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EXECUTIVE SUMMARY OF THE 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**

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Executive Summary Sheet
Impact assessment on the Proposal for a Directive on combating firearms trafficking and other firearms-related offences
A. Need for action
Why? What is the problem being addressed? The overarching challenge in the EU is that firearms-related violence threatens the security of EU citizens. The numbers of firearms-related crimes or where firearms have been used to commit a crime remain high and are on the rise in many places in the EU. This challenge is directly linked to the high availability of illicit firearms present on EU territory, although the lack of harmonised data does not allow to put a precise figure on the phenomenon. The high availability of illicit firearms is expected to increase when the conflict in Ukraine ends or stabilises. The criminal framework which deals with such offences is fragmented at EU level. Member States have different definitions of firearms-related offences and different penalties. These regulatory discrepancies between Member States hinder cross-border cooperation and negatively affect investigation and prosecution of firearms-related offences. Additionally, the penalty levels are not sufficiently effective and dissuasive in all Member States. These issues are set to worsen due to new technologies, such as 3D printing, increasing the availability of privately manufactured firearms.
What is this initiative expected to achieve? The general objective is to improve the protection of 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 crimes. To achieve this general objective, the initiative sets out four specific objectives: • Making it easier to investigate and prosecute firearms-related offences • Ensuring future proof enforcement of firearms-related offences • Ensure effective, dissuasive and proportionate penalty types and levels for firearms-related offences • Improve law enforcement and judicial cooperation and harmonised data collection on firearms-related offences
What is the value added of action at the EU level? Action at Union level will provide for clear added value on countering firearms-related crimes, which typically have transnational dimensions, compared to what Member States can achieve on their own. By harmonising legal definitions, approximating penalty levels, and providing tools and obligations for cross-border cooperation among Member States, the action at Union level will create a more harmonised framework with a minimum degree of harmonised protection from firearms-related offences. It will facilitate cross-border cooperation and improve investigations and prosecutions. Additionally, it will ensure a future proof enforcement by including new technologies. Action at Union level will also benefit other EU policy objectives as firearms-related crimes are often related to other types of crimes 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 legislation would contribute to effective criminal law enforcement strategies and overall improve the security of

citizens of the European Union.
B. Solutions
What legislative and non-legislative policy options have been considered? Is there a preferred choice or not? Why?
The Impact Assessment evaluates four policy options: • Option 1 consists of a set of non-legislative measures aiming at clarifying the existing legal framework and enforcing the application of rules by Member States. The measures also aim at supporting cross-border cooperation between Member States, and with EU agencies. They focus on recommendations to put a greater focus on new technologies, such as 3D printing, and to implement a minimum dataset for seizures of firearms among Member States. • Option 2 foresees legislative action to harmonise the criminalisation of the core firearms offences (illicit trafficking, illicit manufacturing, illicit modification of markings and illicit possession of firearms), by harmonising definitions and establishing minimum levels of maximum penalties. The aim of the legislation is to improve investigation, prosecution and conviction of firearms-related offences. The harmonised framework will facilitate cross-border cooperation. The option also foresees a legislative focus on new technologies to allow law enforcement to proactively address the threat, instead of only reactively. In addition, the legislative action includes requirements for establishing a harmonised minimum dataset for seizures of firearms and send the seizure data to the European Firearms Hub. It also foresees an obligation for Member States to collect and report data on firearms trafficking to the Commission 5 years after the implementation of the Directive, as part of the evaluation. Lastly, the legislative action includes a dedicated measure on the requirement for Member States to establish a National Firearms Focal Point, to further improve cross-border cooperation. • Option 3 foresees a combination of legislative actions and non-legislative measures. In essence it would be a copy of all the legislative actions as described under option 2 with an additional clarification on how wider firearms-related offences fit within the core offences. Furthermore, the legislative actions would be extended with non-legislative measures designed to support the implementation of the legislative actions. The focus would be on sharing lessons learned linked to new technologies and the facilitation of joint testing of blueprints linked to these new technologies. Furthermore, it would also facilitate the cooperation between judicial authorities by setting up a Focus Group to exchange information. • Option 4 builds on the measures described under option 3 and expands their scope. The legislative action covers not only the core firearms offences, but other firearms-related offences such as illicit reactivation of deactivated weapons, illicit brokering, arms embargo violations, and misconduct in the context of record-keeping and licensing. In addition, the option foresees an obligation for Member States to collect and report data on firearms trafficking to the Commission every year. The preferred option is Option 3, as it addresses all the problems and objectives identified in a proportionate and effective way. Option 1 is not considered effective enough on its own as non-legislative measures will not provide the sufficient impetus for significant change. Option 2 would address all problems and objectives, however it is considered less effective due to the lack of additional support for its implementation. Option 4 is seen as effective to achieve the objectives stated but its implementation places a disproportionate burden on Member States.
Who supports which option?

Stakeholders had different views with regard to the policy options, with some prioritising the non-legislative path, indicating that addressing firearms-related offences should remain a national responsibility, while others supported a legislative initiative focused on a wide-set of firearms-related offences. In that regard, it appears that the preferred option is the one that is most likely to reconcile the different positions.

The general trend throughout the public consultation suggests that Member States are supportive of a legislative initiative to harmonise various definitions, including the criminalisation of the illicit creation, possession and dissemination of the intellectual materials for 3D printings (blueprints). Generally, it appeared that public authorities were the most supportive of the legislative initiative among the stakeholders. Many Member States suggested an approach of combining options, especially for the harmonisation of sanction types and levels.

The biggest opposition to the initiative came from a share of EU and non-EU citizens, however, the analysis of the answers reveals that many might not have fully understood the objectives of the initiative: multiple citizens criticised the initiative stating that the EU should not target law abiding citizens and legal owners but rather focus on reinforcing law enforcement response and targeting the illegal market. Both are exactly amongst the objectives of the initiative.

C. Impacts of the preferred option

What are the benefits of the preferred option (if any, otherwise main ones)?

The preferred policy option would eliminate the discrepancies between the Member States' criminal framework by harmonising, at Union level, the definitions of the different firearms-related offences and the minimum levels of maximum penalties applicable. It would prevent offenders from taking advantage of the loopholes and gaps for their operations. The harmonisation of the criminal framework would improve cross-border cooperation between Member States and make it easier for national authorities to investigate and prosecute relevant offences.

The preferred policy option would also establish minimum datasets and sharing of seizure data with the European Firearms Hub in Europol, which would improve the availability and the quality of data, therefore improving the analysis of the threat and investigations, which will facilitate cross-border cooperation and guiding future policy action. The preferred policy option would further address the increasing threat of privately manufactured firearms, which are more difficult to trace and can be easily produced by simply following instructions found online.

The preferred policy option would help toward decreasing the high number of illicit firearms in circulation and directly improve the security of citizens of the European Union.

What are the costs of the preferred option (if any, otherwise main ones)?

The preferred policy option would result in more effective investigations and a broader scope of offenses related to firearms and essential components. Related costs would be the need for additional staff in the Member States to carry out the potential increase in the number of investigation and prosecution of firearm-related crime cases. These costs have been estimated to amount to EUR 4,069,175 annually in total for all Member States during at least the first five years.

Administrative costs for forensic departments of Member States are expected to increase in

relation with the number of seized firearms. Such costs have been estimated at 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.

In addition, administrative costs for the full establishment and development of National Firearms Focal Points in all 27 Member States is estimated at EUR 12,070,917 and for the harmonisation of firearms-related data in national databases at EUR 10,800,000 in all 27 Member States.

Harmonising the EU criminal regulatory framework for firearms related offences will contribute to reducing the economic cost of firearms violence in the European Union. While there is no conclusive research on the economic costs of firearms violence in the EU, an analysis combining research conducted through the EU funded project INSIGHT and research on the cost of one specific case of shooting from Sweden estimates the cost of shootings for Swedish society to be somewhere around EUR 120 to 140 million for the first half of 2024. The figure is purely theoretical as it relies on the hypothesis that the cost of this one specific shooting can be extrapolated and applied to all shootings that occurred in Sweden the first half of 2024. It nonetheless shows that the costs of firearms-related violence, while difficult to estimate, are not negligible.

How will businesses, SMEs and micro-enterprises be affected?

The preferred policy option would not have any negative impact on the legal market. It would benefit businesses, especially SMEs by protecting them against unfair competition from illegal activity that negatively affects the image of the whole sector and results in a loss of profit.

The criminalisation of the illicit production, possession and dissemination of digital blueprints and the hard copies for the purpose of manufacture of firearms or essential components would help legal business by protecting the intellectual rights they hold of the models or over innovations.

Will there be significant impacts on national budgets and administrations?

The annual costs for additional staff in the Member States to carry out the investigation and prosecution of firearms crime cases, as well as the additional administrative costs of forensic departments have been estimated at around EUR 135,000,000 in total for all Member States during the first five years.

The one-off cost of the full establishment and development of National Firearms Focal Points and harmonisation of firearms-related data in national databases in all 27 Member States is estimated at EUR 22,870,917.

The preferred policy option includes measures on establishing a harmonised minimum dataset on seizure of firearms. Some Member States would need to reorganise their database to implement the harmonised dataset.

Will there be other significant impacts?

The initiative will also benefit the fight against other crimes 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. As firearms-related offences are often related to these crimes, a more effective legislation would contribute to effective criminal law enforcement strategies and overall improve the security of citizens of the European Union.

The initiative will have a special impact on young citizens, as illicit firearms contribute to the worrying phenomenon of young European being roped into criminal activities and suffering themselves from firearms violence.
D. Follow up
When the policy will be revised?
5 years after transposition, taking account of the time needed for application and data collection.