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Subject: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives

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Delegations will find attached document COM(2015) 624 final.

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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT AND THE COUNCIL**

**Implementing the European Agenda on Security:  
EU action plan against illicit trafficking in and use of firearms and explosives.**

## 1. INTRODUCTION

The European Agenda on Security, adopted by the Commission on 28 April 2015<sup>1</sup> identified the need to strengthen the legal framework on firearms and combat illicit trafficking. It also highlighted the need to restrict access to and the deployment of dangerous substances such as explosives by terrorist networks.

Building on the European Agenda on Security, on 8 October 2015 the Council invited Member States, the Commission, Europol and Interpol to strengthen the use of means of fighting trafficking of firearms<sup>2</sup>.

The illicit trafficking of firearms is part of the core business of organised crime groups. Alongside other forms of trafficking, such as drugs, it is a key source of revenue. Firearms leverage other forms of criminality and are used for intimidation, coercion and gang violence. Beyond organised crime, the heinous terrorist attacks of the past year have shown the imperative to cut off access to firearms and explosives. The attacks in Paris and Copenhagen, as well the attempted attack on a Thalys train, have underlined the fact that terrorist networks are accessing weapons and explosives through organised crime networks and the black market.

In this context, it is crucial that the EU, and especially the Member States, redouble their efforts to tackle the serious threat that the illicit trafficking of firearms and the use of explosives pose to the internal security of the Union.

The Commission adopted on 18 November 2015 a package of **legislative measures** to strengthen control of firearms in the European Union<sup>3</sup>. The next step must be to improve **operational cooperation** at EU level among Member States and with third countries.

This Communication sets out specific actions necessary to implement the European Agenda on Security in the area of trafficking of firearms and explosives, also building upon the Operational Action Plan 2016<sup>4</sup> under the EU Policy Cycle<sup>5</sup>.

## 2. RESTRICTING ACCESS TO ILLEGAL FIREARMS AND EXPLOSIVES

Despite existing legislation at EU level, firearms, explosives and explosives precursors<sup>6</sup> still remain too easily available. Access through illegal channels has been complicated by the availability of weapons on the Internet. A comprehensive approach to support a crackdown on the illicit trafficking and use of firearms and explosives, whilst safeguarding the legal trade of firearms and of legitimate use of chemical substances, is needed.

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<sup>1</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu\\_agenda\\_on\\_security\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf)

<sup>2</sup> <http://www.consilium.europa.eu/en/press/press-releases/2015/10/08-jha-fighting-trafficking-firearms/>

<sup>3</sup> [http://europa.eu/rapid/press-release\\_IP-15-6110\\_en.htm](http://europa.eu/rapid/press-release_IP-15-6110_en.htm)

<sup>4</sup> Restricted document.

<sup>5</sup> <http://www.consilium.europa.eu/en/documents-publications/publications/2015/eu-policy-cycle-tackle-organized-crime/>

<sup>6</sup> Explosives precursors are chemical substances or mixtures which can be used for the manufacture of explosives.

## ***Building a better intelligence picture***

In order to enhance and accelerate an effective law enforcement response to these threats, it is essential to build a better intelligence picture on the trafficking of firearms and the use of explosives, and on diversion from legal markets, and to improve existing statistical and analytical tools **at EU and national level**.

To this end, all relevant stakeholders should take the following further steps:

- 1 The Commission invites all Member States to set up inter-connected **national focal points** on firearms to develop expertise and improve analysis and strategic reporting on illicit trafficking in firearms notably through the combined use of both ballistic and criminal intelligence<sup>7</sup>.
2. As trafficking rings expand beyond Europe, the Commission will engage with the United Nations Office on Drugs and Crime (UNODC), instrumental in developing internationally harmonised data collection, to regularly **map out global firearms trafficking routes** to the EU and make it available to all Member States law enforcement authorities.
- 3 In line with the Operational Action Plan 2016, **Europol** should reinforce its actions regarding **online trafficking**<sup>8</sup> and the diversion of legal trade, also making use of its **Internet Referral Unit**<sup>9</sup> to possibly monitor illicit sources of firearms, explosives and explosives precursors.
4. Building upon assessments from stakeholders<sup>10</sup>, Europol will continue to improve the collection of information and intelligence related to firearms, including trafficking, seized and stolen firearms and *modi operandi* to produce timely **knowledge products/Early Warning** Notifications and an updated **threat assessment** covering inter alia firearms trade fairs<sup>11</sup> and express delivery companies in the EU. Europol will make these documents available to all Member States national law enforcement authorities.
5. The Commission will continue to provide **financial assistance**, with a focus on projects with a comprehensive scope and a strong data collection impact<sup>12</sup>.

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<sup>7</sup> This idea was proposed by Member States at the EU Seminar on the use of forensic analysis to enhance strategic and operational analysis for operational and tactical purposes. Birmingham – 11<sup>th</sup> November 2015.

<sup>8</sup> Relevant research projects concerning the monitoring of Internet have already been launched in the context of the Horizon 2020 programme, <http://ec.europa.eu/programmes/horizon2020/>

<sup>9</sup> The EU IRU, launched on 1st July 2015 to combat terrorist propaganda and related violent extremist activities on the Internet.

<sup>10</sup> Including at national level, from the private sector and academia.

<sup>11</sup> Information stemming from law enforcement operations points out to the vulnerability of firearm trade fairs to the illicit trafficking of firearms.

<sup>12</sup> The Commission is already funding, through the Internal Security Fund (ISF), two relevant studies namely project EFFECT and project FIRE which aim to improve knowledge of the illicit trafficking of firearms and to facilitate the development of evidence-based policies and actions across Europe. The Commission has also awarded around EUR 60 million to 15 explosives-related projects under the FP7 research programme ([http://ec.europa.eu/research/fp7/index\\_en.cfm](http://ec.europa.eu/research/fp7/index_en.cfm)), as well as several projects under the Prevention of and fight against crime programme. The Commission will fund further security research projects under Horizon 2020 Secure societies programme and ISF.

### *Preparing for new threats and risks*

Organised crime and terrorist networks are known to evolve rapidly, and to make the most of technological innovation<sup>13</sup>. The Commission will therefore engage with the firearms and chemical industries, relevant national law enforcement agencies and Europol, in order to evaluate the **impact of technological advancements** on the potential availability of firearms and explosives, and to assess possible security gaps.

At the same time, the capacity to quickly react to new threats should be reinforced (e.g. 3 D printing). At the external EU border, customs authorities - in cooperation with other law enforcement authorities and based on information gathered from Europol and other data analysis systems - will refine the current customs common risk criteria to improve the targeting of illicit traffic of weapons and firearms.

### *Enhancing the security of explosives*

The current EU Action Plan on Enhancing the Security of Explosives<sup>14</sup> was adopted by the EU in 2008<sup>15</sup>. Most of the actions have now been implemented through the joint efforts of the Commission, EU Member States, Europol, research institutions and the private sector. Substantial progress has been made and Member States have in particular highlighted the added value of actions to improve the exchange of information and sharing of good practice, to develop harmonised standards and procedures, and to support explosives-related research and training.

A key achievement of the Action Plan was the adoption of Regulation EU 98/2013 on the marketing and use of explosives precursors<sup>16</sup>. The Regulation, which entered into force on 2 September 2014, can **prevent acts of terrorism** by cutting access to the ingredients that are necessary for bomb-making, and by allowing early police investigations on suspicious transactions and other incidents. It is therefore an **urgent priority to ensure its full implementation by Member States** and to reinforce the controls around precursors as threats evolve. This will be done through the following key actions:

1. The Commission will promote harmonised measures across the EU, and practices such as: a) cross-border exchange of information between national contact points to ensure that law enforcement of all Member States concerned are aware of suspicious incidents, by using an existing Europol platform such as EBDS (European Bomb Data System) and b) wide and systematic monitoring by law enforcement of sales of precursors on the Internet, as well as steps to further restrict access to them.

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<sup>13</sup> 3D printing can be used to manufacture firearms and produce essential components to reactivate deactivated firearms. Non-metallic weapons, such as those made of kevlar and ceramics, present a potential risk requiring close monitoring.

<sup>14</sup> Council document Doc. 8109/08.

<sup>15</sup> This included 48 actions aimed at, in a comprehensive manner, to address a wide number of aspects linked to ensuring the security of explosives, such as precursors, storage, transport, traceability, detection, research, cross-border information exchange and inter-agency coordination.

<sup>16</sup> This Regulation restricts and enhances control over a number of dangerous chemical substances which are precursors to explosives and can therefore be misused to manufacture home-made explosives.

2. The Commission will also further develop its engagement with the supply chain of precursors<sup>17</sup> by producing and promoting guidance materials which offer advice on good practice to the chemical industry, retail sector, and other relevant sectors.
3. The Commission will accelerate work in order to present the review of the Regulation in 2016 and consider the need for tighter measures, including the inclusion of new threat substances; extending the scope to cover professional users; requiring end-user declarations for transactions and registration of manufacturers, retailers and importers; restricting and controlling exports; increasing restrictions on online sales and self-checkout tills; and establishing a role for customs authorities<sup>18</sup>.

Proper vetting of personnel is essential to preventing diversion, misuse, or illicit access to dangerous chemicals<sup>19</sup>. Across EU Member States, there are no common minimum vetting standards and procedures for the recruitment and training of personnel engaged in the supply chain of explosives and in other security-sensitive sectors<sup>20</sup> and the Commission will consider whether EU action is needed.

**Specific actions:**

- *Improve existing statistical and analysis tools and developing assessments at national level on movements of firearms and their availability, and prioritise exchange at EU level;*
- *Europol to produce EU-wide analytical products and given the strong links with terrorism, to enhance EU IRU's monitoring role;*
- *Mapping out global firearms trafficking routes to the EU by UNODC;*
- *Engage with partners to improve knowledge on the illicit trafficking of firearms covering inter alia online trafficking and the diversion of legal trade;*
- *Improve the access to all EU-wide and national analytical products to all law MS enforcement authorities;*
- *Continue to provide financial assistance with a focus on projects with a comprehensive scope and a strong data collection impact*
- *Assess risks stemming from technological innovation, such as 3D printing;*
- *Enhance the security of explosives, by fully implementing the Regulation on Explosives Precursors and bringing forward to 2016 the revision of the Precursors Regulation;*
- *Assess the need to harmonise vetting standards and procedures at EU level.*

<sup>17</sup> Operators, from manufacturers to retailers, have an obligation to report suspicious activity to the national contact points in each Member State. They are best placed to identify transactions that fall outside of normal activity in each sector and to observe suspicious behaviour.

<sup>18</sup> The review will be done in consultation with the Standing Committee on Precursors expert group, <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3245>

<sup>19</sup> This concern was already laid out in the Commission's 2014 Communication on a new approach to the detection and mitigation of CBRN-E risks, COM(2014) 247 final.

<sup>20</sup> This was already foreseen in the 2008 Action Plan.

### 3. ENHANCING OPERATIONAL COOPERATION

The European Agenda on Security highlighted the urgent need to **enhance operational cooperation** among the relevant authorities of Member States. It is essential to use the expertise available and to provide proper training to law enforcement and other relevant agencies and experts in Member States. Law enforcement and expert networks should be used to their **full potential** in this context<sup>21</sup>.

#### *Increasing cross-border operational cooperation*

The Operational Action Plan (OAP) on firearms<sup>22</sup> already includes the bulk of these actions. They concern *inter alia* joint action days, and intelligence-led operations against traffickers and key enablers (e.g. legal business sectors or express delivery companies). Judicial cooperation between national authorities is also instrumental to fight against illicit trafficking of firearms. Eurojust was involved in several significant cases over recent years, notably in conjunction with other offences such as drug trafficking.

#### *Disrupting illicit firearms supply via the Internet (open and darkweb)*

The ability for organised crime rings and terrorists to obtain firearms, parts or components on the Internet, whether on the "open" Internet or the "darkweb" is a vulnerability that needs to be addressed urgently. The following actions should be pursued:

1. In addition to the full implementation of the Operational Action Plan on firearms, the Commission calls on the Member States to set up **cyber-patrol teams** or to focus the activities of existing ones on detecting the trafficking of firearms, parts or components, and explosives on the Internet.
2. Building upon the lessons learned from Operation Onymous<sup>23</sup> and Darkode<sup>24</sup>, Europol will support Member States' operations and investigations by providing operational analysis, coordination and expertise, notably through highly specialised technical and digital **forensic support** capabilities and the full use of the **Cybercrime Action Taskforce (J-CAT)**<sup>25</sup>.
3. Europol will also develop a **toolkit for online investigations**, notably in cooperation with the US Bureau of Alcohol, Tobacco, Firearms and Explosives.
4. As most of the infrastructure of the Internet is owned and operated by the private sector, the Commission will include the prevention and detection of illicit trafficking of firearms, parts, or components and explosives in its ongoing **partnerships with the private sector**<sup>26</sup>.

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<sup>21</sup> The Commission has streamlined the financial assistance to operational actions. Under the European Multidisciplinary Platform against Criminal Threats (EMPACT) Delegation Agreement, EUR 7 million were transferred to Europol of which about EUR 350 000 were earmarked so as to ensure the implementation of the Operational Action Plan (OAP) on firearms in spring 2015. Privileged funding to the OAP on firearms will be provided by Europol in 2016.

<sup>22</sup> Restricted document.

<sup>23</sup> <https://www.europol.europa.eu/content/global-action-against-dark-markets-tor-network>

<sup>24</sup> <https://www.europol.europa.eu/content/cybercriminal-darkode-forum-taken-down-through-global-action>

<sup>25</sup> The Joint Cybercrime Action Taskforce is hosted at the European Cybercrime Centre (EC3) at Europol. It was launched on 1 September 2014 to further strengthen the fight against cybercrime in the European Union and beyond.

<sup>26</sup> In the context of the Digital Single Market Strategy, the Commission is assessing how best to tackle illegal content on the internet.

### *Enhancing the control of intra-EU movements*

The **Explosives Control and Protection System (SCEPYLT)**<sup>27</sup> enables the electronic approval of intra-EU transfers of explosives, making the movement of explosives around Europe faster and easier to control. In the future, it could also be used as a traceability tool to support identification and tracing efforts.

In order to enhance control over explosives, the Commission will encourage all Member States to fully connect to and use this system.

In accordance with the proposal for the revision of the Firearms Directive adopted on 18 November 2015<sup>28</sup>, the Commission will evaluate the modalities for a system to exchange information on the intra-EU movements of firearms taking into account relevant existing EU information systems and instruments. This system should ensure a link between inputting and receiving Member States to make internal transfers more secure and improve the traceability of weapons and ammunition.

In order to strengthen the traceability of movements of legal firearms within a Member State and across Member States, the Commission will explore the possibility to prohibit cash payments in the context of sales or acquisition of firearms and ammunition by individuals.

### *Reinforced controls at the external borders*

Even though the sources of illicit firearms and explosives trafficking are diverse, controls at the external border and police and customs cooperation remain of paramount importance.

The Commission calls upon the Member States to carry out **risk-based controls on goods at the external border** whether arriving in commercial traffic (e.g. containers), in passenger transport (e.g.: cars) or in passengers' luggage. To that end, the Commission proposes to establish a **Customs Priority Control Action** with Member States on the illicit trafficking of firearms and - as far as possible - explosives, at the external borders. Implementation of all security-related actions foreseen in the Customs Risk Management Strategy and action plan will be accelerated by the Commission and Member States should advance their efforts accordingly.<sup>29</sup>

### *Tracing firearms used by criminals and terrorists*

Tracing firearms is an essential part of investigating firearms-related offences and learning more about the channels for illicit firearms. It is also critical to successfully disrupting access to explosives and precursors for explosives. The possibility to trace ammunition, which is currently limited, would also be of assistance for investigations.

The review of the Firearms Directive proposed by the Commission foresees common rules on marking of firearms in order to improve the traceability of legally held or imported firearms.

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<sup>27</sup> See Council conclusions on systems and mechanisms for the enhancement of the security of explosives of 26 April 2010, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/114017.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/114017.pdf)

<sup>28</sup> COM(2015) 750 final of 18.11.2015. Proposal for a Directive of the EP and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

<sup>29</sup> COM(2014)527 of 21.8.2014 final. Communication on the EU Strategy and Action Plan for customs risk management: Tackling risks, strengthening supply chain security and facilitating trade.



The Commission will moreover continue to fully support the **European Firearms Experts Group's** activities<sup>30</sup> to develop a **handbook for tracking and tracing illegal firearms**. Building upon the International Tracing Instrument and the international best practices developed by the United Nations International Small Arms Control Standards (ISACS)<sup>31</sup>, this manual will be disseminated to all Member States' law enforcement authorities. Tracing guidance and rules could include a requirement to generate reports to Europol to facilitate international tracing requests.

### *Enhancing training*

Training is central to raising the level of expertise, and thus, improving EU cooperation. Effective and consistent controls at the external border also require the practical exchange of best practices, expertise and information. CEPOL<sup>32</sup> will pursue its activities in this area and carry out a "gap analysis" to identify current training needs. This exercise could lead to the development of **common curricula on firearms and explosives** for all Member States experts, in cooperation with the European Explosives Ordnance Disposal Network (EEODN)<sup>33</sup>. CEPOL will also consider developing training schemes with third countries experts in firearms.

### *Developing innovative detection tools*

The 2014 Commission Communication on Detection<sup>34</sup> highlighted that an effective threat detection strategy can only be achieved if the threat substances and the environment (aviation, public areas, sports events, urban transport areas, etc.) are properly taken into account. While civil aviation has specific standards for detection technologies and processes, this has not been the case in other public areas (sports events, other modes of transport, and critical infrastructure). Further efforts are needed both in the use of detection technology and towards standardising its use. In 2012, the Commission started a programme with detection trials in different operational environments (airports, critical infrastructure, public buildings, and events – such as EURO 2012 in Poland)<sup>35</sup>.

Based on the above activities, the Commission will assess the feasibility of setting up an **EU detection pool** consisting of Commission and Member State experts, which would establish a capacity building and support programme in the field of detection of explosives and firearms. Such a pool could initially focus on **offering support** for law enforcement and relevant services in Member States and expand further as appropriate.

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<sup>30</sup> The European Firearms Expert Group, composed of experts from each EU Member State, Europol and associate members Liechtenstein, Norway, Switzerland and Turkey, was established in 2004 to facilitate exchange of information and promote cooperation against the illicit trafficking of firearms. This highly valued network supports the Council's Law Enforcement Working Party.

<sup>31</sup> <http://www.smallarmsstandards.org/>

<sup>32</sup> European Police College, <https://www.cepol.europa.eu/who-we-are/european-police-college/about-us>

<sup>33</sup> The EEODN has in recent years become a highly valued network offering training and information sharing, including on recent incidents, to explosives experts from all Member States, and has substantially contributed to building capacity and exchanging good practices.

<sup>34</sup> COM(2014) 247 final, 5.5.2014.

<sup>35</sup> Resulting from such trials, different guidance material has been developed, such as for airport soft target protection, use of explosives detection dogs and soft target protection in different environments, as well as for the detection of firearms residues and explosives on passports which will be made available to Member States.

**Specific actions:**

- *Increasing cross-border cooperation through:*
  - *Full implementation of the Operational Action Plan (OAP) on firearms;*
  - *More cooperation to disrupt the illicit firearms supply online (open and darkweb);*
  - *Evaluation of the modalities for a system to exchange information on the intra-EU movements of firearms taking into account relevant existing EU information systems and instruments;*
  - *Explore the possibility of prohibiting cash payments in the context of sales or acquisition of firearms and ammunition by individuals;*
  - *Reinforce controls at the external borders by undertaking risk-based controls on goods and through establishing a Customs Priority Control Action.*
- *Enhance the tracing of firearms through the development of a handbook for tracking and tracing illegal firearms in the framework of the European Firearms Experts Group;*
- *Develop common training curricula on firearms and explosives;*
- *Develop innovative detection tools;*
- *Joint operational actions involving all relevant law enforcement authorities.*

#### **4. IMPROVING THE COLLECTION AND SHARING OF OPERATIONAL INFORMATION THROUGH AN OPTIMAL USE OF EXISTING TOOLS**

The **European Agenda on Security** highlighted the urgent need to **make full use of the existing tools** that the Union puts at the disposal of Member States to facilitate the **exchange of information** between national law enforcement authorities. Remaining critical gaps may require additional EU tools, **while ensuring effective interoperability of existing systems**.

The existence of different systems of exchange of information used by different law enforcement authorities for different purposes, yet all relevant to the fight against the illicit trafficking of firearms and explosives, highlights a need for stronger technical interconnectivity. The Commission will assess how to best ensure their effective compatibility.

To do so, the Commission will give particular attention to the need to enhance police-customs cooperation while taking account of the system of exchange information on the intra-EU movements of firearms to be developed under the draft revised Firearms Directive presented on 18 November 2015.

### ***Ensuring interoperability between iARMS/SIS II/UMF***

In line with the Council Conclusions of 8 October 2015, the Commission calls upon the Member States to systematically insert information on sought firearms into the SIS and to increase the insertion of information on firearms into the Europol Information System (EIS) and Interpol's iARMS, where available.

Interoperability between the **Schengen Information System (SIS)**<sup>36</sup> and the INTERPOL iARMS<sup>37</sup> would highly facilitate law enforcement action, making it more effective.

This interoperability in practice is already taking shape through ongoing actions between the Commission and INTERPOL. INTERPOL has upgraded the "FIND" software to also cover firearms and sought Member States to volunteer for a **pilot project** to take place in the first half of 2016 to simultaneously search national databases, SIS and iARMS. Ultimately, "type of firearm" values can be queried in both systems and comparisons can be made between the tables describing the makes of firearms.

The Commission will pursue **cooperation with Europol**<sup>38</sup>, **INTERPOL and the Member States** with a view to ensuring the interoperability between both systems by July 2016. To this end, the Commission urges **Member States to participate to the pilot project**.

Simultaneously, the access by all national law enforcement authorities, border and customs authorities, within their respective mandates, would highly improve the efficiency of the operational work on the field. The possibility to simultaneously insert or search information in several databases containing similar or complementary information should continue to be exploited.

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<sup>36</sup> SIS is the largest data exchange platform on lost and stolen firearms within the EU and the Schengen associated countries. To date, 29 countries in Europe are connected. On 31 December 2014, it held 457.059 firearm alerts, with only 180 hits effectively achieved in 2014 (on a total of 128.598 alert hits for all categories of firearms). This very low rate is mainly due to data quality issues, such as the fact that many Member States do not record the caliber, and that serial numbers of firearms are not unique.

<sup>37</sup> The EU funded INTERPOL Illicit Arms Records and Tracing Management System (iARMS), facilitates information exchange and investigative cooperation between law enforcement agencies in relation to the international movement of illicit firearms, as well as licit firearms that have been involved in the commission of a crime. The iARMS database of Interpol is being rolled-out to the 190 member countries of Interpol. It contains approximately 756 000 records which are mainly inserted by Australia and Latin-American countries. So far only three percent of the information on firearms in this iARMS database originated in the EU. <http://www.interpol.int/Crime-areas/Firearms/INTERPOL-Illicit-Arms-Records-and-tracing-Management-System-iARMS>

<sup>38</sup> The related Universal Message Format project (UMF, a set of building blocks to construct standard data exchanges for interconnecting dispersed law enforcement systems) will be aligned with the SIS-iARMS interoperability project.

### *Enhancing the exchange of ballistic information*

Most firearms have their own unique identifying features and even if the firearm has not been left at the crime scene, key information can nevertheless be determined from the bullet, the nature of the wound (if any) and any residue that is left around it.

There is currently no EU-wide system for the analysis of ballistic data, and no central repository to integrate and compare this analysis. So far, two different systems are usually used by EU Member States<sup>39</sup>. Under the 7th Framework Programme, the Commission supported a project (the Odyssey Platform) with the aim of tackling the problem of analysing crime and ballistic data taken from disparate ballistic systems across Europe<sup>40</sup>. Following the findings of the Odyssey project, the Commission will facilitate the **exchange of ballistics' information through a dedicated platform** using the Ballistic Information Network and other relevant systems in use by Member States.

### *Extensive use of iTRACE*

The international community currently lacks concrete information about when, where and how legally produced conventional weapons enter the illicit market and are diverted to actors in armed conflicts or to other illegal end-users.

The EU is therefore funding the "iTRACE" project<sup>41</sup>. Based on its positive results<sup>42</sup>, the EU supports a second phase of the iTRACE programme including the intensification of field investigations and the broadening of the tool's geographical scope. It is clear however that progress depends on States, including all EU Member States, responding to tracing requests. Furthermore, any detection by any national law enforcement authority should be checked against this tool. To this end, the Commission will consider, for EU Member States, the necessity of binding rules in this area.

The Commission will support **close cooperation between Europol, INTERPOL, the main iTRACE actors and other relevant bodies**, such as customs and firearms import-export licensing authorities, to optimise operational cooperation, traceability and the prevention of firearms being diverted onto the illicit market.

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<sup>39</sup> Interpol hosts the Ballistic Information Network (IBIN) for countries that have the Integrated Ballistics Identification Systems (IBIS) technology. Currently, 19 countries around the world, 8 of them Schengen area countries are IBIN members. 42 more countries use the IBIS technology but are not part of IBIN (3 of them EU countries). Until now 36 hits have occurred, the majority of them among EU countries.

<sup>40</sup> [http://research.shu.ac.uk/aces/odyssey/index.php?option=com\\_content&view=category&layout=blog&id=56&Itemid=88](http://research.shu.ac.uk/aces/odyssey/index.php?option=com_content&view=category&layout=blog&id=56&Itemid=88)

<sup>41</sup> Council Decision 2013/698/CFSP: iTrace gathers and provides precise and cross-verified information with on-the-ground data on illicit trade routes of diverted or trafficked conventional weapons. <http://www.conflictarm.com/itrace/> In addition, the iTRACE project also specifically aims to support the implementation of the Arms Trade Treaty by assisting national authorities in detecting the diversion of transferred conventional weapons and in assessing diversion risks when examining export licence applications. Field investigations performed by experts from the private company "Conflict Armament Research" (CAR) in 21 countries (especially in Africa and the Middle East), feed a public access "weapons tracking database" on diverted or trafficked weapons.

<sup>42</sup> 130,000 items documented: weapons, ammunition and related material; 213 Trace requests sent to governments (as of July 2015).

### *Developing the Europol Analysis System and ensuring the full use of Europol Focal Point on firearms*

In 2016, Europol is due to deploy a new **Platform for the Europol Analysis System (EAS)**, a powerful analytical tool supporting the operational and strategic analysis of data provided by Member States and third parties. It is designed to be one of the core information processing systems of Europol. The Commission will strive to ensure the rapid and comprehensive implementation of this tool by assisting Member States and supporting complementary efforts to improve systematic monitoring of firearms. The Commission will consider the necessity of binding rules in this area to improve the capacity analysis of Europol for the support of all Member States law enforcement authorities.

At the Council's request in 2014, Europol set up a **Focal Point on Firearms**. It provides strategic and operational support to ongoing investigations. 21 Member States<sup>43</sup> and 6 Third Partners are currently associated<sup>44</sup> to this Focal Point. Since its inception, the Focal Point on Firearms has received 3,089 contributions with approximately 625 investigative cases including information on 35,000 firearms, 28,700 persons and close to 3,216 suspected companies. This year, the Focal Point Firearms has received 1,750 contributions. The Commission urges **all Member States to share information proactively and participate fully in the actions of the Focal Point on firearms**.

### *Maximising the use of the European Bomb Data System (EBDS)*

Within the EU Action Plan on Explosives, the Commission funded the development of the **European Bomb Data System (EBDS)** which is currently managed by Europol. The EBDS connects nearly all Member States, as well as Norway and the Commission, and can be used to exchange technical data concerning explosives and CBRN materials, as well as incidents, trends and devices.

**Full connectivity** by relevant users in the Member States should be ensured and further efforts should be devoted to identify all relevant possible users and to train its users. In addition, the Commission, together with Europol, will assess whether the EBDS should incorporate "early warning"-type information<sup>45</sup>, detection capabilities, and whether to link this system with other select European databases. To complement the information shared through the EBDS, the Commission will propose regular briefings in a classified environment for Member States and Europol to share specialised threat assessments on explosives.

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<sup>43</sup> Focal Point members: Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Greece, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom.

<sup>44</sup> Eurojust, Interpol, Switzerland, Australia, US Bureau of Alcohol, Tobacco, Firearms and Explosives and Albania.

<sup>45</sup> An early warning system was developed under the EU Explosives Action Plan with funding from the Commission, but did not succeed in connecting all Member State authorities.

**Specific actions:**

- *Assessment of existing systems of exchange of information relevant to the fight against firearms and explosives trafficking with to ensure their technical compatibility with a particular attention given to the need to enhance police-customs cooperation and the development foreseen by the draft Firearms Directive;*
- *Ensure effective interoperability between existing information systems, including iARMS/SIS II in relation with UMF;*
- *Extend the use of iTRACE, the European Bomb Data System (EBDS) and the Europol Analysis System while ensuring the full use of its Focal Point on firearms;*
- *Enhance the exchange of ballistic information through a dedicated platform*

## 5. STRONGER COOPERATION WITH THIRD COUNTRIES

As set out in the Joint Communication of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy on the Review of the European Neighbourhood Policy<sup>46</sup> adopted on 18 November 2015, the EU will step up its cooperation with neighbouring countries on the security dimension, including on countering the illicit trafficking in human beings, the illicit trafficking of Small Arms and Light Weapons (SALW) and drug cooperation.

The illicit trafficking and use of firearms and explosives should be systematically **integrated into security dialogues** with key partner countries and organisations. These dialogues should also lead, whenever relevant, to specific joint action plans on firearms and where possible also explosives, including EU agencies such as Europol, Eurojust and CEPOL as well as relevant international organisations such as the UN and INTERPOL. EU financial assistance could also be envisaged in certain cases (such as confiscated/decommissioned firearms), e.g. under the Instrument contributing to Stability and Peace, other EU assistance programmes or the CFSP budget.

Training and other support measures (including the provision of relevant equipment and tools) to strengthen the capacities of partner countries and other relevant third countries against the illicit trafficking and use of firearms and explosives should, whenever relevant, be included in cooperation programmes at global, regional or bilateral level.

### ***Enhancing operational activities and enlarging the scope of the EU-South East Europe Action Plan***

The EU and its South East Europe partners share an interest in enhancing their cooperation against common threats posed by the illicit trafficking of military-grade weapons and explosives<sup>47</sup>.

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<sup>46</sup> JOIN(2015) 50 final.

<sup>47</sup> Since 2002, the EU has been supporting efforts to reduce the threat caused by the large scale accumulation of small arms and light weapons (SALW) and ammunition stockpiles in South East Europe (<http://www.seesac.org/news.php?id=495>). Various projects have been financed by the EU in the Western Balkan region with a view to improve the security of stockpile management.

This cooperation was further developed through the adoption of an **Action Plan on the illicit trafficking of firearms between the EU and the South East Europe Region for the years 2015-2019**<sup>48</sup>.

The activities under the Action Plan need to be **rapidly stepped up** to further reduce the illicit flow of firearms to the EU. Europol should **accelerate** the implementation of the **Operational Action Plan 2016** of the Policy Cycle, notably through the setting up of **intelligence-led joint operations**, and **closer cooperation between liaison officers** in the region and the **Firearms Experts Network**.

The Commission will organise a second conference in early 2016 with its Western Balkan partners to **assess the implementation of the Action Plan** and discuss future steps, including the proposal to enlarge this Action Plan to illicit explosives.

Western Balkan countries are implementing national strategies to counter arms trafficking and proliferation of small arms and light weapons. Progress being made in this area is also being monitored in the context of the accession negotiations in chapter 24 – Justice, Freedom and Security.

Building upon the lessons learned from similar initiatives<sup>49</sup>, the Commission, in partnership with key partners, will consider the relevance of **firearms buy-back schemes** in the region.

### ***Strengthening cooperation with Middle East and North African countries (MENA)***

The current instability in the MENA region, especially the protracted conflicts in Libya and Syria, has drastically increased the level of illicit trafficking of firearms in the region. It presents a significant long-term security threat to the EU that needs to be addressed urgently.

The EU has already started a dialogue to explore possible future cooperation with MENA countries (after exploratory contacts and a first conference with MENA countries at technical level on 1<sup>st</sup> October 2015) and will seek to **enhance EU-MENA cooperation among relevant law enforcement agencies**, ensure **capacity-building assistance** in relevant regional and/or bilateral programmes<sup>50</sup> and develop **operational actions** under a commonly agreed framework.

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<sup>48</sup> Following the EU-Western Balkans Ministerial Forum on Justice and Home Affairs held in Tirana in 2012, a regional network of experts in firearms trafficking was set up in 2013. This led to the adoption of the Action Plan. It was endorsed in December 2014 by both the Council and by the Western Balkan partners at the EU – Western Balkans Ministerial Forum on Justice and Home Affairs in Belgrade. The action plan foresees the following actions:

- Enhancing the exchange of information at regional level and with Member States, involving Europol, on the production, stockpiling and trafficking of firearms and ammunition, aiming also to develop more effective investigative and intelligence standards;
- Enhancing operational law enforcement co-operation at regional level and with Member States and Europol to control the production, stockpiling and trafficking of firearms and ammunition;
- Improving the collection and exchange of statistics concerning the production, stockpiling and trafficking of firearms and ammunition;
- Promoting networking at all levels, the exchange of best practices and joint training among experts in the Western Balkan region;
- Harmonising national legislation on firearms in line with EU and international standards.

<sup>49</sup> The EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition. Doc. 5319/06 PESC 31, 13 January 2006;

- Council Decision 2013/730/CFSP;

- UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. <http://www.un.org/disarmament/content>

<sup>50</sup> Such as the European Neighbourhood Instrument (ENI) and the Instrument contributing to Stability and Peace (IcSP), as is already the case with the new ENI-funded EUROMED Police IV programme (about to be launched).

This regional approach needs to be complemented at bilateral level by systematically including the firearms and explosives dimension in the policy dialogues with the MENA countries in the framework of the European Neighbourhood Policy Association Agreements and related subcommittees on Justice and Home Affairs issues and, where relevant, the specific counter-terrorism dialogues (already started with Tunisia or about to start with Lebanon, Jordan, Algeria and Morocco).

The illicit spread and trafficking of conventional arms within and from **Libya** continues to fuel insecurity in the region, including through further diversion of improvised explosive devices (IEDs)<sup>51</sup> or MANPADS<sup>52</sup>. Militias in Libya have reportedly also seized chemical weapons from arsenals stored under poor conditions, which are at risk of falling in the hands of violent extremist groups or terrorists.

Once a Government of National Accord is formed, the EU will, as a matter of priority and in coordination with other relevant international partners, offer counter-terrorism capacity development programmes to the Libyan authorities. Tackling the illicit trafficking of firearms and use of explosives will be a vital component of such a package.

#### *Enhancing cooperation with Ukraine*

It is in the interest of both the EU and **Ukraine** to enhance their cooperation against common threats posed by the illicit trafficking and use of firearms and explosives. At same time, the EU could strengthen its support to reform the civilian security sector in Ukraine, including in the area of interest covered by this Communication.

#### *Enhancing cooperation with Turkey*

The current EU-Turkey dialogue on Counter-terrorism should be extended to the illicit trafficking and use of firearms and explosives.

#### *Enhancing cooperation with other regional actors and international organisations*

Terrorist and criminal groups add to the volatile security situation in **Libya**, with an impact on Sahel (e.g. Mali) and the security situation in the Lake Chad region (in particular Nigeria). The Commission, in coordination with the EEAS, will ensure relevant support to counter these groups through security-related assistance, possibly including under the newly set-up European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa.

The Commission will assist the League of Arab States (LAS)<sup>53</sup> countries in the development of a computerised system of control of transfers of arms and armaments and will explore ways in which the LAS contact points on SALW could work with comparable EU structures.

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<sup>51</sup> Weapons from Libya have been found in countries such as Chad, Egypt, Gaza, Mali, Niger, and Tunisia.

<sup>52</sup> Man-portable air-defense systems.

<sup>53</sup> The LAS is a regional organization of Arab countries in and around North Africa, the Horn of Africa and Arabia.



Based on existing EU efforts undertaken through the implementation of the 2005 EU Small Arms and Light Weapons (SALW) Strategy<sup>54</sup> as well the European Security Strategy<sup>55</sup>, the EU will continue promoting the ratification, transposition and implementation of relevant international conventions, such as the Arms Trade Treaty, and the Firearms protocol to the UN Convention on Transnational Organised Crime. Use will also be made of the CBRN regional networks as established in eight regions under the EU Risk Mitigation Initiative.

**Specific actions:**

- *Enhance operational activities and enlarging the scope of the EU-South East Europe Action Plan;*
- *Strengthen cooperation with Middle East and North African countries (MENA);*
- *Enhance cooperation with Ukraine and Turkey;*
- *Enhance cooperation with other relevant Third Countries', regional actors and international organisations*

## CONCLUSIONS

The Commission calls upon the Member States and all other relevant stakeholders to take all necessary steps to ensure the swift implementation of this Action Plan. The Commission will report to the European Parliament and the Council on the implementation of this Action Plan within the framework of the six-monthly update on the implementation of the European Agenda on Security.

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<sup>54</sup> [http://eeas.europa.eu/non-proliferation-and-disarmament/conventional\\_weapons/salw/index\\_en.htm](http://eeas.europa.eu/non-proliferation-and-disarmament/conventional_weapons/salw/index_en.htm)

<sup>55</sup> <http://www.eeas.europa.eu/csdp/about-csdp/european-security-strategy/>