

EU firearms legislation and criminal opportunities

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The problem

[firearms] ‘are cheap, accurate, small and easy to smuggle ... any fool ... can shoot a police inspector; and a student of 17 years of age can easily knock out a police patrol of five men. Ten or twelve desperadoes can hold a street for hours and three or four hundred spread panic through a city.’

British Committee of Imperial Defence: Sub-Committee on Arms Traffic, 'Some Considerations on the Traffic in Arms as a Post-War Problem', Memorandum by Lieutenant-Colonel Sir Mark Sykes, Bart, MP, 12 January 1917

Security problems in EU cities

Gang violence

- The use of firearms by youth gangs with a low threshold for violence
- The use of firearms by gangs engaged in local criminality (distribution of drugs, illegal alcohol and tobacco sales, vice and prostitution)

A sharp increase in terrorist attacks and atrocities, in a significant number of cases using firearms.

The presence of significant numbers of “foreign fighters” returning from Iraq and Syria with knowledge and experience of firearms use.

EU Firearms Legislation

- Directive 91/477/EEC of 18 June 1991 and Directive 2008/51/CE of the European Parliament and of the Council of 21 May 2008
 - Establishes definitions and classifications, contains rules regulating the legal possession of firearms.
- Regulation 258.2012 implementing Article 10 of the UN Protocol against illicit manufacturing and trafficking in firearms
 - Introduces controls and standards for the import/export of firearms.
- Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015
 - Establishes common guidelines on deactivation standards and techniques

Closing loopholes

Review of the scope and quality of implementation of existing legislation revealed important issues needing to be resolved.

18 November 2015, the European Commission proposed a revision of the Firearms Directive

- Action on certain semi-automatic firearms
- Regulating online acquisition of firearms
- Common rules on the marking of firearms to improve traceability
- Better exchange of information between EU countries,
- Common criteria concerning alarm and signal weapons
- Rules for the circulation of deactivated firearms
- Stricter conditions for collectors

Comments on “loopholes” and shortcomings

- Conversion
- Deactivation/reactivation
- Parts and components
- Classification
- Military weapons
- Information exchange

Conversion and convertibility

- The conversion of items that are not classified as firearms into useable weapons has been a problem for a number of member states.
- The Firearms Directive says anything that can be converted should be treated as a firearm.
- UK firearms intelligence and technical study demonstrated that converted weapons were being used in crime
- Guidance is missing on how the Firearms Directive should be applied

Deactivation/reactivation

- The Firearms Directive says that deactivation must be permanent and irreversible.
- Weapons that have been deactivated according to the prevailing standards in member states have been reactivated and used in crime.
- There is an implementing regulation that provides guidance on deactivation standards
- Implementation must be monitored.
 - Should deactivation always be carried out by state authorities?

Parts and components

- An essential part of a firearm should be regulated as if it was a firearm.
- That includes marking to improve traceability.
- If essential parts are unmarked, they can be incorporated into e.g. a deactivated firearm
- There is a lack of clarity about whether it is acceptable to mark only an assembled firearm, as opposed to all its essential parts, during manufacturing.

Classification

- Semi-automatic weapons can be legally owned, including weapons that resemble military weapons.
- The semi-automatic function is too broad to be the basis for a ban on legal ownership.
- Current proposals focus on identifying supplementary characteristics (magazine capacity, folding or telescopic weapons)
- A proper threat assessment of the risks posed by semi-automatic weapons to public safety and security is lacking.

Military weapons

- EU legislation is restricted to firearms in civilian possession and for civilian use.
- If they came into criminal possession, military weapons would pose the greatest security risk.
- Military weapons are disposed of (deactivated, destroyed, sold) according to national regulations.
- A thorough analysis of whether current national regulations of EU member states governing the disposal of military weapons is lacking.

Information exchange

2014 – Focal Point: Firearms established at EUROPOL to collect information and intelligence related to firearms, including trafficking.

21 EU member states and 6 non-member states are associated (as of end-2015).

Over 3000 pieces of information received, over 600 investigative cases reported.

Outputs: knowledge products, early warning notifications and an updated threat assessment.

As currently designed, this will not produce the necessary **strategic intelligence picture**

Final observations

Exaggerated claims should be avoided, but the European security environment gives cause for concern.

Denying firearms to criminal or terrorist users is primarily a national responsibility, but the EU provides an important framework.

The ongoing review of how firearms are regulated is an important and welcome development.

Useful modifications to the EU system of regulation have been made, and more can be expected, but there is a lot still to be done.



Thank you for your attention!

QUESTIONS

