marking: 7 2021 - Illicit manufacturing: 15 - Illicit possession: 4,074 - Illicit modification of marking: 10 2022 - Illicit manufacturing: 15 - Illicit possession: 4,207 - Illicit modification of marking: 13 Data from French Gendarmerie:	2021: 63 2022: 65 Number of convictions (Ministry of Justice) Illicit transfer 2020: 49 2021: 62 2022: 59 Illicit acquisition 2020: 418 2021: 591 2022: 515 Illicit import 2020: 44 2021: 98 2022: 87 Number of procedures from French Gendarmerie: 2020:

Convictions between 2020 and 2022 (Ministry of Justice) 2020 - Firearms related offences 47,163 - Illicit transportation/carrying(category D): 7,581 (6,194) - Illicit possession: 4661 2021 - Firearms related offences 50,495 - Illicit transportation/carrying (category D): 7,110 (6,360) - Illicit possession: 4,513 2022 - Firearms related offences 53,174 - Illicit transportation/carrying (category D): 7,573 (6,772) - Illicit possession: 4,011 Nearly 80% of criminal proceedings involving weapons are concerned with illegal transport and carriage, with category D weapons (free acquisition	1,818 2021: 2,154 2022: 2,138

and possession for adults) accounting for between 81% and 89% of the cases.

Incriminations relating to modifications of marking are difficult to delimit: numerous references exist referring to the absence or alteration of markings, but as a de facto aggravating circumstance, it is impossible to discriminate between isolated wilful action.

Simple manufacture is also difficult to discriminate, as the "nature of offence" frame of reference groups together illegal manufacturing and trading activities.

These last two aggregates form part of the 6% of miscellaneous breaches of regulations.

Sweden	3,000	Partial picture	n/a	Partial picture	115	Partial picture	2,400	Partial picture
Cyprus	74	Complete picture	2020: 7 persons 2021: 11 persons 2022: 16	Complete picture	0	Complete picture	0	

Table 11: Data Source: EU Have Your Say, 2025.

RESPONSES OF THE MEMBER STATES TO THE QUANTITATIVE QUSTIONNAIRE, PART II.

Member State	**How many cases of illicit modification of marking(s) can be identified for the period of 2020-2022?**	**Does the above answered data on illicit modification of marking(s) provide:**	**How many cases of illicit manufacturing can be identified for the period of 2020-2022?**	**Does the above answered data on illicit manufacturing provide:**	**How many cases of firearms-related offences occurred, where the firearms/essential components/ammunition could be traced back to outside of your national borders?**	**Does the above answered data on tracing provide:**	**How many cases of firearms-related offences with privately manufactured firearms (e.g. 3D printed) did you register**	**Does the above answered data on privately manufactured firearms provide:**	**How many cases of seizures linked to alarm and signal weapons (converted and not-**	**Does the above answered data on alarm and signal weapons provide:**

							between 2020-2022?		converted) did you register between 2020-2022?	
Spain	324	Partial picture	255	Partial picture	863	Partial picture	60	Partial picture	238	Partial picture
Slovenia	1	Complete picture	23	Complete picture	1	Complete picture	3	Complete picture	1	Partial picture
Finland	239	Partial picture	n/a	No data available	n/a	No data available	153	Partial picture	1,664	Complete picture
Czech Republic	n/a	Partial picture	n/a	Partial picture	0	No data available	n/a	Partial picture	n/a	Partial picture
Greece	179	Complete picture	12	Partial picture	n/a		o		n/a	
Ireland	n/a	No data available	n/a	No data available	n/a	No data available	n/a	No data available	n/a	No data available

Belgium	n/a	No data available	31	Partial picture	n/a	No data available	n/a	No data available	n/a	Partial picture
Lithuania	n/a	No data available	n/a	No data available	n/a	No data available	n/a	No data available	n/a	No data available
France	29	Partial picture	16	Partial picture	35	Partial picture	n/a	No data available	n/a	No data available
Sweden	700	Partial picture	n/a	Partial picture	n/a	No data available	11	Partial picture	1,000	Partial picture
Cyprus	9	Partial picture	1	Complete picture	2	Complete picture	0	Complete picture	14	Complete picture

Table 13: Data Source: EU Have Your Say, 2025.

2.9. Data on arrest, prosecutions and convictions (2020-2022)

The following tables below summarise an overview of judicial responses in Finland, France and Sweden.

Finland

	Firearms offence	Attempted firearms offence	Aggravated firearms offence	Attempted aggravated firearms offence	Petty firearms offence
Arrest	n.a.	n.a.	n.a.	n.a.	n.a.
Prosecution	3,094	23	207	2	2,402
conviction	2,808	18	106	1	2,266

France

Data on prosecutions

	Illicit manufacturing	Illicit possession	Illicit modification of marking
2020	<5	2,823	8
2021	9	3,771	7
2022	7	3,772	14

Data on convictions

	Illicit manufacturing	Illicit possession	Illicit modification of marking
2020	<5	2,985	7
2021	15	4,074	10
2022	15	4,207	13

Sweden

Decisions on prosecution

	Weapons offences	Serious weapons offences	Extremely serious weapons offence	Marking offence
2020	338	577	2	1
2021	377	632	23	0
2022	381	777	33	2

Number of convictions, excluding summary impositions of a fine and abstentions from prosecution

	Weapons offences	Serious weapons offences	Extremely serious weapons offence	Marking offence
2020	282	366	1	1
2021	235	443	4	0
2022	251	500	18	1

3. DATA LIMITATIONS

Although the general landscape on firearms-related offences, judicial responses and international cooperation could be sketched out in this data analysis section, the incompleteness of the data available makes a comprehensive analysis difficult. Throughout the different categories analysed, the level of incompleteness between the variables, as well as the Member States, varies, limiting their comparability. Regarding the Member States, in certain cases there were no submissions at all for datasets, such as the UNODC firearms data, leaving entire Member States out of the analysis. Moreover, variables were often incoherently labelled, causing differences between Member States within the same datasets, and together with often inconclusive metadata lacking transparency on the input into different variables, comparability is further compromised. To add to this, the data of UNODC does not distinguish between the absence of data (e.g. number of cases) and Member States not reporting any data, adding to the impreciseness of the data.

To tackle these issues, Member States were asked to fill out a survey with specific questions substantiating the gaps in the data. The questions focussed on the number of cases of illicit trafficking, illicit modification of markings, illicit manufacturing, illicit possession, the number of arrests, prosecutions and convictions for illicit trafficking, as well as cases of converted alarm and signal weapons and 3D-printed weapons. Despite extensive submissions by Member States, questions were interpreted differently, numbers taken from different datasets, or the legislature does not separate the different offences, leading to the submission of partly incomparable numbers. Notably, Spain was the only Member State where the numbers of the UNODC IFAQ dataset were the same as those submitted in the targeted questions. For all other Member States that replied to the questionnaire, there were discrepancies between the numbers. Their responses are discussed in the previous section 2.8.

These issues, however, highlight the fragmented and incomplete data landscape on firearms and firearms-related offences, showcasing the need for a harmonised dataset between the Member States, to ensure coherency, transparency and comparability of data.

ANNEX 6: COMPETITIVENESS CHECK

1. OVERVIEW OF IMPACTS ON COMPETITIVENESS

Dimensions of Competitiveness	Impact of the initiative (++ / + / 0 / - / -- / n.a.)	References to sub-sections of the main report or annexes
Cost and price competitiveness	n.a	
International competitiveness	n.a	
Capacity to innovate	n.a	
SME competitiveness	n.a	

2. SYNTHETIC ASSESSMENT

This initiative aims to harmonise at EU level the criminalisation of offenses related to firearms, as illicit manufacture, possession, trafficking and alteration of marking of firearms and essential components. Consequently, it will not affect the competitiveness of the legal business of firearms for civilian use in all areas analysed, nor the cost and price, nor the international dimension, nor the capacity to innovate, nor the SME competitiveness.

3. SME TEST

Step 1/4: Identification of affected businesses

This initiative focuses on the illicit firearms market. The rules and procedures for the legal market are established in the Firearms Directive (acquisition, possession and intra EU trade of firearms, essential components and ammunition for civilian use) and the Firearms Regulation (import, export and transit of firearms, essential components and ammunition for civilian use). Therefore, this initiative has no impact on companies and SME's which follow the rules established in these legislations, as well as in the national ones. The exception is the new focus on blueprints used to 3D print firearms. However, the offence will be written in a matter that will allow licensed dealers to keep using this innovative production.

To what extent is the initiative relevant for SMEs?

This initiative is considered not relevant for SMEs.

Step 2/4: Consultation of SME Stakeholders

The public consultation did not include any specific section focusing on SME, as this initiative is not considered to be relevant.

Notwithstanding, there were several inputs from citizens and SME in the call of evidence.

Some respondents stated that legal frameworks in the civilian firearms sector have become increasingly complex and therefore sometimes difficult to interpret, leading to honest errors from manufacturers. Concerns were raised about the destabilisation of the industry through excessive punishments for these clerical errors. These concerns about overregulation were also expressed by the Conseil Maisons de Vente for antique firearms, indicating that it could discourage operators from the legitimate market in favour of illicit actors. Conversely, they propose simplifying regulation targeting the legal market, to ensure a higher compliance with the law. This is also linked to the concerns of legal firearms owners, in the context of collectors.

Opinions were expressed on the criminalisation of illicit firearms by means of 3D-printing or the illicit creation, possession and dissemination of the intellectual materials (blueprints) needed for 3D-printing differed amongst the responses. Those in favour of the criminalisation of the illicit creation, possession and dissemination of blueprints, pointed out that the wording in the directive should not accidentally include files used in computer videogames which represent firearms, so called “models”, that look similar to blueprints but are only digital representations of firearms. Furthermore, concerns were expressed about the blueprints for lethal firearms compared to toy guns, which can look similar and should not be subject to the criminalisation.

Some respondents who are against the criminalisation of blueprints argued that the 3D-printing firearms falls into the category of illicitly manufacturing, and hence does not need to be further criminalised. Furthermore, it was argued that the possession of blueprints would not differ from possessing knowledge or information on how to manufacture a regular firearm with common machining tools, and that it would harm those people with the intellectual interest in the technology and theoretical aspects of manufacturing firearms. These responses were submitted as part of a wider argument that the criminalisation of the possession, creation and dissemination of blueprints would infringe the privacy and right to freely gather information in the EU.

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Step 3/4: Assessment of the impact on SMEs

As stated in step 1, this initiative is not considered to be relevant for SME. If any, this initiative would have a positive impact on competitiveness. Effective criminal law enforcement would actually protect legitimate businesses against unfair competition from illegal business which activities negatively affect the image of the whole sector and result in a loss of profit. The criminalisation of the illicit production, possession and dissemination of digital blueprint for the purpose of manufacture of firearms or essential components with new technology should not affect licensed dealers and brokers (meaning businesses licensed to manufacture, trade, exchange, hiring out, repair, modify or convert firearms, essential components and ammunition according to the Firearms Directive).). New technologies could provide valuable innovations for the sector. The criminalisation the illicit manufacturing would help towards the protection of intellectual rights over these innovations, and thus represents a beneficiary factor.

Step 4/4: Minimising negative impacts on SMEs

Not applicable.

ANNEX 7: CASE STUDIES

1. INTRODUCTION

Current EU legislation contains rules on the legal possession and acquisition of firearms and rules on the legal import, export and transit of firearms. However, there is no EU legislation establishing EU-wide minimum rules on the definition of criminal offences and penalties on firearms-related crimes.

The below case studies highlight various issues that could benefit from EU-wide criminalisation to better address the firearms threat. This annex aims to compensate for the lack of quantitative European data by illustrating both the need for criminalisation and examples of best practices. In doing so, it aids in understanding and formulating effective legislative responses to these threats.

The first section presents case studies on the illicit manufacturing of firearms, illicit cross-border trafficking of firearms, and the illicit modification of markings. The next section features cases that underscore the necessity of criminalising the illicit possession of firearms. Lastly, the third section includes cases that illustrate the significance of other firearms offenses, such as illicit brokering activities, violations of arms embargoes, and record-keeping and licensing violations.

All the presented case studies underscore three primary concerns regarding firearms threats: the emergence of illegally manufactured 3D-printed weapons, the risks associated to converted alarm and signal weapons, and the risk that firearms offenses linked to other offenses go uninvestigated or unprosecuted due to the lack of formal criminalisation of firearms offenses.

2. ILLICIT MANUFACTURING, ILLICIT TRAFFICKING, AND ILLICIT MODIFICATION OF MARKINGS

Article 5 of the UN Firearms Protocol required State Parties to enact legislative and other measures to criminalise the illicit manufacturing of firearms, the illicit trafficking of firearms, and the falsification, obliteration, removal, or alteration of firearm markings. The first two offenses are also explicitly included in the EU Firearms Directive.

The 2024 Europol report, “Decoding the EU’s Most Threatening Criminal Networks,” highlights the relevance of such measures by revealing that many of the most dangerous criminal networks are involved in the illicit trafficking and use of firearms. This involvement may be either their primary criminal activity or connected to their other main business operations. Unfortunately, this impact assessment shows that the national legislation of EU Member States varies significantly and does not fully align with the definitions of the UN Firearms Protocol and the Firearms Directive. This inconsistency results in an uneven criminal framework within the borderless EU area. A harmonised criminalisation of firearms offenses at the EU level is, however, necessary to address obstacles in cross-border operational cooperation, security gaps, and deficiencies in law enforcement, prosecution, and the confiscation of criminal proceeds.

Case study 1: Legal reforms in North-Macedonia, 2023. [192]

On 7 September 2023, North Macedonia made a significant advance in the fight against illegal firearms by introducing key amendments to its Criminal Code. The revisions to articles 395, 396, and 396-a criminalise the illicit manufacturing, trafficking, and falsification of firearms: Article 395 focuses on the manufacturing and procurement of weapons and means intended for committing a crime, while article 396-a focuses on counterfeiting firearms. Article 396 addresses unauthorised production, possession, brokering, and trade of weapons and explosive materials.

Article 396 (1) states: "whosoever without authorisation imports, exports, transports, transfers, delivers or sells, buys or otherwise brokers or trades in firearms, parts and components of firearms, ammunition or explosive substances, or trades in firearms, parts and components of firearms, ammunition and explosive substances (...) will be punished with imprisonment from four to ten years." Next, Article 396 (2) states: "(...) individuals engaging in the unauthorised manufacture, assembly, repair, modification of firearms, parts and components of firearms, ammunition, or explosive substances, as well as those involved in the development of new weapons or possession of electronic technical drawings and designs for production through 3D printers or similar devices for parts and components of firearms, ammunition, or explosive substances, shall be subject to sanctioning." Lastly, Article 395 paragraphs 4, 5 and 6 explicitly identify aggravating circumstances, such as large quantities of firearms, components, or ammunition, or if the crime is committed by a group, gang, or other criminal association.

These legal reforms align North Macedonia's criminal justice system with the UN Firearms Protocol and highlight the relevance of such measures in effectively tackling the firearms threat, a significant challenge in the Western Balkans. Notably, North Macedonia explicitly opts for sentences between 4-10 years, identifies aggravating circumstances, and explicitly acknowledges the threat posed by 3D printing within its legislative framework. This initiative may act as a useful example for various EU member states.

Illicit manufacturing of firearms

The preparatory study to this impact assessment revealed that, while a majority of Member States have criminalised the illicit manufacturing of firearms, there are significant discrepancies in the definitions used: the scope of criminalisation in some Member States does not encompass all categories of civilian firearms, certain Member States have not addressed all constitutive elements of this offense, and some Member States fail to include the illicit manufacturing of essential firearm components.

[192] UNODC: "Enhanced Cooperation in North Macedonia to Tackle Illicit Firearms Following Landmark Legal Reforms," and UNODC, "Presentation by The Higher (Appellate) Public`s Prosecution`s office Skopje on the implementation of the Article 5 (Criminalization) of the Firearms Protocol in the legislation of North Macedonia." The (English translation of the) articles can be retrieved in "Regional narrative progress report on the implementation of the roadmap for a sustainable solution to the illegal possession, misuse and trafficking of Small Arms and Light Weapons (SALW) and their ammunition in the Western Balkans by 2024," p.26 (URL: 10th-Regional-Roadmap-Narrative-Report.pdf (seesac.org)).

Additionally, none of the Member States have explicit laws criminalising the illegal manufacturing of firearms via 3D printing technologies, and Member States lack a legal framework targeting the creation, possession, and/or dissemination of 3D printing materials, including blueprints (cf. preparatory acts).

Case study 2: 10 illegal firearms workshops dismantled, 2023. [193]

In early 2023, the Spanish Guardia Civil initiated an investigation into the manufacturing of illegal firearms, which revealed several clandestine workshops dedicated to this illicit activity. In some instances, the individuals operated heavy industrial machinery to produce illegal weapons, while in others, they employed 3D printing technologies to create essential components for assembling the firearms.

The investigative activities in the countries led to 15 action days, which led to the dismantlement of 10 illegal firearms workshops (DE, ES, CA, UK), 10 arrests (ES, SE, UK), 24 location searches (DE, ES, IE, NL, SE, CA, UK,), 49 new investigations initiated, and the seizure of 70 illegal firearms (including assault rifles, 3D-printed semi-automatic submachine guns, pistols and drill presses), other weapons, over 37,000 rounds of ammunition, and weapon parts and components (barrels, silencers and magazines).

Case study 3: Halle Synagogue shooting, 2019. [194]

On 09 October 2019, a far right, antisemitic extremist unsuccessfully tried to enter the synagogue in Halle, Germany, during the Jewish holiday of Yom Kippur. The shooter was prevented from entering the synagogue, in which 52 people were congregated, by a heavy barred door. Unable to enter, the attacker fatally shot a woman who was passing by the synagogue and hurled an explosive device at a nearby kebab shop, where he subsequently murdered a 20-year-old man.

Using a 3D printer, blueprints and tutorials he found online, the perpetrator produced 3D printed parts of firearms and together with originals parts and metal components assembled 7 firearms that he later used during the attack. His arsenal included two automatic pistols, a submachine gun, and a shotgun. Additionally, he manufactured at least 1,364 rounds of ammunition and several explosive devices. While all the firearms were operational, the submachine gun malfunctioned and repeatedly jammed during the attack. Notably, the attacker live-streamed the incident and later disseminated the instructions for manufacturing the firearms on the internet.

Although the court thoroughly examined the manufacturing of the weapons and consulted forensic experts on the functionality of the firearms, the defendant was not charged with any firearm-related offenses, despite their relevance to this case. Instead, the prosecution opted to concentrate solely on the charges of murder and attempted murder, thereby resulting in the specific firearms offenses going unpunished.

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[193] Europol: “10 illegal firearm workshops dismantled.”
[194] UNODC: Digest of Firearms trafficking and related cases, p. 26.

The above case studies illustrate that the illicit manufacturing of firearms, including those produced with 3D printers, remains a substantial illicit business activity across Europe and other countries. On the one hand, these examples illustrate the complexity of prosecuting and convicting firearms offenses. On the other hand, these examples demonstrate how both individuals and organised crime groups can easily manufacture firearms, thereby significantly lowering the barriers for these entities to engage in illegal activities, violence and disruption. As technology becomes more accessible and sophisticated, the potential for misuse grows, suggesting an urgent need for updated regulatory measures and enhanced enforcement strategies to address these emerging threats.

Illicit trafficking of firearms

The preparatory study to this impact assessment demonstrated that several Member States do not adequately address all the essential aspects of firearms trafficking. Some Member States fail to encompass all related activities, do not classify the trafficking of unmarked firearms as illicit, and/or do not explicitly criminalise the trafficking of essential components.

Additionally, note that the definitions of firearms trafficking in both the UN Firearms Protocol and the EU Firearms Directive explicitly include a cross-border element, thereby implicitly suggesting the lack of criminalisation of domestic firearms trade. This omission leaves domestic trade activities less regulated or unaddressed (cf. see section 3 infra).

Case study 4: Criminal network that trafficked illegally converted firearms, 2020-2021. [195]

Investigations into the case started in February 2020 when 22 converted Flobert guns were seized in the Dutch port of Hoek van Holland, in a vehicle bound for the United Kingdom. The Flobert guns were originally modified to be used legally for recreational or sporting activities but had been illegally converted into lethal live-firing arms for criminal purposes.

Eurojust provided support to Slovak, Czech, and Dutch authorities, ultimately leading to the dismantlement of a criminal network involved in trafficking illegally converted firearms. Eurojust assisted in establishing a joint investigation team between Slovakia and the Netherlands and offered judicial support throughout the operations. Additionally, Eurojust facilitated the Czech authorities in executing European Arrest Warrants (EAWs) and European Investigation Orders (EIOs) to ensure the efficient transmission of evidence.

Law enforcement believes that this criminal syndicate, specialised in the conversion of Flobert guns, supplied over 1,500 firearms to criminal groups in NL, AT, DK, DE, PT, SE and CZ. During multiple operations, six suspects were arrested across SK, CZ and NL, and approximately 350 firearms were seized.

Case study 5: Operation Alpes, 2018. [196]

Operation Alpes was an international effort led by the Spanish National Police with support from Austrian authorities. This investigation unveiled an organised crime group based in Spain

[195] UNODC: Digest of Firearms trafficking and related cases, p.32 and p.103
[196] UNODC: Digest of Firearms trafficking and related cases, p. 29

with connections to the US and Austria. The network was involved in trafficking firearm parts and components for the purpose of reactivating and reassembling weapons. The police investigation revealed the potential involvement of organised crime groups and further transactions between the main suspect and criminal gangs active in drug trafficking and were able to link the main suspect to another supplied in the United States.

The main suspect, a Spanish national and resident, held two firearms licences granted to him for the purpose of hunting and sports activities. With these licenses, he was able to purchase deactivated firearms as well as firearms components required for the reactivation of firearms in Austria, where such transactions were subject to fewer restrictions. He shipped these components to Spain through postal and fast parcel services, where he used them to illegally assemble and reactivate previously deactivated weapons.

Case study 6: reduced firearms trafficking in Estonia. [197]

After the collapse of the Soviet Union, Estonian society faced significant upheaval during the early years of its transition to democracy. This period saw a rise in crime and the emergence of organised criminal groups, along with the proliferation of weapons and a marked increase in violence, including gun violence.

Since regaining independence, Estonia has undergone substantial changes in its approach to firearm trafficking. The country has strengthened its institutions and implemented stringent firearms laws: although Estonian legislation lacks any specific legislation or sentencing for firearm-trafficking, this offence is covered in the penal code by the very broad term "unlawful handling." The illicit handling of firearms, essential parts of them and ammunition is punishable by up to three years' imprisonment, although if it is the second case, or involving large quantities, or committed by a group, it is punishable by up to five years. In cases concerning the illicit handling of firearms, their essential parts and ammunition prohibited for civilian use, it is punishable by from one to five years. Similarly, for a second time, or in large quantities, punishment increases to between 5 and 15 years.

Today, the trafficking of firearms and the general availability of illicit firearms in Estonia have significantly diminished. This shift is also evident in the scope and characteristics of gun violence, which is currently considered a low-level threat.

The provided case studies offer only a snapshot of the actual illicit trafficking figures but highlight that the illicit trafficking of firearms poses a significant challenge to EU Member States. Each trafficker or organised crime group involved in this activity has the potential to supply firearms to individuals who may use these weapons to harm EU citizens.

Although the reduction in levels of firearms trafficking and violence in Estonia is likely a result of both broader socio-economic developments and multiple measures, it does demonstrate that the broad criminalisation of firearms offenses likely plays a significant role in the effective and efficient approach to combating firearms trafficking. Additionally, as illustrated by the first two case studies, international cooperation in addressing cross-border criminal activities - especially when

[197] The Flemish Peace Institute "Firearm related violence and trafficking in Estonia," 2022.

individuals or organised crime groups exploit differences in legislation between different jurisdictions - is necessary. Coordinated action and harmonised criminalisation at the European level can thus contribute to more effectively tackling such illicit cross-border activities.

Modification of markings of firearms

The preparatory study for the impact assessment made clear that fourteen Member States have not criminalised the falsification, illicit obliteration, removal, or alteration of the markings of a firearm. Among the thirteen Member States that have criminalised this, three do not extend this criminalisation to the modification of markings on essential components, which, it should be noted, is not included in the UN Firearms Protocol.

Case study 7: altered or no firearms markings in Greece between 2019 - 2022. [198]

UNODC data on the markings of seized weapons in Greece illustrates that firearms markings are often erased or altered. The Greek authorities seized 59, 101, 17, and 73 firearms with altered markings between 2019 and 2022, and 33, 102, 21, and 68 firearms with no markings over the same period.

However, Greek legislation does not specifically define the offenses of falsification, illicit obliteration, removal, or alteration of the markings on firearms and essential components. The only relevant provision is Article 7(8) of L. 2168/1993, which is part of the legislation on illegal possession. This provision criminalizes acts of deleting or falsifying the number or any other element of the weapon's marking or of an essential component. These acts are punishable when committed intentionally, with short-term imprisonment ranging from three months to five years and a pecuniary penalty between 600 and 15,000 euros. Additionally, there is an administrative sanction of temporarily suspending the authorization to legally possess a weapon for up to three months, which is the only administrative sanction provided for legal entities.

Case study 8: a Swedish case of altered firearm markings, 2022. [199]

In a notable case on November 4, 2022, in Sweden, a search of a defendant's residence led to the discovery of a bag containing a Kalashnikov automatic rifle with a 7.62 x 39 mm caliber. The rifle had altered markings and was found alongside associated magazines and ammunition.

The court noted that the seized weapon had their serial numbers altered, emphasizing that such modifications hinder efforts to trace the weapon's origin or supply route up to the point of seizure. This, the court stated, could be indicative of an environment where such weapons are likely to be used for criminal purposes. The district court convicted the defendant for aggravated firearms offence and drugs offence and sentenced the defendant to three years' imprisonment.

Additionally, according to broader UNODC data in Sweden, Swedish authorities have reported an increase in the seizure of firearms with altered markings over several years: 175 firearms in

[198] UNODC data based on the annual Illicit Arms Flows Questionnaire: dp-firearms-arms-seized | dataUNODC
[199] UNODC case law: case B 903-23. URL: https://sherloc.unodc.org/cld//case-law-doc/illicitfirearmscrimetype/swe/2023/case_b_903-23.html?lng=en&tmpl=sherloc
UNODC data based on the annual Illicit Arms Flows Questionnaire: dp-firearms-arms-seized | dataUNODC

2019, 219 in 2020, 208 in 2021, and 284 in 2022. Moreover, the seizures of firearms without markings also increased significantly during the same period: 83 in 2019, 176 in 2020, 243 in 2021, and 540 in 2022.

The Swedish court decision highlighted the significant challenges that erasing or altering firearm markings poses to the investigation and prosecution of firearms trafficking offenses. The absence of criminalisation for this issue in various Member States complicates the gathering of specific data and the prosecution of these offenses. However, the above case studies and statistics demonstrate the ongoing - and possibly growing - relevance of this issue.

3. illicit possession of firearms

The following case studies focus on an issue that, while not explicitly addressed, are implicitly indicated by the UN Firearms Protocol and the Firearms Directive: the illicit possession of firearms. Tackling this issue is essential for ensuring a comprehensive criminalization strategy to tackle firearms-related threats.

The legal basis for this offense is implicitly clear in the Firearms Directive but has not been explicitly defined in the UN Firearms Protocol. While all Member States enforce sanctions for this offense, the methods of sanctioning vary significantly among them. This inconsistency in classification and enforcement leads to challenges in effective enforcement and prosecution.

Case study 9: seizures in Europe based on the illicit possession of firearms, 2020-2022. [200]

UNODC data on arms seizures in Europe based on the legal justification of "illicit possession" demonstrate that there were 8,629 seizures linked to illicit possession in 2020, 11,587 seizures in 2021, and 7,496 seizures in 2022.

However, the actual number is likely much higher: the questionnaire that led to these results was completed by only 10 EU Member States in 2020, 9 in 2021, and 9 in 2022. Additionally, the dark figure likely far exceeds the official seizure statistics.

Case study 10: operation Conversus, 2023. [201]

In an operation led by Romania and Bulgaria, law enforcement agencies from 31 countries targeted individuals suspected of buying, and subsequently thus illicitly possessing, weapons from firearms traffickers.

As the procurement of illegal firearms becomes increasingly difficult and expensive, both individuals and organised crime groups often turn to converted alarm and signal weapons to acquire and possess firearms. Most of the seized weapons in operation Conversus were alarm and signal models produced in Turkey before a change in national legislation governing their production. These weapons were imported into the EU and legally offered for sale in Bulgaria

[200] UNODC data based on the annual Illicit Arms Flows Questionnaire: dp-firearms-arms-seized | dataUNODC.
[201] Europol: « 22 firearms traffickers arrested across Europe."

and other Member States. However, once sold, they were frequently trafficked across borders and converted into lethal firearms in other countries, both within and outside the EU.

This contributed significantly to the illicit acquisition and possession of illegal firearms. The operation not only involved numerous house searches and seizures but also led to the arrest of 22 firearms traffickers across Europe.

Case study 11: 1,388 firearms seized in 16 European countries, 2024. [202]

Europol reported on a law enforcement operation led by Romania and coordinated by Europol, involving more than 630 house searches and resulting in 107 arrests. This operation, conducted in February 2024, spanned 16 European countries. Nearly 500 converted, or ready to be converted, illicit firearms were recovered during the operation, together with almost 900 illicit firearms, as well as 60,192 rounds of unconverted, converted, and live ammunition.

Europol further explained that individuals and organised criminal networks often use gas, alarm and signal firearms, as certain models remain easy to modify to discharge live ammunition and convert into lethal weapons. Once these firearms enter the EU, they are usually bought for an affordable price from legitimate marketplaces. The weapons would then be converted and resold in other countries where obtaining, importing, and possessing a handgun requires a license.

If illicit manufacturing, illicit trafficking, or the illicit modification of firearm markings cannot be proven, there is a risk that harmful firearms activities may remain unpunished. A comprehensive criminalisation strategy must therefore also address the issue of illicit possession. While the data in the case studies offer only a snapshot, it is evident that each of these weapons could potentially be used in future illegal and criminal activities, such as organised crime or terrorist attacks. Consistency in classification and enforcement regarding the illicit possession of firearms may provide an additional tool to counter this threat.

Additionally, operation Conversus, which involved the legal production of alarm and signal models in Turkey, highlights the importance of a harmonised level of criminalisation across jurisdictions to close legal loopholes and mitigate security threats.

4. <u>illicit brokering activities, arms embargo violations, and record-keeping and licensing offences</u>

The UN legislative guidelines to implement the Firearms Protocol suggests States Parties to enhance their legal frameworks by including additional voluntary offenses beyond those specified in the Protocol. These suggested offenses encompass illicit brokering, violations of arms embargoes, and misconduct related to record-keeping and licensing. These voluntary or complementary offences may help to enforce an EU-wide firearms control regimes.

Illicit brokering activities

[202] Europol: “Almost 1 400 firearms removed from circulation in 16 European countries.”

The criminalisation of brokering activities conducted to circumvent established systems is at the discretion of individual nations. However, this approach can result in varying rules and penalties across Member States, thereby potentially weakening the coherence and effectiveness of the EU legal framework.

> ***Case study 15: dealer supplied guns and ammo to more than 100 crime scenes, 2017.*** [203]
>
> *A legally registered firearms dealer in the UK was found to be supplying criminals with hundreds of firearms. These firearms were either fraudulently acquired in the United States or illicitly reactivated. For example, he imported prohibited 1950s Colt pistols from Chicago, Las Vegas, and Denver, falsely declaring them as antiques over a century old to evade regulations. His illicit brokering activities were linked to over 100 crime scenes, including gangland murders and a firearms attack on a police helicopter.*
>
> *The judge remarked that the firearms dealer had disregarded his legal responsibilities as a registered firearms dealer and that he was "at the top of the chain of supply of handguns and ammunition to criminal gangs." The judge sentenced him to 30 years in prison.*

The case study above highlights the potential consequences of illicit brokering activities, which can have negative impacts on multiple countries. It may be beneficial to consider incorporating these offenses into a comprehensive EU-wide criminalisation framework aimed at addressing the firearms threat.

Arms embargo violations

Under Article 41 of the UN Charter, the Security Council can impose sanctions, including arms embargoes, which all Member States must follow. Additionally, countries that are parties to the Arms Trade Treaty must not authorise the transfer of conventional arms, including firearms, if it violates such arms embargoes. These measures may be considered arms control measures, but they could simultaneously also act as crime control measures.

> ***Case study 16: transnational trafficking of arms and dual-use goods to Libya and Iran, 2018.*** [204]
>
> *Three Italian nationals were arrested in Venice on 31 January 31, 2017. They were charged with trafficking arms and dual-use items to Libya and Iran, in violation of both countries' arms embargoes, between 2011 and 2015. The goods were negotiated and sold in several African, Asian, and European countries. Without passing through Italian territory, the products were shipped to Iran and Libya. The illegal trade included 13,950 M14 rifles, but also the selling of anti-tank and surface-to-air missiles, helicopter spare parts, and ammunition made in the Soviet Union.*

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[203] Vlaams Vredesinstituut "Project DIVERT: Firearms fraud in the European Union", p. 44. The Guardian: " Antique-gun dealer jailed for 30 years for supplying to gangsters."

[204] UNODC case law, Sent. 57163/2018, URL: https://sherloc.unodc.org/cld//case-law-doc/illicitfirearmscrimetype/ita/2018/sent._571632018_.html?lng=en&tmpl=sherloc

Even though the rifles did not pass through Italian territory, the Prosecutor opened jurisdiction because the perpetrators were Italian nationals. The three individuals were respectively convicted to 3 years and 8 months imprisonment and a EUR 8,500 fine, 3 years and 6 months imprisonment and a EUR 9,000 fine, and 2 years imprisonment.

The above example illustrates that the integration of arms embargo violations in an EU-wide criminalisation strategy may aid in countering and sentencing both internal and external illicit trafficking flows. This could also be beneficial in addressing potential jurisdictional issues.

Record-keeping and licensing offences

Firearms control regimes are typically based on licensing, authorisation and record-keeping systems for various types of firearms-related conduct, such as importing and exporting. The criminalisation of these issues is left to the discretion of individual states.

Case study 17: export of 4,000 assault rifles based on false end-user certificate, 2019. [205]

The German company Heckler & Koch exported over 4,000 assault rifles to Mexico from 2006 to 2009. To bypass German export control restrictions due to human rights concerns, Heckler & Koch officials colluded with the Mexican procurement office to obtain a falsified end-user certificate that excluded certain states, including Jalisco, Chiapas, Guerrero, and Chihuahua. However, some of the firearms ended up in Guerrero State, which had been seen as the most important customer from the outset, according to internal Heckler & Koch email communications.

In 2014, seven students were killed and 43 went missing in Iguala, Mexico. Investigations revealed that some of the rifles used were from the Heckler & Koch shipment.

In 2019, two company officials were convicted of export fraud, and 3.7 million euros from the sale were confiscated. One accused person was convicted for a term of imprisonment of 1 year and 10 months, while the other accused was convicted for a term of imprisonment of 1 year of 5 months.

Case study 18: operation Gravilla, 2015. [206]

Operation Gravilla uncovered multiple instances of fraud involving gun shop owners who manufactured and distributed illegally sized ammunition to unauthorized users. These individuals forged registry books and police control documents to divert legal components for illegal production.

In Castellón and Valencia, two shop owners were found supplying explosive materials such as gunpowder and primers. Seized items included 25 firearms, 20 kilograms of gunpowder, 30,000 cartridges, military-grade ammunition, a silencer, 55,000 primers, cash, ammunition reloading equipment, and numerous counterfeit documents.

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[205] UNODC Case law, BGH, Urteil vom 30.03.2021, 3 StR 474/19. URL: https://sherloc.unodc.org/cld/en/case-law-doc/criminalgroupcrimetype/deu/2021/bgh_urteil_vom_30.03.2021_3_str_47419.html

[206] Vlaams Vredesinstituut ”Project DIVERT: Firearms fraud in the European Union”, p. 63.

The above cases illustrate that the establishment of specific offences regarding record-keeping and licensing may improve the overall comprehensiveness and effectiveness of the EU approach towards the firearms threat.

5. Conclusion

The threat of firearms is a complex and multidimensional issue that requires the criminalisation of multiple activities: a key supply channel for illicit firearms within the EU comes from illicit manufacturing, which also includes illegal conversion of non-lethal weapons into fully functioning firearms, illicit reactivation of deactivated firearms and new technologies such as 3D printing. Furthermore, criminal organisations also use illicit transfers and/or trade between EU Member States as a source for their firearms. The modification of markings, illicit brokering and misconduct in the context of record-keeping and licensing are often accompanying crimes to firearms trafficking. Lastly, illegal possession of firearms, essential components and ammunition is not just a result of illicit manufacturing and trafficking of firearms but is also often a prerequisite for trafficking. Externally, the supply channels are mostly linked to illicit firearms trafficking across borders and can include violations of arms embargoes.

The above case studies illustrate the consequences of an uneven criminal framework within the borderless EU area and demonstrate the need for EU-wide criminalisation. To address the threats associated with the criminal use of firearms, robust criminal-law rules are needed that allow for the prosecution and punishment of acts that infringe the Firearms Directive, the Firearms Regulation, and the UN Firearms Protocol.

ANNEX 8: EXECUTIVE SUMMARY OF THE PREPARATORY STUDY ASSESSING AND COMPARING THE CRIMINALISATION OF OFFENCES RELATED TO FIREARMS

1. INTRODUCTION

In 2023, the European Commission commissioned a study to map and compare how firearms-related offences are criminalised in the Member States ([207]). This Mapping Study was conducted in light of the 2020-2025 EU action plan on firearms trafficking ([208]). One of the four priorities focuses on increasing pressure on criminal markets. The EU Action Plan established that this priority should be implemented, amongst other actions, by identifying possible gaps in the existing EU legislative framework on the criminalisation of firearms trafficking.

The Mapping Study provides a comprehensive overview of the Member States' legislation ([209]) regarding the criminalisation of firearms-related offences. Through a series of country studies, undertaken by national experts, the study examines how four specific firearms-related offences are defined and sanctioned in the Member States. These four offences are illicit manufacturing, illicit trafficking, falsification, illicit obliteration, removal, or alteration of the markings (hereafter illegal modification of markings), and illegal possession.

This **executive summary**, drafted by the Commission services, provides an overview of the findings of the Study. The summary focusses on the main problems identified by the study. These problems include the divergences in how Member States define firearms offences, the incomplete or partial implementation of the definitions in the UN Firearms Protocol and the Firearms Directive in national legislation, and the significant differences in the level of sanctions imposed. The executive summary is based on the overall report of the Study and includes specific examples from the Member States.

2. THE MAPPING STUDY

2.1. Scope of the Study

The scope of the study is to provide a mapping on how Member States implemented the offences provided by the United Nations Convention against Transnational Organized Crime (hereinafter, UN Firearms Protocol) ([210]) and the Directive (EU) 2021/555 (hereafter Firearms Directive) ([211]).

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[207] *28 studies assessing and comparing the criminalisation in the Member States and the UK in relation to Northern Ireland of offences related to firearms*, under Specific contract HOME-2022-ISF-TF1-FW-LECO-0044

[208] COM/2020/608 final.

[209] It is worth noting that the Mapping Study also assessed the situation in the United Kingdom, with regard to Northern Ireland. However, this executive summary does not take into account the findings related to Northern Ireland, as they will not be included in the legislative actions that will be the subject of the Impact Assessment, of which this executive summary is a part.

[210] United Nations, Treaty Series, vol. 2326, p. 208; Doc. A/55/383/Add.2.

[211] Directive (EU) 2021/555 on control of the acquisition and possession of weapons (codification),

These firearm offences are illicit manufacturing, illicit trafficking of firearms, illegal modification of markings on firearms and illegal possession of firearms.

In light of the emerging risks connected to the new technology of the 3D printing of firearms, the Mapping Study analysed if Member States have specific provisions to criminalise 3D printing of firearms or how this is added to the offence of illicit manufacturing of firearms.

2.1.1. Legal basis

The UN Firearms Protocol and the EU Firearms Directive establish the framework for the criminalisation of firearms-related offences. Article 5 of the UN Firearms Protocol requires Parties to adopt legislative measures to criminalise the illicit manufacturing and trafficking of firearms, as well as the illicit modification of firearm markings.

The Firearms Directive defines illicit manufacturing and trafficking in Article 1(1), points 11 and 12. The Directive also sets out rules on the acquisition and possession of firearms, including the requirement for authorisation and the prohibition on certain categories of firearms. These rules form an implicit basis requiring Member States to criminalise illegal possession of firearms. Furthermore, Article 23 of the Firearms Directive requires Member States to establish rules on penalties applicable to infringements of national provisions adopted pursuant to the Directive, which must be effective, proportionate, and dissuasive.

2.1.2. Aim study and methodology.

The Mapping Study provided an overall report, based on findings from 27 country fiches, one for each Member State ([212]). Each country fiche includes an analysis of the relevant national legislation and administrative provisions in the field of firearms. In particular, the experts analysed the legislation notified by the Member States in the context of the transposition of the Firearms Directive. Additionally, the experts gathered publicly available relevant case law, administrative measures, documents (e.g., instructions, policy documents such as strategies), and relevant publications/reports to better understand the practical implementation of sanctions.

Following the finalisation of the report by the experts, each Member State received its country fiche. Member States were asked to provide a factual check of these reports and send possible comments to the Commission services, in order to make sure that the quality of the report was as high as possible.

The criminalisation of firearm offences is primarily governed by criminal law or specific firearms legislation. Depending on national practices, the study evaluates either the criminal law, the firearms law, or both. In addition to criminal sanctions, the country profiles also consider administrative sanctions.

[212] The Commission consulted the Member States in order to verify the accuracy of the country fiches. Comments were received from 16 Member States. In preparing this executive summary, the Commission has taken into account the observations submitted by the Member States that identified factual errors in the contributions provided by the national experts.

3. DEFINING THE OFFENCES REGARDING FIREARMS

3.1. Illicit manufacturing

Both the UN Firearms Protocol and the Firearms Directive include a definition of illicit manufacturing. These definitions read as follows:

UN Firearms Protocol, Article 3(d) states :

"Illicit manufacturing" shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:

> *(i) From parts and components illicitly trafficked;*
>
> *(ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or*
>
> *(iii) Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol.*

Article 1(1)(11) of the Firearms Directive states :

'illicit manufacturing' means the manufacturing or assembly of firearms, their essential components and ammunition:

a) *from any essential component of such firearms illicitly trafficked;*
b) *without an authorisation issued in accordance with Article 4 by a competent authority of the Member State where the manufacture or assembly takes place; or*
c) *without marking firearms at the time of manufacture in accordance with Article 4;*

3.1.1. Coverage of illicit manufacturing as an offence

Almost all Member States have covered the offence of illicit manufacturing in their criminal or firearms legislation. The exceptions are Malta and Sweden, where the **definition of the offence only partially covers the scope of the definition** set down in the UN Firearms Protocol and the Firearms Directive. In Sweden, illicit manufacturing is only criminalised if it concerns the manufacturing of military firearms, thereby leaving a gap concerning civilian firearms. In Malta, the definition of illicit manufacturing has been literally transposed from Article 1(1)(11) of the Firearms Directive. However, this transposition is incomplete, as the manufacture of firearms is only penalised as an offence if it concerns the manufacture of firearms listed under Category A of the Firearms Directive.

3.1.2. Constitutive elements

Both the UN Firearm Protocol and the Firearms Directive provide as constitutive elements for the offence of illicit manufacturing: the manufacturing or assembly of firearms, their parts and components or ammunition from either illicitly trafficked parts and (essential) components, without a license or without marking the firearms.

Firstly, **manufacturing firearms from illicitly trafficked essential components** is not considered a criminal offence in five Member States (Austria, France, Hungary, Malta([213]) and Sweden([214])). Additionally, in six other Member States (Belgium, Greece, France, Spain, Italy, Luxembourg, and Poland), the text of national law makes it not directly clear whether the definition of illicit manufacturing also covers manufacturing from illicitly trafficked essential components. For instance, in Belgium, illicit manufacturing is not defined as such in national legislation. Some of the criminal conducts which constitute illicit manufacturing are considered offences and sanctioned pursuant to the Belgian Weapons Act. However, Belgian law does not include a clear prohibition to manufacture firearms from essential components of firearms illicitly trafficked.

The second constitutive element of illicit manufacturing, **manufacturing without authorisation** is not covered in Sweden ([215]).

The last point, setting out the constitutive element of **manufacturing without marking** is not set out as an offence in two Member States (France and Sweden ([216])).

3.1.3. Illicit manufacturing by means of 3D printing

The emergence of 3D printing technology gives rise to concerns regarding the sufficiency of current national firearm legislation to effectively address the illegal production of firearms and essential components by means of 3D printing.

None of the EU Member States have legal provisions specifically addressing 3D printed firearms. However, in those Member States that criminalise the illicit manufacturing of all civilian firearms, the definition of illicit manufacturing can be considered general enough to include illicit manufacturing of firearms by means of 3D printing.

Nevertheless, the Commission has received reports by EMPACT Firearms, highlighting operational challenges encountered in gathering sufficient evidence to substantiate the offence of illicit manufacturing of 3D printed firearms or their essential components. Specifically, when a workshop is discovered and 3D printed firearms or essential components are seized, the police often face difficulties in proving that the 3D printed firearms or components are functional, as this is a necessary condition for prosecution in cases of illicit manufacturing.

In addition, it is often not clear from the national legislation whether the **3D printing of essential components** is covered by the existing legal framework. At least in four Member States (Greece, Ireland, the Netherlands, and Romania), the existing legal framework covers the illicit 3D printing of firearm essential components explicitly. For instance, in the Netherlands, as soon as a person makes an object that can be considered an essential part of a firearm, the act is penalised under the general prohibition of manufacturing weapons without approval.

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[213] Malta has transposed the definition of illicit trafficking literally, including the constitutive elements. However, Maltese law does not provide a sanction for these offences.

[214] The references to the situation in Swedish law, only affect the illicit manufacturing of military firearms, since Sweden does not criminalise illicit manufacturing of civilian firearms.

[215] The references to the situation in Swedish law, only affect the illicit manufacturing of military firearms, since Sweden does not criminalise illicit manufacturing of civilian firearms.

[216] With regard to manufacturing of essential components and ammunition, the legislation in Sweden is silent on these issues (even with regard to military firearms).

Another aspect of 3D printing firearms are the **preparatory acts**, such as the creation, possession, and/or distribution of the blueprints necessary for printing firearms and essential components. The general definition of illicit manufacturing of firearms does not include these acts in its scope. Therefore, in most Member States, there is no guidance or case law on the coverage of blueprints for 3D-printed weapons, and it is not clear whether or not it would fall under firearms' legislation.

Key findings

The assessment of national transposition of the definitions of illicit manufacturing reveals the following key findings:

- **Limited scope of implementation**: In two Member States, the implementation of the definition of illicit manufacturing is incomplete, with the scope of the offence covering only a part of civilian firearms (limited to category A) or not at all (limited to military weapons).
- **Incomplete criminalisation**: Not all Member States have enacted legislation to criminalise every constituent element of the offence of illicit manufacturing, as required by the UN Firearms Protocol and the Firearms Directive.
- **Specific gaps in coverage**: In particular, many Member States do not include manufacturing from illicitly trafficked essential components in the definition of the offence of illicit manufacturing, or it cannot be determined with certainty that this is covered.
- **Illicitly manufacturing firearms by means of 3D printing** is not covered as a separate offence in any Member State. Furthermore, the preparatory acts necessary prior to the manufacturing of firearms by means of 3D printing are not covered as a criminal offence in any Member State.

3.2. Illicit trafficking

The UN Firearms Protocol, the Firearms Directive and the Regulation on import, export and transit of firearms include a definition of illicit trafficking. These definitions read as follows:

UN Firearms Protocol, Article 3(e) states :

"Illicit trafficking" shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol.

Article 1(1)(12) of the Firearms Directive states :

'illicit trafficking' means the acquisition, sale, delivery, movement or transfer of firearms, their essential components or ammunition from or through the territory of one Member State to that of another Member State, if any of the Member States concerned does not authorise it in accordance with this Directive, or if the firearms, essential components or ammunition are not marked in accordance with Article 4;

Article 2(1)(35) of Regulation 2025/41 ([217]) states :

'illicit trafficking' means the import, export, sale, delivery, movement or transfer of listed goods to, from or across the territory of a Member State to or from the territory of a third country, if any of the following applies:

> *(a) the Member State concerned does not authorise it in accordance with this Regulation;*
>
> *(b) the listed goods are not marked in accordance with the rules on marking referred to in Article 6(1); or*
>
> *(c) the listed goods are declared for release for free circulation without the marking required in the rules on marking referred to in Article 6(2), unless they are exempt in accordance with paragraphs 2 or 3 of that Article;*

3.2.1. Coverage of illicit trafficking as an offence

For the offence of **illicit trafficking**, there is a divergence in how Member States define the offence. However, this divergence is of a lesser extend as for illicit manufacturing.

In most Member States, the definition of illicit trafficking is implemented. However, in a federal state like Belgium, where import and export of firearms, including relevant criminal provisions are regional competences, one of the federal regions has not set out the definition of illicit trafficking. As a result illicit trafficking in not criminalised in that region.

There is a difference between the definitions of illicit trafficking in the UN Firearms Protocol and the definition in the Firearms Directive regarding the **scope of the cross-border element**. Under the Firearms Directive, the cross-border element is limited to intra-EU movements, namely from or through EU Member States. Conversely, under the UN Firearms Protocol, illicit trafficking covers all movements to or from another state party of the Protocol, including third countries. This broader scope is a logical consequence of the UN Firearms Protocol being an international treaty. Pursuant to the EU Regulation on the import and export of firearms, which implements the provisions of the UN Firearms Protocol, the definition of illicit trafficking is also applicable to movements of firearms to third countries. Given that this Regulation has direct effect, the definition of illicit trafficking will be directly applicable within the legal systems of the Member States 48 months following the date of entry into force of the Regulation

The study shows however that most Member States define illicit trafficking in line with the Firearms Directive, limiting the cross-border scope to intra-EU movements. Austria, Belgium, and Cyprus do reflect both trafficking from or through EU countries and to or from a third countries.

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[217] Regulation (EU) No 2025/41 of the European Parliament and of the Council of 19 December 2024 on import, export and transit measures for firearms, their essential components and ammunition, implementing Article 10 of 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 (UN Firearms Protocol) (recast), *OJ L, 2025/41, 22.1.2025.*

However, in these Member States, trafficking with relation to a third country is subject to higher penalties than trafficking between EU countries.

3.2.2. *Constitutive elements*

The material scope of the offence of illicit trafficking, as defined under the UN Firearms Protocol and the Firearms Directive, is not fully reflected in all Member States. In particular, in seven Member States (Austria, Belgium ([218]), Czechia, Spain, Italy, Malta and Sweden), the legislation does not include all the **criminal behaviours that constitute the essential elements** of the offences defined in the UN Firearms Protocol and the Firearms Directive. In both the definition of the UN Firearms Protocol and the Firearms Directive, illicit trafficking constitutes of committing criminal conducts, such as cross-border acquisition, sale, delivery, movement or transfer of firearms, their essential components or ammunition, without prior authorisation. In Italy, for instance, national law does not regulate 'illicit trafficking' as a definition, but illicit trafficking is penalised under Italian legislation as unauthorised trade in weapons ([219]). Under Italian law, the notion trade includes importation, export, sale, collection for commercial or industrial reasons of weapons. While some criminal conducts mentioned in the UN Firearms Protocol and Firearms Directive definition are expressly included by Italian legislation, other criminal conducts such as acquisition, delivery, movement and transfer are not covered. This makes that Italy only partially covers the offence.

Both the definitions in the UN Firearms Protocol and the Firearms Directive include as further constitutive element: **trafficking firearms without correct marking**. However, this is not reflected in the legislation of four Member States (Belgium, Spain, Italy and Malta). As indicated above, under Italian law, the offence of illicit trafficking is penalised as unauthorised trade in weapons. However, this notion of trade does not cover trafficking of firearms, essential components or ammunition without markings. In Belgium, where import and export of firearms is a regional competence, the Flemish and the Brussels Capital Region penalises certain aspects of illicit trafficking. However, transfers, imports or exports of firearms, essential components or ammunition which are not marked are not covered by the relevant criminal provisions.

In a similar manner as for illicit manufacturing, **trafficking of essential components** is not explicitly criminalised in some Member States. In Spain , it is unclear to determine, based on the current legislation, whether the offence of illicit trafficking also includes the trafficking of essential components. For instance, in Spain the definition of illicit trafficking is almost literally implemented in national law. However, the national legislation does not link sanctions to the illicit trafficking of essential components. It is therefore unclear, whether this is criminalised in Spain.

3.2.3. *Key findings*

The assessment of national transposition of the definitions of illicit trafficking reveals the following key findings:

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[218] Only with regard to the Flemish and the Brussels Capital Region. The Walloon Region does not criminalise illicit trafficking of civilian firearms as such.
[219] Article 695 of the Criminal Code.

- **Incomplete implementation**: Not all national legislations fully implement the definition of illicit trafficking as set out in the UN Firearms Protocol and the Firearms Directive.
- **Partial implementation**: In many Member States, the legal definition of illicit trafficking is implemented in an incomplete manner, with national definitions only partially covering the constitutive elements required by the UN Firearms Protocol and the Firearms Directive.
- **Specific gaps in coverage**: In particular, some Member States do not sanction key elements of the definition of illicit trafficking, such as the trafficking of firearms without marking.
- Most Member States limit the cross-border scope of illicit trafficking to intra-EU movements.

3.3. Falsification, illicit obliteration, removal, or alteration of the markings

The UN Firearms Protocol, under Article 5(1)(c), provides for the criminalisation of the offence of falsifying or illicitly obliterating, removing, or altering the marking(s) on firearms (hereafter illegal modification of markings).

Article 5(1)(c) of the UN Firearms Protocol reads as follows:

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally:

(c) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by Article 8 of this Protocol.

Based on this provision, the state parties to the Protocol are bound to criminalise, when committed intentionally, the conduct of falsification or illicit obliteration, removal or alteration of the markings on firearms, affixed in accordance with Article 8 of the UN Firearms Protocol.

3.3.1. Coverage of illegal modification of markings as an offence

The study highlights the fact that **less than half of the EU Member States have criminalised** the offence of illegal modification of markings. In 14 Member States (Austria, Bulgaria, Germany, Spain, Croatia, Hungary, Italy, Lithuania, Luxembourg, Latvia, Malta, The Netherlands, Portugal and Sweden), this conduct is not criminalised.

3.3.2. Constitutive elements

Of the 13 Member States that do criminalise the illegal modification of markings, **only eight Member States** (Cyprus, Czechia, Denmark, Estonia, Finland, France, Ireland and Poland) **have fully reflected** the requirements of Article 5(1)(c) of the UN Firearms Protocol regarding the criminalisation of the illegal modification of markings.

Five Member States (Belgium, Greece, Romania, Slovenia and Slovakia) criminalise the illegal modification of markings partially. The UN Firearm Protocol defines illegal modification of marking only with regard to firearms. It does not extend the scope to essential components. Nevertheless, considering its importance to ensure proper traceability, the Firearms Directive requires that essential components are marked. Notably, it should be remarked that in two Member States (Belgium and Denmark), the illegal **modification of markings on essential components** is not criminalised.

Key findings

The assessment of national transposition of the definitions of illegal modification of markings reveals the following key findings:

- **Limited criminalisation**: Less than half of the EU Member States have criminalised illegally modifying markings.
- **Incomplete definitions**: Among the Member States that have criminalised the offence of illegal modification of markings, the definitions in national law do not consistently include all the constitutive elements required for the offence.
- **Gaps in coverage**: Specifically, the modification of markings on essential components is not uniformly included as an element of the offence of illegal modification of markings in national law ([220]).

3.4. Illegal possession

Although the Firearms Directive does not define illegal possession of firearms, it implies that Member States should criminalise this offence. Article 5 stipulates that only licensed individuals or those specifically permitted under national law may acquire and possess firearms. Article 6(1) further requires that acquisition and possession of firearms should be allowed only to persons who have a good cause, who are at least 18 years of age and who are not likely to be a danger to themselves or others, to public order or to public safety. additionally, article 9(1) of the Firearms Directive requires Member States to take all appropriate measures to prohibit the acquisition and possession of the firearms, the essential components and the ammunition of category A firearms as defined in Annex I of the Firearms Directive. Article 10(2) requires authorisation for the possession of firearms listed in category B. Under Article 11(1) of the Firearms Directive, individuals are prohibited from possessing category C firearms unless they have first declared the possession to the authorities. Based on these articles in the Firearms Directive, **illegal possession can be described as the offence of possessing firearms, without an authorisation, licence, or without being specifically permitted to acquire and possess such firearms under national law**.

3.4.1. Coverage of illegal possession of firearm as an offence

No Member State provides an explicit definition of illegal possession as an offence. Nevertheless, all Member States criminalise conducts that corresponds with the illegal possession as described above.

The manner how the criminal behaviour constituting illegal possession, is criminalised differs between Member States. Some Member States include conduct, such as carrying, using, storing, keeping, holding, selling etc.. Furthermore, certain Member States penalise some criminal behaviour more severely, e.g. carrying firearms in Italy and France.

In Belgium, Czechia, Greece, Italy, Latvia, Lithuania, the Netherlands, Finland, and Slovakia illegal possession of firearm is criminalised in a general manner, whereby no differentiation is made based on the category of the firearm as defined by Annex I of the Firearms Directive. In other Member States, illegal possession of some firearms categories are only sanctioned in administrative or minor offences. For instance, unlawful possession of category C6 (deactivated firearms) is an administrative offence in Romania,

[220] It should be remarked that the UN Firearm Protocol defines illegal modification of marking only with regard to firearms. It does not extend the scope to essential components. However, the Firearms Directive requires that essential components are marked.

penalised only by an administrative fine. In Hungary, possession of category A and B firearms without authorisation is subject to criminal sanctions, whilst any other infringement of rules regarding the possession of firearms is a minor offence. In Czechia owning, possessing, or carrying a firearm or ammunition without holding a firearm licence is only an administrative misdemeanour.

Furthermore, if we then look at the illegal possession of essential components and ammunition, this is not explicitly criminalised in Spain and Romania.

3.4.2. Key findings

The assessment of national definitions on illegal possession reveals the following key findings:

- Conduct constituting illegal possession is sanctioned in all Member States. However, the manner how Member States sanction differs significantly between Member States.
- Some Member States only provide for administrative sanctions for the illegal possession of specific types of firearms.
- Inconsistent criminalisation of essential components and ammunition: The possession of essential components and ammunition is not uniformly criminalised across all Member States.

4. SANCTIONS

The UN Firearms Protocol does not specify requirements on the nature or severity of the sanctions for the offences of illicit firearms manufacturing, illicit firearms trafficking and illegal modification of markings. In the same vein, Article 23 of the Firearms Directive does not prescribe minimum and maximum sanctions for illicit manufacturing, illicit trafficking. The Directive only provides the general clause that the penalties provided shall be effective, proportionate and dissuasive.

This leaves it up to the Member States discretion, to decide the manner and level of the penalties for the behaviour described under illicit manufacturing, illicit trafficking of firearms, illegal modification of markings and illegal possession of firearms. As a consequence, there is a great variation in the range of sanctions and in the modalities of the sanction.

4.1. Range of sanctions

4.1.1. Criminal sanctions

The study provides a mapping of the criminal prison sanctions and fines set out across the Member States as penalty for the different firearms offences. The study compared sanctions for both natural persons (imprisonment and fines) and for legal persons (fines).

Some Member States do not set out an upper limit on the fines. These Member States work with daily penalty systems, whereby the fine is calculated on the basis of the income or turn-over (for legal persons), or on the amount of advantage received from the offence. In Hungary, the maximum fine for legal persons, convicted for illicit trafficking is calculated based on the value of the financial advantage achieved or intended to be achieved by the offence multiplied by three. Therefore, where the average fine is mentioned below, it is only calculated based on fines in the Member States that impose a maximum fine.

It should be remarked that for the Member States that set out a maximum fine, the study could not identify how often, in practice, national courts impose the actual maximum fees as sanction.

Offences of **Illicit manufacturing** are sanctioned on average by the Member States with a maximum sentence of 5 years and 4 months of imprisonment. There is a large divergence between the maximum sentences provided in the Member States: the highest maximum sentence is 15 years (Cyprus), and the lowest is 4 months (Denmark).

The average maximum criminal fine for natural persons is EUR 1,062,985. There is also a large divergence for maximum fines for natural persons: the highest maximum fine is EUR 10 million in Germany, and the lowest is EUR 1,600 in Malta. Six Member States (Bulgaria, Czechia, Spain, Romania, Sweden, Slovenia) do not provide for criminal fines for natural persons, yet some of them provide instead for administrative fines. Criminal fines are not provided for legal persons in five Member States (Bulgaria, Germany, Greece, Finland and Italy). Yet Bulgaria and Germany provide administrative fines instead. For legal persons, the average maximum fine for illicit trafficking across the Member States is EUR 6,192,553. Four Member States (Denmark, Estonia, Finland and Croatia) do not provide maximum fines for legal persons – these Member States use daily rate systems or similar systems to calculate the fine.

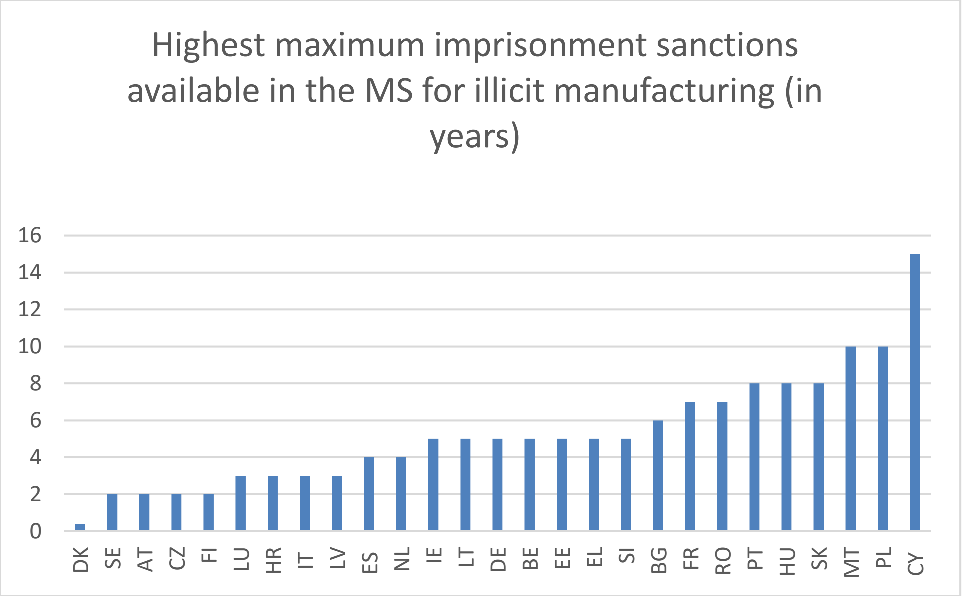

Figure 1: Highest maximum imprisonment sanctions available in the MS for illicit manufacturing (in years)

Illicit trafficking is sanctioned on average with a maximum sentence of 6 years of imprisonment. Also, for illicit trafficking, there is a large divergence between the maximum sentences provided in the Member States: the highest maximum sentence is 15 years (Germany), and the lowest is 4 months (Denmark).

Furthermore, the maximum fines for natural persons on committing illicit trafficking have large divergence between Member States. The average maximum fines are EUR 999,734 for natural persons and EUR 5,839,503 for legal persons. In four Member States (Denmark, Estonia, Finland and Croatia), there is no upper limit set for criminal fines for natural persons. Additionally, Czechia, Denmark, Hungary and Slovenia do not provide an upper limit for legal persons. Furthermore, criminal fines are not provided for legal persons in four Member States (Bulgaria, Germany, Greece and Italy).

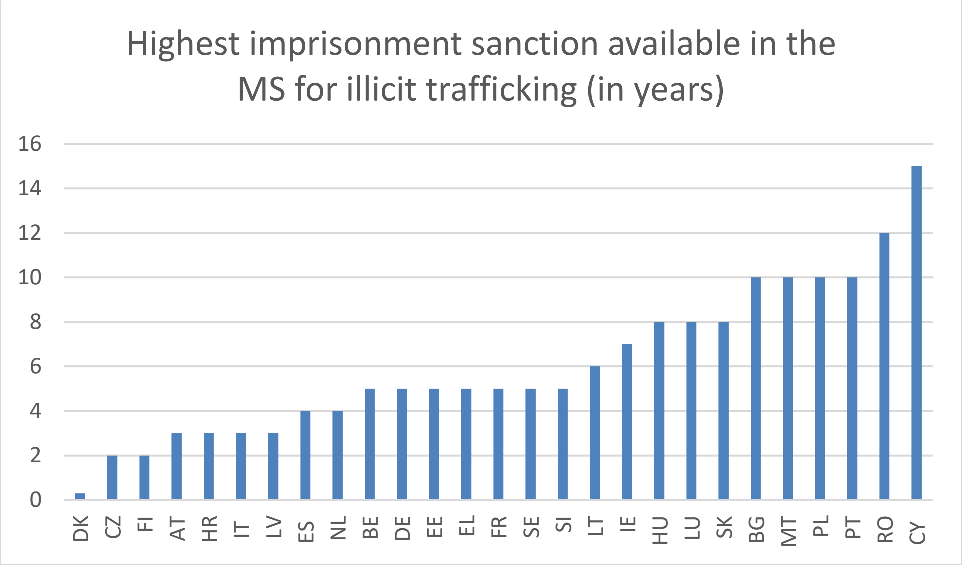

Figure 2: Highest maximum imprisonment sanctions available in the MS for illicit trafficking (in years)

Of the thirteen Member States that criminalise the **illegal modification of markings**, as described under Article 5(1)(c) of the UN Firearms Protocol, the average maximum sentence is 4 years and 2 and half months of imprisonment. The Member State with the highest maximum imprisonment sanction is Cyprus with 10 years and the Member State with the lowest is Denmark with 4 months.

The average fines for natural persons are EUR 999,734, in the Member States that impose an upper limit on fines. Three Member States do not set out an upper limit for fines (Denmark, Estonia and Finland) for natural persons who illegally modify markings. Two Member States do not provide criminal fines (Czechia and Estonia) as sanction for natural persons, even though these offences are criminalised in these Member States. For legal persons, the average fine is EUR 621,276. Denmark and Czechia do not set out an upper limit for fines for legal persons. Two Member States do not provide criminal fines for legal persons (Greece and Finland).

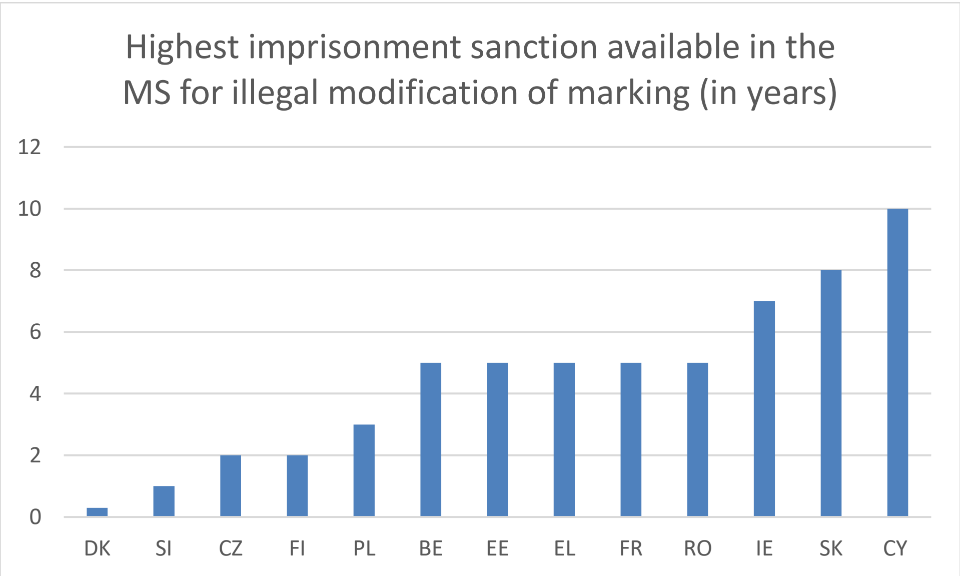

Figure 3: Highest maximum imprisonment sanctions available in the MS for the illegal modification of markings (in years)

Illegal possession is sanctioned on average with a maximum sentence of 5 years and 3 months of imprisonment. The highest maximum sentence is 10 years (Cyprus), and the lowest is 4 months (Denmark).

The average maximum fine for natural persons across the Member States is EUR 944,531. For legal persons, the average fine is EUR 6,118,589.

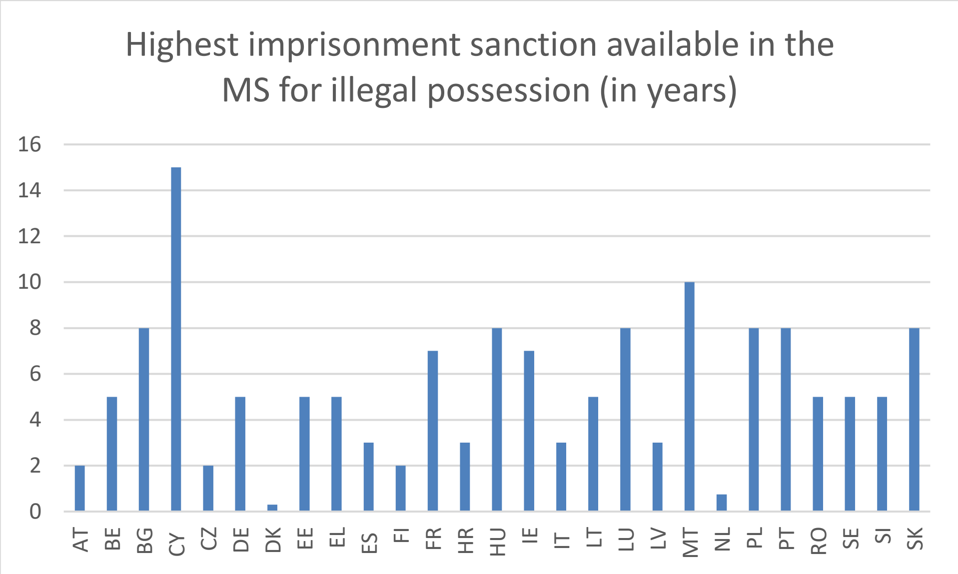

Figure 4: Highest maximum imprisonment sanctions available in the MS for the illegal possession (in years)

As is mentioned above, the lowest maximum term of imprisonment sanction for the four firearms offences is four months. In addition, other Member States also have **very low imprisonment terms as maximum penalty**. For illicit manufacturing five Member States have sanctions of less than three years of imprisonment. For illicit trafficking, this is the case in three Member States. For illegal modification of markings and illegal possession four ([221]) Member States provide maximum sanctions of lower than three years in prison.

4.1.2. Administrative sanctions

Administrative sanction are different from criminal sanctions. While administrative sanctions have the aim to also penalise and discourage certain behaviour, they have a different legal nature than criminal sanctions. Generally, administrative sanctions are penalties imposed by administrative authorities rather than through the criminal justice system. They are typically less severe than criminal sanctions and often involve financial fines or other non-criminal penalties. These sanctions are governed by administrative law and are enacted under laws separate from the criminal code.

[221] Of the thirteen Member States that criminalise the offence of illegal modification of markings, only four Member States provide prison sanctions of more than three years.

The study discovered that administrative sanctions on firearms-related offences encompass mostly financial fines. Nevertheless, for the offences of illicit manufacturing, illicit trafficking and illegal possession, Austrian law foresees that administrative sanctions also encompass a deprivation of freedom of maximum six weeks. This detention can be imposed by an administrative authority.

For **illicit manufacturing**, six Member States foresee administrative sanctions for natural persons (Austria, Bulgaria, Germany, Spain, Latvia and Slovakia). The average maximum administrative fine in these Member States is for natural persons EUR 10,119. In Bulgaria and Germany, the assembly of firearms without marking is only sanctioned by an administrative sanction. In these Member States, no criminal sanction is provided for natural persons. Four Member States (BG, CZ, DE, LV) provide for administrative fines for legal persons who committed illicit trafficking. For legal persons this is on average EUR 2,554,230.

Illicit trafficking is sanctioned in eight Member States (Austria, Belgium, Bulgaria, Czechia, Germany Spain, Latvia and Slovakia) through administrative fines. The average highest administrative fee for natural persons is EUR 242,833. Also here, four Member States (BG, CZ, DE, LV) provide for administrative fines for legal persons for illicit trafficking. The average administrative fine for legal persons is EUR 2,676,730.

For **illegal modification of markings**, no Member State foresees an administrative sanction. The Member States that penalise these offences provide criminal sanctions.

Illegal possession of firearms is subject to administrative sanctions in seven Member States (Austria, Czechia, Germany Spain, Romania, Slovenia and Slovakia). The average maximum administrative fine (EUR 2,879) is substantively lower than the other firearm offences. Only Germany and Czechia also provide for administrative fines for legal persons. The average maximum fine is EUR 3,339,700.

Key findings

The assessment of national provisions on criminal and administrative sanctions for firearms offences reveals the following key findings;

- **Large variations in sanctions:** There is a significant divergence among Member States in the highest and lowest maximum imprisonment sanctions and fines for firearms offences.
- **Low maximum sentences:** Some Member States have established very low maximum sentences for firearms offences.
- **Not all Member States provide financial fines as a criminal sanction for legal persons** convicted of firearms offences.

4.2. Modalities of sanctioning

This part provides an overview of the accompanying sanctions that can be imposed under national law, as identified by the Study. Furthermore, this part provides a summary on how Member States' legislations regulate the sanctioning of aggravating circumstances and how Member States sanction the attempt to commit a firearms-related offence.

4.2.1. *Accompanying sanctions*

Accompanying sanctions are criminal law measures that are imposed by the courts in addition to the main criminal sanctions for an offence (imprisonment or fines). Accompanying sanctions are dependent on the main sanctions, meaning it cannot be imposed unless a main sanction is also applied. For firearms-related offences, the study shows that accompanying sanctions often focus on mitigating the risk of firearms towards public security.

The **confiscation of the firearms** which are the object of an illicit trafficking offence, is in all Member States an accompanying sanction. For illicit manufacturing and illegal modification of markings, the confiscation of the firearms can be imposed as an additional sanction in all Member States, except Sweden (where illicit manufacturing is not an offence regarding civilian firearms). For illegal possession, only three Member States (France, Romania and Sweden) impose the confiscation of the firearms involved as an additional sanction. French law also imposes property confiscation, including confiscation of proceeds, as a specific additional sanction for firearms manufacturing.

The **withdrawal or refusal of the firearms authorisation** is another possible accompanying sanction for the offences of illicit manufacturing, illicit trafficking and illegal modification of markings. Only eleven Member States (Belgium, Bulgaria, Germany, Denmark, Finland, France, Hungary, Malta, Portugal, Slovenia and Sweden) include this accompanying sanction in their national framework for illicit manufacturing and illegal modification of markings. Eleven Member States provide these additional sanctions for illicit trafficking (Bulgaria, Germany, Denmark, Finland, France, Hungary, Malta, Portugal, Slovenia, Belgium, Romania). For illegal possession, only five Member States (Belgium, Bulgaria, Cyprus, Ireland and Romania) include withdrawal as an additional sanction in their national framework. When the withdrawal of an authorisation is included in the national framework, this is not a mandatory penalty. It remains within the discretion of the courts to decide if the withdrawal of the authorisation is imposed, as an accompanying sanction for a specific case. Only in Finland, the withdrawal of licences is mandatory if the licence holder committed an aggravated firearms-related offence, yet for other firearm offences, the decision to withdraw a licence lays within the discretion of the judicial authorities.

The **deprivation of rights**, related to the possession and use of firearms, can be imposed as additional sanction in multiple Member States. Examples are the deprivation of the right to carry, acquire or possess firearms. Furthermore, the deprivation could also include the revocation of hunting rights. Sanctions entailing the deprivation of certain rights are included in the national framework in ten Member States (Estonia, Spain, France, Lithuania, Luxembourg, Latvia, Poland, Portugal and Romania) for the offences of illicit manufacturing and illegal modification of markings. In eight Member States, the deprivation of rights are an accompanying sanction for illicit trafficking (Estonia, Spain, France, Lithuania, Luxembourg, Latvia, Poland and Portugal).

Lastly, a **prohibition to engage in certain professional activities** is included in the national framework, as accompanying sanction, for the offences of illicit manufacturing, trafficking of firearms and illegal modification of markings in thirteen Member States (Belgium, Czechia, Denmark, Finland, Greece, Sapin France Hungary, Italy, Luxembourg, Poland and Portugal). In Spain and Romania, such prohibition are included in the national framework as an accompanying sanction for illegal possession of firearms.

4.2.2. Aggravating circumstances

Aggravating circumstances are factors associated with committing an offence that the law recognizes as increasing its severity, resulting in more severe penalties. The study examined two kinds of aggravating circumstances in relation to firearm-related offences. Firstly, the study looked at aggravating circumstances specific to the firearm offences. These are typically the number of firearms involved or whether certain dangerous weapons ([222]) are involved. Secondly, the study focused on two more general aggravating circumstances; if a firearms-related offence is committed in the context of organised crime or with a terrorist intend.

The **number of the firearms involved in the offence** of illicit manufacturing is considered an aggravating circumstance in nine Member States (Austria, Bulgaria, Czechia, Estonia, Finland, Lithuania, Sweden, Slovenia and Slovakia). In at least two Member States a high number of trafficked firearms is included in the national framework as a specific aggravating circumstance for the offence of illicit trafficking (Austria and Slovenia). For illegal possession high numbers of firearms are an aggravating circumstance in Bulgaria and Sweden.

The illicit manufacturing **of dangerous weapons** is an aggravating circumstance in four Member States (Finland, the Netherlands, Romania, and Slovenia). In particular, illicit manufacturing or trafficking of category A firearms is only considered as aggravating circumstance in Romania. Illicit manufacturing of war materials or military equipment ([223]) is an aggravating circumstance in three Member States (Austria, Greece, and Sweden).

A firearms-related offence committed by commercial actors, such as brokers and dealers, can lead to specific aggravating circumstances. For example, illicit manufacturing committed by commercial actors leads to higher sanctions in six Member States (Austria, Belgium, Germany, Hungary, Sweden and Finland).

In all Member States, illicit manufacturing, trafficking and illegal possession, committed in the **context of organised crime**, leads to higher penalties. In some Member States, firearms offences committed in the context of organised crime are considered as aggravated circumstances. In these Member States, convicted persons will receive higher penalties if the firearm offence is committed in context of a criminal organisation. For instance, this is the case for Germany, France, Greece, Hungary, Slovakia and Sweden. In Bulgaria, Spain, Croatia, and Italy, a firearms offence, committed within the framework of a criminal organisation is considered a specific offence in its own right. Where a conviction is obtained for a firearms offence as a specific offence of organised crime, the sanctions imposed are also more severe than those applicable to a firearms offence committed outside the context of organised crime.

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[222] The concept of "dangerous weapons" is a term employed by national legislation. The scope of which varies significantly from one Member State to another. In general, a number of Member States consider high-calibre firearms, military weapons, and automatic firearms to be inherently dangerous.

[223] The concept of “war materials or military equipment” is a term employed by national legislation. The scope of which varies significantly from one Member State to another. Typically, this notion covers specific military weapons (tanks, heavy artillery), but in some Member States “war materials or military equipment” include also some of the firearms of category A.

Directive (EU) 2017/541 on combating terrorism ([224]) provides a list of intentional acts considered as **terrorist offences**, when committed with a terrorist intend. The four firearms-related offences discussed in the study are not included in this list. Nevertheless, all Member States, except Germany, consider the fact that a firearms-related offence is committed with a terrorist intent as an aggravating circumstance.

Illicit manufacturing or illicit trafficking offences committed with aggravating circumstances can lead to higher imprisonment sanctions. On average, the maximum prison sentences are then increased with 4 years and 5 months.

4.2.3. Attempt

The attempt of a criminal offence occurs when someone takes intentionally significant steps towards committing a crime but ultimately does not complete the act. In many legal systems, attempt is sanctioned with a lower penalty than what would be imposed if the offence was fully completed. It should be noted that according to Article 5(2)(a) of the UN Protocol, an attempt to commit illicit manufacturing, illicit trafficking or illegal modifications of markings should be criminalised.

A significant number of Member States does not sanction attempts for at least one of the firearms-related offences. For illicit manufacturing, attempt is sanctioned in 17 Member States. Those who do not sanction it are Belgium, Cyprus, France, Germany, Croatia, Hungary, Ireland, Luxembourg, Romania, Sweden. For illicit trafficking the situation is similar, except that Romania also sanctions attempt. Of the thirteen Member States that criminalise the illegal modification of markings, an attempt is not sanctioned in two Member States: Romania and Slovenia. In most of the thirteen Member States, the attempt to commit one of the firearms-related offences, is not criminalised in the specific law on firearm offence, but by the general principles of penal law, as set out in the criminal code.

4.2.4. Key findings

Key findings on the imposition of accompanying sanctions by Member States:

- **Significant divergence**: There is considerable divergence between the accompanying sanctions that can be imposed under national law for the four firearms-related offences.
- **Limited availability of risk-mitigating sanctions**: In more than half of the Member States, accompanying sanctions aimed at mitigating the risks associated with firearms, such as the withdrawal or refusal of firearms authorisation, cannot be imposed as a sanction for the four firearms-related offences.
- **Limited use of confiscation**: For the offence of illegal possession, only three Member States provide the additional sanction of confiscation, which also mitigates the risks associated with firearms.

Key findings on the setting out of aggravating circumstances by Member States:

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[224] Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, OJ L 88, 31.3.2017.

- **Divergence in aggravating circumstances**: There is significant divergence among Member States in the way national laws impose aggravating circumstances.
- **Inconsistent consideration of public security risks**: Circumstances linked to public security risks, such as the number of firearms involved or the dangerous nature of firearms, are not consistently considered as aggravating factors across all Member States. For example, only four Member States consider the manufacturing of dangerous firearms as an aggravating circumstance.
- A significant number of Member States do not sanction attempt to one of the firearm offences.
- In all Member States, committing firearm offences in the context of organised crime leads to higher penalties, either as an aggravating circumstance or as a specific offence in its own right, resulting in more severe sanctions.
- All Member States, except one, consider committing firearm-related offences with a terrorist intent as an aggravating circumstance, leading to higher penalties.

5. MAIN KEY FINDINGS

The assessment conducted in the Study reveals significant divergences and gaps in the implementation of the four firearms-related offences by the Member States. Considering all the findings from the study, these are the key findings:

- **Incomplete implementation of definitions**: Some Member States have not implemented or have only partially implemented the definitions for the offences as provided by the UN Firearms Protocol.
    - In some Member States, the implementation of the firearm offences does not fully cover or only partially covers the scope of the firearm offences defined in the UN Firearms Protocol. For example, only illicit manufacturing of category A firearms is covered.
    - Less than half of the Member States have implemented the offence of illegal modification of markings.
- **Incomplete definitions:** Not all definitions of the firearms-related offences in national law include all the constituent elements, as provided by the definitions in the UN Firearms Protocol and the EU Firearms Directive.
    - In many Member States, the definition of illicit manufacturing does not cover the element of **manufacturing from illicitly trafficked essential components**.
    - In multiple Member States, the definition of illicit trafficking does not cover the element of **trafficking of firearms without marking**.
- Illicitly manufacturing firearms by means of **3D printing is not covered as a separate offence** in any Member State. Furthermore, the preparatory acts necessary prior to the manufacturing of firearms by 3D printing are not covered as a criminal offence in any Member State.
- **Wide range of maximum prison sentences**: There is a significant disparity between the highest and lowest maximum prison sentences imposed by national laws for the four firearms-related offences.
- **Low maximum imprisonment sanctions**: Many Member States impose very low maximum prison terms as a penalty for the four firearms-related offences, with the lowest maximum penalties being only three months.
- **Insufficient mitigation of firearms risks in accompanying sanctions:** Many Member States lack effective sanctions to mitigate the risks associated with firearms, such as withdrawal or refusal of firearms authorisation, and confiscation.
- **Aggravating circumstances are inconsistent in considering public security risks:** Circumstances linked to public security risks, such as the number of firearms involved or the dangerous nature of firearms, are not consistently considered as aggravating factors across all

Member States. For example, only four Member States consider the manufacturing of dangerous firearms as an aggravating circumstance.

- **A significant number of Member States do not sanction the attempt to one of the firearms-related offences**. Even though Article 5(2)(a) of the UN Protocol foresees that an attempt to commit illicit manufacturing, illicit trafficking or illegal modifications of markings should be criminalised.

ANNEX 9: CALCULATIONS FOR COSTS FOR ADMINISTRATIONS

1. COSTS OF AN INCREASE IN STAFF IN MEMBER STATE POLICE AND PROSECUTION OFFICES

There are no studies nor data regarding a potential impact of increase in staff related to firearms offenses, instead the studies carried out during the impact assessment for a proposal for a Directive on the protection of the environment through criminal law (ECD), carried out in 2021, will be used.[225]

The transferability of this study comes from the fact that neutral data related to labour costs in the EU has been used and environmental crimes and firearms crimes share common problems, such as the lack in many occasions of special prosecutor offices or specialised units for investigations.

According to that study, the labour costs of additional police officers, prosecutors or judges needed to handle the environmental crime cases can be a useful approximation of the costs associated with an increase of the number of such cases resulting from the revision of the ECD. In order to estimate what number of additional personnel might be needed, it is important to understand the baseline or the current situation across the Member States.

Currently, around half of the Member States already have personnel that have some responsibility for environmental crime. They do not usually work exclusively on environmental crime, but their remit includes other specific types of crimes related to, for example, occupational health and safety, food safety, natural heritage or fraud.

The baseline research does not indicate that having specialised judges or courts for environmental crime is a common practice. The possibility for judges to work exclusively on one type of crime depends on the specificities of each national judicial system and might be unlikely[226]. Moreover, one of the interviewed stakeholders signalled that there is no need for judges to be specialised in a particular domain to effectively handle environmental crime cases[227]. (This does not, however, exclude the possibility for additional training of judges to improve their knowledge on environmental crime generally and the impacts of the revised Environment Criminal Directive.) It was, therefore, more suitable to base calculations of the expected cost of an increase in the number of environmental crime cases on the human resource needs for police officers and prosecutors in the Member States.

The starting point to generate a realistic prediction of the number of additional staff that Member States would be likely to add in reaction to the revised ECD is the current number of staff working on environmental crime in the police and prosecution offices in each Member State. However, quantitative data for these were only available for a fraction of Member States and were not entirely comparable. Using statistical data on the total numbers of police and prosecutors in each Member State, the percentage of those working on environmental crime was calculated for those Member States who reported data. This is shown in the table below.

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[225] More information can be found in the final report (JUST/2020/JACC/FW/CRIM/0122), study to supply the impact assessment accompanying the document for a proposal for a Directive on the protection of the environment through criminal law and replacing Directive 2008/99/EC (SWD(2021) 465 final.

[226] In addition, some Member States have also highlighted the lack of sufficient number of cases to warrant having a judge dedicated to environmental crime.

[227] Interview with representatives of the Swedish authorities and practitioners.

Table 1: Quantitative baseline data and calculation of % of police and prosecutors working on environmental crime in Member States for which data available

MS	Total police officers in MS*	Police working on environmental crime**	% of police working on environmental crime	Total prosecutors in MS*	Prosecutors working on environmental crime**	% of prosecutors working on environmental crime
AT	30,240	548	1.81%	375		
EL	53,156			585	1	0.17%
ES	169,139	1890	1.12%	2465	174	7.06%
FR	220,305	435	0.20%	2022		
MT	2,289	33	1.44%	19		
NL	50,389	260	0.52%	800	20	2.50%
PL	98,709			5702	59	1.03%
PT	46,363	977	2.11%	1389		
RO	50,024	322	0.64%	2521	200	7.93%
SE	20,040	84	0.42%	948	21	2.22%
SI	7,091			212		
SK	21,918	105	0.48%	978		
Average			1.0%			3.5%

*The sources for the data on numbers of police officers and prosecutors in the Member States are as follows:

Police: data from Eurostat, https://ec.europa.eu/eurostat/databrowser/view/crim_just_job/default/table?lang=en%20b, except Ireland, found at: https://www.garda.ie/en/faqs/. All police data are 2018 except Italy latest figure available 2016

Prosecutors: data are for 2018 and taken from Council of Europe, https://public.tableau.com/app/profile/cepej/viz/CEPEJ-Explorerv2020_1_0EN/Tables

**Numbers of police and prosecutors working on environmental crime is based on information available in the 8th Round of Mutual Evaluation country reports as well as information obtained through consultations with some authorities; more details in Baseline Annex.

It was then assumed that the lowest observed percentage of police and prosecutorial staff working on environmental crime (0.20% and 0.17% respectively, cells shaded grey[228]) from across the Member States could be considered a reasonable proxy for the amount of *additional* staff that each Member State would be likely to take on to carry out a larger volume of work on environmental crime. The average of the available baseline data has also been calculated (1.0% for police and 3.5% for prosecutors), and these data are used to generate an estimate for the number of police and prosecutors that would require training. The total estimated costs for additional staff linked to the revised ECD are presented in the table below.

[66] These proportions are based on the proportion of total police working on environmental crime in France and the proportion of the prosecution in Greece, as these were the lowest figures from those Member States for which data were available.

[228] These proportions are based on the proportion of total police working on environmental crime in France and the proportion of the prosecution in Greece, as these were the lowest figures from those Member States for which data were available.

Table 2: Costs for additional staff in police and prosecution offices in response to revised Directive

MS	Total police officers in MS*	Total prosecutors in MS*	Additional police (0.02%)	Additional prosecutors (0.17%)	Cost police	Cost prosecutors
AT	30,240	375	60	1	€ 3,768,828	€ 40,461
BE	41,370	879	82	2	€ 5,155,966	€ 94,840
BG	28,742	1526	57	3	€ 3,582,131	€ 164,649
CY	4,927	123	10	1	€ 614,055	€ 63,119
CZ	40,040	1238	79	2	€ 4,990,207	€ 133,575
DE	244,800	5882	483	10	€ 30,509,558	€ 634,642
DK	11,050	671	22	1	€ 1,377,168	€ 72,398
EE	3,893	169	8	1	€ 485,187	€ 63,119
EL	53,156	585	105	1	€ 6,624,861	€ 63,119
ES	169,139	2465	334	4	€ 21,079,886	€ 265,963
FI	7,684	393	15	1	€ 957,661	€ 42,403
FR	220,305	2022	435	3	€ 27,456,733	€ 218,165
HR	20,199	595	40	1	€ 2,517,412	€ 64,198
HU	39,423	1887	78	3	€ 4,913,310	€ 203,599
IE	14,499	109	29	1	€ 1,807,018	€ 63,119
IT	274,653	2230	542	4	€ 34,230,154	€ 240,607
LT	8,247	666	16	1	€ 1,027,828	€ 71,858
LU	1,987	55	4	1	€ 247,641	€ 63,119
LV	8,049	452	16	1	€ 1,003,151	€ 48,769
MT	2,289	19	5	1	€ 285,279	€ 63,119
NL	50,389	800	99	1	€ 6,280,009	€ 86,316
PL	98,709	5702	195	10	€ 12,302,157	€ 615,221
PT	46,363	1389	92	2	€ 5,778,246	€ 149,867
RO	50,024	2521	99	4	€ 6,234,519	€ 272,005
SE	20,040	948	40	2	€ 2,497,596	€ 102,285
SI	7,091	212	14	1	€ 883,755	€ 63,119
SK	21,918	978	43	2	€ 2,731,652	€ 105,522
Total	**1,519,226**	**34891**	**3000**	**64**	**€ 189,341,968**	**€ 4,069,175**

*The sources for the data on numbers of police officers and prosecutors in the Member States are as follows:

Police: data from Eurostat, https://ec.europa.eu/eurostat/databrowser/view/crim_just_job/default/table?lang=en%20b, except Ireland, found at: https://www.garda.ie/en/faqs/. All police data are 2018 except Italy latest figure available 2016

Prosecutors: data are for 2018 and taken from Council of Europe, https://public.tableau.com/app/profile/cepej/viz/CEPEJ-Explorerv2020_1_0EN/Tables

2. COSTS OF AN INCREASE IN BALLISTIC DEPARTMENTS WITHIN MEMBER STATES.

Case study: costs of ballistic reports in Spain and Germany

Based on regular contacts of staff of DG HOME with ballistic experts in some Member States, it is possible to estimate that a Spanish ballistic expert needs an average of 9 hours to finalise a ballistic report of a commercial well-known pistol, assuming no hits with other cases, including reception of the object, examination, test-fired, check against the automatic ballistic system and issue of the report. The average cost of a ballistic expert per hour is €60. In Germany, for the same case this would be 8 hours with an average cost of €83 per hour. The administrative cost of the ballistic report of an essential component should be establish as 1/3 of that time, so that means 3 hours in Spain and 2.6 hours in Germany.

Based on the calculation above, the cost of a ballistic report in Spain is €540 per firearm and €180 per essential component and in Germany € 664 per firearm and €221 per essential component.

In case of a ballistic report related to proving that a digital blueprint would result in the printing of functional essential components of a firearm, in Germany it is estimated that this would require an increase of 16 hours on top of the 8 hours, in order to finalise the printing of the parts and the assembly. The cost of a ballistic report of an essential component 3D printed would be 7.3 hours. The administrative cost of a ballistic report related to a digital blueprint for the manufacture of a 3D printed firearm would be 1,992€ and 605€ for an essential component.

To establish a baseline of cases, data collected under the global firearms study carried out by UNODC was used.[229] The baseline for Spain was calculated, as Germany did not provide data to the Global firearms study of UNODC. During the reporting period, Spain reported the seizure of 267 firearms related to illicit manufacture, 1,111 firearms seized related to illicit trafficking, 3,713 firearms related to alteration of marking and 3,078 firearms related to illicit possession.

Based on the study carried out by the Commission, assessing and comparing the criminalisation of offences related to firearms[230], it became clear that the Spanish criminal code does not contain references to essential components. Therefore, it is estimated that these figures would need to be increased by 5%.

Furthermore, there is also an estimation that the overall numbers need to be increased by 2% for the number of seizures related to firearms trafficking, as the Spanish legislation does not include all the criminal behaviours that constitute an offence related to essential elements defined in the UN Firearms Protocol and the Firearms Directive. As a result, there is an estimated increase of 5% of seizures as the conduct of illegal modification of marking is not criminalised in Spain.

Based on the calculation above, the cost of a ballistic report in Spain is € 540 per firearm and €180 per essential component. Assuming that there was a ballistic report per seized firearm in Spain, for the period 2020-22 the costs for the Spanish administration related to illicit manufacture were €144,180, for illicit trafficking €599,940, for alteration of marking €2,005,020 and for illicit possession €1,662,120. In total the costs for the Spanish administration for the period 2020-22 were of €4,411,260, so an average of €1,470,420 per year.

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[229] https://dataunodc.un.org/dp-firearms-arms-seized

[230] Annex 8: Executive summary of the preparatory study assessing and comparing the criminalisation of offenses related to firearms.

A 5% increase of all seizures in general, with the inclusion of essential components as criminal offenses would represent an average increase of 136 cases per year, which would result in an additional cost of € 29,340 per year.

A 2% increase of seizures related to firearms trafficking would represent an average increase of 136 cases per year, which would mean an additional cost of €4,000 per year.

A 5% increase of seizures related to illegal modification of marking would represent an average increase of 61 cases per year, which would mean and additional cost of €33,417 per year.

As a result, the total increase in administrative costs in Spain, could be estimating to amount to € 66,757 per year.

To calculate the increase of administrative costs related to investigating 3D printed firearms, essential components and digital blueprints, the data provided by the project HamsTeR, a German research project, is used. This project identified 23 seizures of 3D printed firearms in Germany between 2020 and 2024.

PO 2 and 3 identified in the impact assessment will include the criminalisation of the illicit possession, creation and distribution of digital blueprints. As a result, there will be an increased number of seized blueprints that need to be investigated. Furthermore, it is also expected that the seizures of 3D printed firearms and essential components will increase. Using Germany as example, the average number of seized 3D printed firearms was 4.6 seizures per year during the period 2020-24. It is estimated a multiplicator factor of 3 for digital blueprints, which would mean 13.6 seizures of blueprints per year, with an administrative cost of €27,091. However, if Member States cooperate in testing and identifying these blueprints, this cost could be greatly reduced.

ANNEX 10: MONITORING FRAMEWORK

Specific objective	Indicator	Baseline	Success
making it easier to investigate and prosecute	Number of: - Investigations - prosecutions - convictions - training available	Where information is available, it does not show an upward trend in firearms-related cases in the Member States.	- increase of successful prosecution of firearms offences by 20% within five years. - specialised training sessions for prosecutors accessible to at least 80% of the legal professionals involved in firearms cases within two years
ensuring a future proof enforcement of firearms-related offences	As above but then specific for privately manufactured firearms	- An increase in cases on 3D printed firearms can already be noted in multiple Member States. - EMPACT Firearms has a dedicated action to improve cooperation and exchange of information on 3D printed firearms. - removal orders on digital blueprints currently only linked to terrorism cases.	- increase in investigations and prosecutions of cases involving new technologies with 20% throughout the EU. - All Member States have a specific focus on privately manufactured firearms within their national strategies. - EMPACT Firearms dedicated action includes cooperation and sharing of information on digital blueprints known to be used to manufacture firearms and essential components. - Increased number of removal orders on digital blueprints through the application of the Digital Service Act. - threat assessment on technological developments of privately manufactured firearms. - Inclusion of the particulars of privately manufactured firearm in national databases on

			seized firearms and also within the firearms module in the firearms hub in Europol.
Ensure effective, dissuasive and proportionate sanctions	- levels of financial fines imposed on natural persons - levels of financial fines imposed on legal persons - levels of imprisonment sanctions - full use of accompanying sanctions - types and numbers of accessory sanctions	The available data shows that certain Member States have very low sanction levels which cannot be considered dissuasive and there are large discrepancies between the Member States in terms of accompanying and accessory sanctions that can be used. Additionally, there is currently no information on the factual sanctions imposed.	- An increase of the lowest sanction levels following the agreed upon minimum levels of maximum penalties. - the current gap between the Member States' lowest and highest minimum maximum penalties is diminished by 20% within five years - Given the current situation in which sanctions imposed are generally taken from the lowest segment of available sanction levels, successful implementation would show that sanctions imposed use the full range of sanction types and levels (including a wider use of accompanying and accessory sanctions). - Confiscation of profits is applied systematically. - specialised training sessions for prosecutors accessible to at least 80% of the legal professionals involved in firearms cases within two years
Ensure effective response through cooperation and harmonising data a. cooperation and coordination	- Continuation of EMPACT Firearms - Number of firearms cases at Eurojust - Number of JITs at Eurojust - Number of SIENA messages at Europol - Number of established and functional NFFPs - Number of meetings of the Focus Group of	Current levels of Eurojust cases, JITs, SIENA messages are generally low. The Commissions scoreboard on the NFFP shows that 3 Member States have not yet established a NFFP and that only 8 Member States have NFFP's that	- Firearms remains a priority within the EMPACT cycle - number of SIENA exchanges and JITs initiated for firearms at Europol and Eurojust increase by 20% respectively - Success would be that all Member States have established an NFFP and

	specialised prosecutors against firearms trafficking.	fulfil more than 75% of the tasks agreed in the Council Conclusions.	that all NFFP's fulfil more than 75% of the tasks agreed in the Council Conclusions - Establishment of the Focus Group, preferably linked to EMPACT Firearms, with at least one meeting each year.
b. harmonising data	- Harmonised dataset on seized firearms. - EU Repository based on this harmonised dataset operational at the Firearms Hub of Europol - Statistics gathered by Eurostat	- Following extensive consultations with Member States, there is still no agreed minimum dataset on seized firearms. - the Firearms Hub at Europol is currently considering using a French dataset (system called TRAFFIC) for the EU repository, however this is not based on an agreement at EU level. - Eurostat currently does not gather statistics on firearms-related offences	- the agreed minimum dataset on seized firearms is used by all Member States and integrated into the Firearms Hub at Europol to serve as an EU repository of seized firearms through which analysis and cooperation can be performed. Success would be that Eurostat gathers at least bi-annual statistical data on firearms-related offences.

ANNEX 11: ANALYSIS OF EFFECTIVENESS AND EFFICIENCY

A. Effectiveness

1. Making it easier to investigate and prosecute

PO1 is expected to increase the focus, on the three mandatory firearms offences as defined by the UN Protocol, of those national authorities who would be targeted by infringement proceedings. However, it would not be effective in harmonising additional offences, such as the additional offences that are defined by the legislative guidelines of UNODC. Furthermore, as the UN Firearms Protocol has different marking requirements than the Firearms Directive (the Directive requires marking of all essential components), only focusing on infringements linked to the definitions of the UN Firearms Protocol will not address the additional marking requirements. Therefore, the effectiveness of these infringements would not be as high.

Additionally, a recommendation paper on clarifying definitions could improve the legal clarity amongst Member States. However, the effectiveness would depend on Member States actually adjusting their criminal laws based on these recommendations on a voluntarily basis. Consultations with Member States revealed that multiple firearms experts doubted that their Member State would take action based on these recommendations. Therefore, recommendations alone, are considered not effective enough to tackle the gaps in definitions.

Setting up a Focus Group of specialised prosecutors against firearms trafficking would be an effective tool to improve prosecutions. When searching for specialised prosecutors to set up a consultation meeting, it became clear that there is currently a lack of prosecutors with such a specialised knowledge. This is specifically problematic as firearms cases require often certain technical skills and knowledge. As the objective of the Focus Group would be to build specialised expertise and intensify judicial cooperation, it would provide a forum for practitioners to exchange knowledge, expertise and best practices. Therefore, this would be an effective action to increase cross-border judicial cooperation and result in more successful investigations, prosecutions and convictions for trafficking offences. PO2 would be more effective than PO1 due to the legal obligations it would include. Notably, the legal obligations of harmonising the criminalisation of the mandatory firearms offences and including the offence of illicit possession, and creation and dissemination of blueprints. The inclusion of provisions on the establishment of NFFPs and cooperation with EU agencies, and on special investigative tools would further improve the effectiveness of investigations and prosecutions. However, PO2 would not benefit from the setting up of Focus Group of specialised prosecutors against firearms trafficking.

The additional clarifications brought by these non-legislative measures would enhance the overall effectiveness of PO3.This is what PO3 does. It combines the legislative measures from PO2 with some of the non-binding measures from PO1.

It is unclear whether PO4 would be more effective than PO3. It would include further legal obligations regarding the harmonisation of the wider set of firearms-related offences. Based on the consultations with the experts and position of Member States in respect of future of EU criminal law[231], especially on how this option would maintain the consistency of national criminal laws, it is unclear what the real additional effectiveness of these definitions would be.

2. *Ensure effective, dissuasive and proportionate penalty types and levels for firearms-related offences*

PO1 would be effective in targeting those Member States which currently have low penalty levels. However, this would not result in mandatory minimum levels of maximum penalties at EU level.

PO2 and PO3 would be equally more effective than PO1 due to the establishment of minimum maximum penalty levels for all core firearms-related offences.

PO4 could be slightly more effective than PO2 and PO3 as it would establish minimum levels of maximum penalties for the wider set of firearms-related offences. However, as already explained above, the consultations did not result in identifying clear additional effects of the harmonising efforts of these wider sets of offences.

3. *Ensure a future proof enforcement of firearms-related offences.*

PO1 would focus on recommendations on new technologies only. However, the effectiveness of these recommendations is considered low due to the fact that already in 2021 the Commission explained how 3D printed firearms fit within the definition of illicit manufacturing[232] but still the consultation meetings with Member States show a need for further clarifications. Furthermore, within EMPACT Firearms recommendations have already been made since 2022 to criminalise blueprints used to produce privately manufactured firearms, but no EU Member State has taken up this action. In the meantime, other States in the world such as Canada, Singapore and North-Macedonia have. The adjustments in their legislations are however to recent to already draw clear conclusions regarding the effects.

PO2, PO3 and PO4 are expected to be equally more effective than PO1 due to the introduction of a harmonised offence of illicit possession, illicit creation and illicit dissemination of blueprints needed to privately manufacture firearms, essential components and ammunition. Furthermore, all three policy options would include a specific clarification in the legal text of how privately manufactured firearms, essential components and ammunition (including 3D printed) fit within the definition of illicit manufacturing.

4. *Improve law enforcement and judicial cooperation and harmonised data collection on firearms-related offences*

PO1 foresees the establishment of a Focus Group for specialised prosecutors which is considered to be an effective action to increase cross-border judicial cooperation. PO1 would invite Member States

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[231] The future of EU criminal law: report of the presidency: overview of the discussions. Council Document 16102/24. 4 December 2024.

[232] Report from the Commission to the European Parliament and the Council on the application of Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons.COM/2021/647 final

to use a harmonised dataset for seizure of firearms through a recommendation. However, Member States do not consider this action to be effective.

PO2 would be more effective than PO1 due to the legal obligation for Member States to establish a National Firearms Focal Point. Well-established NFFPs improve the national coordination and cooperation throughout the entire judicial chain[233]. Member States who already have such a well-established NFFP are even supporting the Commission in advocating this towards Member States that do not yet have a NFFP or not yet a well-established one. Additionally, the legislative initiative would include a specific provision on the need to allow the use of special investigation tools. The consultation meeting with magistrates confirmed that this would be an effective measure for cross-border cooperation.

Additionally, PO2 would establish the harmonised dataset for seizure of firearms through a legal provision. As stated by the experts of the Member States, this would be considered more effective than a mere recommendation paper. To collect any further data, the initiative would refer to cooperation with Eurostat as the responsible entity to gather statistics.

PO3 would have the same requirements as PO2, and would thus be equally effective.

PO4 would extend the scope of PO2/PO3 on the offences to be criminalised to include to all firearms-related offences instead of only the core ones. In addition, it would add the obligation for Member States to collect and report data on the different firearms offences to the Commission on a yearly basis. As a result, PO4 would be considered more effective.

B. Efficiency

1. Making it easier to investigate and prosecute

PO1 is seen as not very efficient as the benefits resulting from infringement proceedings and subsequent modification of legal framework by Member States would be offset by the efforts and cost involved in those proceedings. Although the legal framework would be improved at EU level, there would still be gaps and discrepancies. Non-binding policy measures such as recommendation papers on definitions of firearms-related offences, or on how new technologies fit in current legislation and lessons learned from MS and other countries have low cost of implementation due to their voluntary basis. However, the benefits are limited as the effectiveness is subject all Member States applying those recommendations.

PO2 has a higher level of efficiency than PO1 as the cost from infringement proceedings is subtracted. The cost incurred by the legislative changes are offset by the benefit of harmonising the three mandatory firearms offences as defined by the UN Protocol and the additional core offense of illegal possession, which is considered one of the most important offenses for Member States[234] and for the citizens.[235]

Another important benefit would be to include essential components in all the offenses, as the UN Firearms Protocol has different marking requirements than the Firearms Directive (the Directive

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[233] Council Conclusions 10726/21 on 13 July 2021 on the implementation of the National Firearms Focal Points (NFFPs) in the EU Member States.
[234] Annex 2: consultation with law enforcement agencies p. 91
[235] Annex 2: public consultation: need for EU actions on different firearms-related offenses p. 109.

requires marking of all essential components). Only focusing on infringements linked to the definitions of the UN Firearms Protocol will not address the additional marking requirements.

PO3 is slightly more efficient than PO2 insofar as it includes additional non-legislative measures which have a low cost of implementation, easily offset by benefits these provide, even if small.

The level of efficiency of PO3 would be higher than PO4, as the extra legal obligations of PO4 regarding the harmonisation of the wider set of firearms-related offences would mean more costs than benefits, as the extra offenses included in PO4 are not so relevant as the ones included in PO3[236]. In addition, the consultation meetings with the experts and position of Member States in respect of future of EU criminal law[237] could not conclusively show the added benefit of harmonising the criminalisation of all the firearms-related offences. Therefore, there is a possibility that the costs for criminalising these harmful conducts would not be outweighed by the benefits for society.

2. Ensure effective, dissuasive and proportionate penalty types and levels for firearms-related offences

PO1 is seen as not very efficient as the benefits resulting from infringement proceedings and subsequent modification of legal framework by Member States would be offset by the efforts and cost involved in those proceedings.

PO2 would be of a higher efficiency than PO1 due to the benefits of establishing minimum maximum penalty levels for the core firearms-related offences reflected in the UN Firearms Protocol, without the cost resulting from infringement proceedings.

PO3 would have the same requirements as PO2, and would thus be equally efficient.

It is not clear whether PO4 would be more efficient than PO3 in establishing minimum levels of maximum penalties for the wider set of firearms-related offences. It would incur most costs as it would require more legislative and implementation work. A conservative approach puts the benefits as lower than PO2 and PO3 as the consultations have not allowed to identify any clear additional impacts of the harmonising efforts of these wider sets of offences.

3. Ensure a future proof enforcement of firearms-related offences.

PO2, PO3 and PO4 are expected to equally have higher efficiency than PO1 due to the benefit of introducing a harmonised offence of illicit possession, illicit creation and illicit dissemination of blueprints needed to privately manufacture firearms, essential components and ammunition. Furthermore, those policy options would include a specific clarification in the legal text of how privately manufactured firearms, essential components and ammunition (including 3D printed) fit within the definition of illicit manufacturing.

PO1 would focus on recommendations on new technologies only with no extra cost, but also no benefit.

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[236] Annex 5: analytical methods.
[237] The future of EU criminal law: report of the presidency: overview of the discussions. Council Document 16102/24. 4 December 2024.

4. Improve law enforcement and judicial cooperation and harmonised data collection on firearms-related offences

PO2, PO3 and PO4 would be of a higher efficiency than PO1 due to the benefit of including a legal obligation for Member States to establish a National Firearms Focal Point. The establishment of the NFFPs would include specific costs[238], but it would be offset by the increase in law enforcement and judicial cooperation.

PO2 and PO3 would establish the harmonised dataset for seizure of firearms through a legal provision. This measure would have extra costs[239], with the update or creation of national databases but the benefits would be higher, as it would mean a significant increase of the intelligence picture, which is fundamental for the attribution of resources and correct assessment of the threat at national and international level. Another extra benefit would be the ability to better perform analyses through which cross-border connections can be identified.

PO2, PO3 and PO4 also add the obligation for Member States to collect and report data on the different firearms offences to the Commission. While PO2 and PO3 require such data to be provided 5 years after the implementation of the Directive, as part of its evaluation, PO4 requires such data to be provided on a yearly basis. This requirement would benefit the harmonised data collection on firearms-related offences as it is unlikely that all Member States will provide such information voluntarily. The benefit of being able to properly evaluate the Directive and its impact is seeing as outweighing the costs that Member States would have to incur to provide the required data. However, the yearly reporting is seen as being more cost intensive than the requirement of reporting 5 years after implementation. PO4 is thus seen as less efficient than PO2 and PO3.

[238] Annex 4: who is affected and how: II overview of costs-preferred option p.128.
[239] Annex 4: who is affected and how: II overview of costs-preferred option p.128.

ANNEX 12: OVERVIEW OF THE LEGAL FRAMEWORK

<table>
<tr><th></th><th>UN Firearms Protocol</th><th>Firearms Directive (EU) 2021/555</th><th>Recast Firearms Regulation (EU) 2025/41</th></tr>
<tr><td>Scope of application</td><td>Transnational nature of the offences between State Parties</td><td>The internal market of the EU</td><td>The borders of the EU, therefore the connection between the EU and third countries</td></tr>
<tr><td>Definitions</td><td>“Firearm” shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;</td><td colspan="2">‘firearm’ means 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, unless it is excluded from this definition for one of the reasons listed in Part III of Annex I. Firearms are classified in Part II of Annex I.

An object shall be considered to be capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if:

(a) it has the appearance of a firearm; and
(b) as a result of its construction or the material from which it is made, it can be so converted;</td></tr>
</table>

“Parts and components” shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;	**‘essential component’** means the barrel, the frame, the receiver, whether an upper or lower receiver, where applicable, the slide, the cylinder, the bolt or the breech block, which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;	
“Ammunition” shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party	**‘ammunition’** means the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorisation in the Member State concerned;	
“Illicit manufacturing” shall mean the manufacturing or assembly of firearms, their parts and components or ammunition: (i) From parts and components illicitly trafficked; (ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or (iii) Without marking the firearms at the time of	**‘illicit manufacturing’** means the manufacturing or assembly of firearms, their essential components and ammunition: (a) from any essential component of such firearms illicitly trafficked; (b) without an authorisation issued in accordance with Article 4 by	/

manufacture, in accordance with article 8 of this Protocol; Licensing or authorization of the manufacture of parts and components shall be in accordance with domestic law;	a competent authority of the Member State where the manufacture or assembly takes place; or (c) without marking firearms at the time of manufacture in accordance with Article 4;	
“Illicit trafficking” shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;	**‘illicit trafficking’** means the acquisition, sale, delivery, movement or transfer of firearms, their essential components or ammunition from or through the territory of one Member State to that of another Member State, if any of the Member States concerned does not authorise it in accordance with this Directive, or if the firearms, essential components or ammunition are not marked in accordance with Article 4;	**‘illicit trafficking’** means the import, export, sale, delivery, movement or transfer of listed goods to, from or across the territory of a Member State to or from the territory of a third country, if any of the following applies: (a) the Member State concerned does not authorise it in accordance with this Regulation; (b) the listed goods are not marked in accordance with the rules on marking referred to in Article 6(1); or (c) the listed goods are declared for release for free circulation without the marking required in the rules on marking referred to in Article 6(2), unless they are exempt in accordance with paragraphs 2 or 3 of that Article;

	"Tracing" shall mean the systematic tracking of firearms and, where possible, their parts and components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of States Parties in detecting, investigating and analysing illicit manufacturing and illicit trafficking.	**'tracing'** means the systematic tracking of firearms and, where possible, their essential components and ammunition from manufacturer to purchaser, for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and illicit trafficking.	/
	/	Contains definitions on alarm and signal weapons, salute and acoustic weapons, deactivated firearms, dealers, brokers, museums and collectors	Contains many more definitions linked to customs terminology and to firearms terms (same as the Firearms Directive).
Harmonised application	State Parties can be more stringent	Member States can be more stringent	Member States cannot be more stringent
Criminalisation	3 mandatory offence (illicit manufacturing, illicit trafficking and falsifying or illicitly obliterating, removing or altering the markings on firearms) + attempting to commit or participating as an accomplice in an offence + organizing, directing,	Member States shall lay down the rules on penalties applicable to infringements of the Directive and shall take all measures necessary to ensure that they are implemented. The penalties	Member States shall lay down the rules on penalties applicable to infringements of the Regulation and shall take all measures necessary to ensure that they are implemented. The penalties

	aiding, abetting, facilitating or counselling the commission of an offence	provided for shall be effective, proportionate and dissuasive.	provided for shall be effective, proportionate and dissuasive.
Confiscation, seizure and disposal	State Parties should establish rules to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked. + make it possible to destroy the seized firearms	Member States need to ensure that illegally possessed category A firearms are impounded.	In the event of a reasonable suspicion of illicit trafficking of listed goods, the goods shall be seized or retained
Record-keeping	Information in relation to firearms shall be kept for not less than 10 years, in order to facilitate tracing. The information needs to include the marking of firearms and the issuance and expiration dates of authorisations for international transactions.	Member States shall ensure that all firearms may be linked to their owner at any moment. A computerised data-filing system shall contain the information of the firearm and essential components (type, make, model, calibre and serial number), the names and addresses of the suppliers and persons owning the firearms, and any conversions or modifications made to the firearms. This data shall be kept for a period of 30 years after the	Member States shall keep, for not less than 20 years, all information relating to the import, export and re-export of listed goods, which is necessary to trace and identify those goods, and to prevent and detect illicit trafficking therein

		destruction of the firearm or essential component.	
Marking of firearms	Each Firearms shall be marked at the time of manufacturing, at the time of import and when transferred from government stock to civilian market. The marking shall include name of manufacturer, the country of manufacture and the serial number	Each firearm AND essential component shall be marked. This marking needs to be clear, permanent and unique. It shall include name of manufacturer, country of manufacture, serial number and year of manufacture.	Firearms can only be imported if they are marked according to the UN Firearms Protocol rules and before placement on the EU market all firearms and essential components also need to be marked according to the rules of the Firearms Directive.
Deactivation of firearms	If deactivated firearms are not recognised as a firearm then offence should be established for the illicit reactivation of deactivated firearms. The principle of deactivation are: a) all essential parts of a deactivated firearms are permanently inoperable and incapable of removal or replacement; b) the deactivation is verified by a competent authority; c) a certificate will be issued after the verification.	‘deactivated firearms’ means firearms that have been rendered permanently unfit for use by deactivation, ensuring that all essential components of the firearm in question have been rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way; Deactivated firearms need to be verified by a competent authority, which shall issue a certificate.	Deactivated firearms can be imported if they have a certificate.

		Implementing act adopted to establish technical standards for deactivation.	
Requirements for export, import and transit authorisation systems	Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition. When a third country is concerned by a transit, the State Party will ask for its consent. Simplified rules for temporary import and export for lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs may be established. Exchange of information between State Party on receipt of dispatched goods should be possible.	Transfers of firearms between Member States are regulated through a system of prior consent which is facilitated by the Internal Market Information System. Additionally, EU hunters, sport shooters and historical reenactors can use an EU firearms pass to temporary travel through and participate in events in other Member States.	All firearms, essential components, ammunition and alarm and signal weapons need an import authorisation before they enter the customs territory of the EU AND need an export authorisation before the exit the EU. Simplified rules are established for temporary imports and exports for hunting, sport shooting, historical reenactment, evaluation, exhibition and repair. Post-shipment checks may be performed and the export needs to upload proof of receipt documents in the electronic licensing system.
Security and preventive measures	State parties shall take appropriate measures to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and	In order to minimise the risk of firearms and ammunition being accessed by unauthorised persons, Member States shall establish rules on the proper supervision of firearms and ammunition and	Procedure are established at import and export to perform controls on the goods. Furthermore, when non-compliant shipments are detected, these are seized or retained.

	ammunition. Focus is on security and controls at the time of manufacture, import, export and transit.	rules on their proper storage in a secure manner. Firearms and their ammunition shall not be readily accessible together. Proper supervision shall mean that the person lawfully possessing the firearm or the ammunition concerned has control over it during its transportation and use.	
Information and cooperation	Information exchange on case studies (on involved organised criminal groups, means of concealment, modus operandi etc.), how rules are implemented, establish a single point of contact. Cooperate on tracing of firearms and on the prevention, combat and eradication of illicit manufacturing and illicit trafficking of firearms.	Exchange of information between the Member States is facilitated through a committee.	Exchange of information is facilitated through the electronic licensing system and also through the establishment of a coordination group.
Training and technical assistance	States Parties shall cooperate with each other so that States Parties may receive the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms,	Exchange of information between the Member States is facilitated through a committee.	Exchange of information is facilitated through the electronic licensing system and also through the establishment of a coordination group.

Brokers and brokering	States Parties that have not yet done so shall consider establishing a system for regulating the activities of those who engage in brokering. Such a system could include one or more measures such as: (a) Requiring registration of brokers operating within their territory; (b) Requiring licensing or authorization of brokering; or (c) Requiring disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction	‘dealer’ means any natural or legal person whose trade or business consists wholly or partly of either of the following: (a)the manufacture, trade, exchange, hiring out, repair, modification or conversion of firearms or essential components; (b)the manufacture, trade, exchange, modification or conversion of ammunition; ‘broker’ means any natural or legal person, other than a dealer, whose trade or business consists wholly or partly of either of the following: (a)the negotiation or arrangement of transactions for the purchase, sale or supply of firearms, essential components or ammunition; (b)arranging the transfer of firearms, essential components or ammunition within a Member State, from one Member State to another Member State, from a Member	the rules of the Firearms Directive are upheld.

State to a third country or from a third country to a Member State;

Each Member State shall establish a system for the regulation of the activities of dealers and brokers. Such systems shall include at least the following measures:

(a) the registration of dealers and brokers operating within the territory of that Member State;

(b) the licensing or authorisation of the activities of dealers and brokers within the territory of that Member State; and

(c) a check of the private and professional integrity and of the relevant abilities of the dealer or broker concerned. In the case of a legal person, the check shall be both on the legal person and on the natural person or persons directing the undertaking.

Authorisations / to own a firearm	Member States shall allow the acquisition and possession of firearms only by persons who have been granted a licence or, with respect to firearms classified in category C, persons who are specifically permitted to acquire and possess such firearms in accordance with national law. The ownership of a category C firearm needs to be declared. An authorisation is needed to acquire and own a category B firearm. Category A firearms are in principle prohibited to be owned by civilians although exceptions are possible. Member States shall permit the acquisition and possession of firearms only by persons who have good cause and who are at least 18 years old (exceptions are	Import and export authorisations can only be granted if the importer or the exporter is licensed to own those firearms according to the rules of the Firearms Directive.

		possible) and are not likely to be a danger to themselves or others.	
Salute and acoustic weapons	/	‘salute and acoustic weapons’ means 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; Remain in their original firearms category	Remain in their original firearms category.
Alarm and signal weapons	No specific focus, although the definition of a ‘firearm’ contains the words that a device that is readily convertible should be considered a firearm.	‘alarm and signal weapons’ means devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are not capable of being converted to expel a shot, bullet or projectile by	Also an alarm and signal weapon is subject to an import authorisation. Member States need to ensure that the devices comply with the technical standards of the Firearms Directive.

the action of a combustible propellant.

Technical standards were created to establish the non-convertibility of alarm and signal weapons. Competent authorities have to check alarm and signal weapons based on these technical standards.