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Subject: Council Conclusions on the Adoption of an EU Strategy Against Illicit
Firearms, Small Arms & Light Weapons & Their Ammunition
- Council Conclusions (19 November 2018)

Delegations will find in the Annex the Council Conclusions on the Adoption of an EU Strategy Against Illicit Firearms, Small Arms & Light Weapons and their Ammunition, adopted by the Council at its 3652nd meeting held on 19 November 2018.

COUNCIL CONCLUSIONS ON THE ADOPTION OF AN EU STRATEGY AGAINST ILLICIT FIREARMS, SMALL ARMS & LIGHT WEAPONS AND THEIR AMMUNITION

1. The Council notes that illicit small arms and light weapons continue to contribute to instability and armed violence, thwarting sustainable development and crisis management efforts, further destabilising entire regions, the states therein and their societies, fuelling armed violence and organised crime, and amplifying the impact of terrorist attacks. Therefore the Council is committed to prevent and curb the illicit trade in small arms and light weapons (SALW) and their ammunition and to promote accountability and responsibility with regard to their legal trade.
2. The Council considers the UN Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects (PoA) as the global framework to counter the threat posed by illicit SALW and supports its full and effective implementation at national, regional, and global levels and the Council welcomes the outcome of the Third Conference to review the progress of the implementation of the UN Programme of Action that took place in June 2018 as it reflects many of the objectives of the EU position adopted by the Council on 28 May 2018¹, including support for the role played by regional organisations in implementing the Programme of Action.
3. The Council recalls that in 2005, the **European Council** adopted an EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition². It also recalls that the European Union has been investing considerably in cooperation and assistance to third countries with a view to combat the illicit trade in SALW guided by the EU Strategy and the PoA.

1 Council Conclusions on an EU position on combatting the illicit trade in small arms and light weapons, in light of the Third Review Conference to review the implementation of the UN Programme of Action on SALW (Council 8978/18 of 28 May 2018)

2 Council 5319/06 <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%205319%202006%20INIT>

4. The Council welcomes the Joint Communication on elements for an EU Strategy against illicit firearms, small arms & light weapons and their ammunition³ issued by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy on 13 June 2018. It fully endorses the objectives and the proposed actions detailed in the communication.
5. In response to the Joint Communication and in light of relevant developments since 2005 the Council hereby adopts a new EU Strategy against illicit firearms, small arms & light weapons and their ammunition and thereby replaces the EU Strategy from 2005. Relevant developments since 2005 include the evolved security context, including the threat of terrorism inside the EU and developments in SALW design and technology affecting the capacity of governments to address the threat.
6. The new Strategy takes into account the guiding principles of the 2016 EU Global Strategy⁴, that requires an integrated approach across external policies, between Member States and EU Institutions and between the internal and external policy dimensions. It also takes into account the outcome of the Third Review Conference of the PoA⁵ from June 2018, the entry into force of the Arms Trade Treaty in December 2014⁶, and the launch of the 2030 Agenda for Sustainable Development, in September 2015, which affirms that combatting the illicit trade in small arms and light weapons is necessary for the achievement of many goals, including those relating to peace, justice and strong institutions, poverty reduction, economic growth, health, gender equality, and safe cities and communities.

³ JOIN (2018) 17 final of 13 June 2018.

⁴ <https://europa.eu/globalStrategy/en/global-Strategy-foreign-and-security-policy-european-union>

⁵ A/CONF.192/2018/RC/3

⁶ http://treaties.un.org/doc/Treaties/2013/04/20130410%2012-01%20PM/Ch_XXVI_08.pdf#page=21

7. The purpose of the new Strategy is to guide integrated, collective and coordinated European action to prevent and curb the illicit acquisition of SALW and their ammunition by terrorists, criminals and other unauthorised actors, and to promote accountability and responsibility with regard to the legal arms trade. This new EU Strategy will guide actions by EU Institutions and EU Member States.
8. The new EU Strategy against illicit firearms, small arms & light weapons and their ammunition can be found in the annex of these Conclusions.

SECURING ARMS, PROTECTING CITIZENS

EU Strategy against illicit firearms, small arms & light weapons and their ammunition

1. INTRODUCTION

Illicit firearms, small arms and light weapons continue to contribute to instability and violence in the European Union, in its immediate neighbourhood, and in the rest of the world. Illicit small arms are fuelling global terrorism and conflicts, thwarting the EU's development and crisis management, humanitarian and stabilisation efforts in parts of the EU's neighbourhood and Africa. Within the EU, illicit firearms have a clear impact on internal security, by fuelling organised crime and providing terrorists with means to carry out attacks on European soil.

The 2016 United Nations Secretary General's report on the illicit trade in small arms and light weapons in all its aspects⁷ stated that the number of civil wars in the world had tripled over the previous decade. Armed conflict, often fuelled by the proliferation of illicit small arms, is a key factor in depriving almost 800 million people of sufficient food. Illicit firearms facilitate trafficking in drugs and human beings through intimidation and coercion, fuel turf conflicts between urban gangs and empower terrorists. Terrorist attacks in Europe have illustrated the link between organised crime and terrorism, notably in the trafficking of firearms, and are a clear indicator of a multidimensional threat involving various areas of crime. Europol's 2017 Serious and organised crime threat assessment (SOCTA)⁸ noted that recent terrorist attacks both inside the EU and elsewhere, carried out by jihadist terrorists using trafficked firearms, had demonstrated the lethal consequences of this illicit trade.

⁷ <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2016/10/english.pdf>

⁸ <https://www.europol.europa.eu/socta/2017/>

In 2005, the European Council adopted an EU Strategy to combat illicit accumulation and trafficking of small arms and light weapons and their ammunition⁹ in support of the UN Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, as adopted on 20 July 2001.¹⁰ The Commission's 2015 European Agenda on Security¹¹ identified illicit trafficking in firearms as one of the priorities under the overarching objective of disrupting the activities of terrorists and serious organised crime groups. It was followed by an EU action plan against illicit trafficking in and use of firearms¹² and explosives and a revision of the Union's regulatory framework on the legal acquisition and possession of firearms¹³. On 13 June 2018 the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy issued a Joint Communication on elements for an EU Strategy against illicit firearms, small arms & light weapons and their ammunition¹⁴ in order to progress towards a genuine and effective Security Union.

⁹ Council 5319/06
<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%205319%202006%20INITA/CONF.192/15>.

¹¹ The European Agenda on Security, Commission Communication to the European Parliament and the Council (COM(2015) 185 final, 28.4.2015).

¹² Implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives, Commission Communication to the European Parliament and the Council (COM(2015) 624 final, 2.12.2015).

¹³ Directive 91/477/EEC on control of the acquisition and possession of weapons (OJ L 256, 13.9.1991, p. 51) and Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 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), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.3.2012).

¹⁴ JOIN (2018) 17 final of 13 June 2018.

This new EU Strategy against illicit firearms, small arms & light weapons and their ammunition takes into account the homonymous Joint Communication¹⁵, the guiding principles of the 2016 EU Global Strategy¹⁶, the evolved security context since 2005, developments in conventional arms control, such as the entry into force of the Arms Trade Treaty in December 2014¹⁷, and actions within the EU implementing the 2015 European Agenda on Security. The purpose of a revised strategy is to guide integrated, collective and coordinated European action to prevent and curb the illicit acquisition of SALW and their ammunition by terrorists, criminals and other unauthorised actors, and to promote accountability and responsibility with regard to the legal arms trade.

While the trade in civilian firearms is regulated at EU level¹⁸, Member States align their positions on the export of small arms and light weapons (SALW), as war materials, under the common foreign and security policy (CFSP)¹⁹. The legal distinction between civilian and military grade firearms becomes irrelevant once they are diverted into the illegal circuit. In order to address this threat in a comprehensive way, this Strategy covers both civilian and military-grade firearms.

Military weapons have an indispensable role in the preservation of security, freedom and peace, provided they are used in accordance with International Law, including Human Rights Law and International Humanitarian Law. At the same time, weapons of war are by definition capable of inflicting death and destruction. This ambivalence means that governments that control such weapons must ensure that they are traded in a responsible and accountable way, and prevent their diversion to terrorists, criminals and other unauthorised users in violation of arms embargoes and end-user agreements.

¹⁵ See footnote 8

¹⁶ <https://europa.eu/globalStrategy/en/global-Strategy-foreign-and-security-policy-european-union>

¹⁷ http://treaties.un.org/doc/Treaties/2013/04/20130410%2012-01%20PM/Ch_XXVI_08.pdf#page=21

¹⁸ See footnote 7

¹⁹ Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment. The intra-EU transfer of military technology and equipment is subject to Directive 2009/43/EC

For the purpose of this Strategy, the term ‘SALW’²⁰ is used when focusing on military grade weapons and the term ‘firearms’²¹ is used expressly to include civilian firearms.

2. COUNTERING ILLICIT FIREARMS AND SALW: OBJECTIVES AND ACTIONS

The effective countering of the diversion and illicit manufacture and trade of firearms/SALW and their ammunition requires norm and rule setting, implementation, enforcement and communication by government agencies and national, regional and global actors. It requires action addressing all phases in the life cycle of firearms/SALW and ammunitions: manufacture, export, stockpiling and disposal. In line with the Global Strategy for the European Union’s Foreign and Security Policy and its principles²² as well as the European Agenda on Security, the EU seeks to preserve and protect a peaceful and secure environment for its citizens, and support security and foster development in its neighbourhood and the wider world. To this end, this Strategy is guided by the following principles:

- unity – taking a joined-up and coordinated approach across external policies, between Member States and the EU, and between internal and external policies;

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- ²⁰ Small arms and light weapons (SALW) and their ammunition are military grade weapons; they include:
- (a) small arms: assault rifles; military grade semi-automatic rifles and carbines; military grade revolvers and self-loading pistols; light machine guns; sub-machine guns, including machine pistols;
 - (b) light weapons: heavy machine guns; cannons, howitzers and mortars of less than 100 mm calibre; grenade launchers; recoilless guns; shoulder-fired rockets and other anti-tank and air defence systems that fire projectiles, including MANPADS, all on condition they are man- or crew portable;
 - (c) SALW parts;
 - (d) SALW accessories (such as night scopes, sound suppressors, etc.); and
 - (e) SALW ammunitions.

This definition does not prejudice any future internationally agreed definition of SALW.

- ²¹ The term ‘firearms’ has a broader scope that covers both civilian and military grade firearms. The UN firearms protocol defines a firearm as 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 an explosive, excluding antique firearms or their replicas. It should be noted that some light weapons, such as rocket launchers, are not firearms. Hence the term ‘firearms’ does not cover all SALW.

- ²² https://europa.eu/globalStrategy/sites/globalStrategy/files/pages/files/eugs_review_web_13.pdf

- promoting cooperation and partnership at all levels;
- taking responsibility in relation to priority regions, especially those likely to pose a threat to the EU's security and most likely to benefit from EU action;
- promoting a global rules-based cooperative order with multilateralism as its key principle and the UN at its core, based on respect for International Law, including Human Rights and International Humanitarian Law, with a view to creating a peaceful and sustainable world; and
- incorporating gender and diversity aspects in SALW-control projects and actions.

2.1 STRENGTHENING THE NORMATIVE FRAMEWORK

2.1.1. UN Programme of Action on SALW and International Tracing Instrument

The UN Programme of Action on SALW (UN PoA)²³ continues to provide a comprehensive instrument as the only universal framework to cope with the threat posed by illicit SALW. The International Tracing Instrument (ITI)²⁴ is a politically binding instrument outlining requirements and providing a global standard on marking, record-keeping, and tracing of SALW. The main objective of the revised EU Strategy remains the full and effective implementation of the UN PoA and the ITI at national, regional and global levels. This Strategy therefore puts forward measures to improve implementation of the UN PoA at national and regional levels in the EU. It also proposes cooperation and assistance in other regions of the world and at global level.

²³ [http://www.un.org/events/smallarms2006/pdf/192.15%20\(E\).pdf](http://www.un.org/events/smallarms2006/pdf/192.15%20(E).pdf)

²⁴ <http://www.poa-iss.org/InternationalTracing/InternationalTracing.aspx>

Action: The EU will continue to support cooperation and assistance for the implementation of the UN PoA, with a focus on regional cooperation, and to participate in and support coordination with other donors. This support will include collection and destruction of surplus SALW and ammunition, physical security and stockpile management for SALW and ammunition, capacity development for marking, record keeping and tracing, capacity development for arms export control, capacity development for law enforcement in countering illicit trafficking, support for embargo monitoring and tracing of diverted weapons.

Next steps: Under the UN PoA, new projects will take into account an analysis and comprehensive evaluation, by the High Representative, of the impact and effectiveness of SALW-control projects under the 2005 SALW Strategy between 2005 and 2017.

2.1.2 Arms Trade Treaty

The Arms Trade Treaty (ATT)²⁵ establishes the highest possible international standards for regulating, or improving the regulation of, international trade in conventional arms (including SALW) and aims to prevent and eradicate illicit trade in conventional arms and prevent their diversion.

Action: The EU will continue supporting the universalisation and implementation of the ATT.

²⁵ <https://www.un.org/disarmament/att/>

2.1.3 UN Firearms Protocol

The purpose of the UN Firearms Protocol²⁶ is to facilitate and strengthen cooperation in order to prevent, combat and eradicate the illicit manufacture of and trafficking in firearms. The Commission negotiated and signed the protocol on behalf of the EU in 2002. After adopting stronger rules on transfers of civilian firearms both within the Union and elsewhere, the EU was able to ratify it in 2014 .²⁷

Action: The EU will continue to support the implementation of the UN firearms protocol and its review mechanism, and to strengthen the capacity of partner countries and sub-regions to implement effective firearms controls in line with the protocol. In particular, the Commission calls on Member States to implement in full its Recommendation of 17 April 2018 on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition .²⁸

2.1.4 UN Sustainable Development Goals (SDGs)

The illicit and uncontrolled spread of SALW threatens to fuel and prolong armed conflicts and armed violence, with adverse effects on good governance, law and order, access to education, healthcare, justice and other civil rights. The links between armed violence, conflict and poor development are well established. With target 16.4 of the UN Sustainable Development Goals (SDGs)²⁹ states have committed, by 2030, to significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime. Therefore, the Strategy should aim to mitigate and prevent negative effects on sustainable development from the illicit trade in SALW and their ammunition.

²⁶ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the UN Convention against transnational organised crime (UNTOC);

<http://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html>

²⁷ OJ L 89, 25.3.2014, p. 7.

²⁸ COM(2018) 2197 final.

²⁹ <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

Action: The EU will contribute to the effort to achieve the UN SDGs, including SDG 16.4 (significant reduction in illicit arms flows by 2030), by helping states and regions to formulate and implement national and regional indicators.

2.1.5 Stronger EU norms

The Council will consider new decisions in order to strengthen the EU's normative framework with a view to improved traceability of SALW, improved end-use documentation in SALW export control and improved exchange information on diversion. The EU will also continue to propose a standard clause on SALW control in its partnership and trade agreements with other countries. The clause will be updated in line with the new Strategy.

Action: The EU will continue to introduce a standard SALW control clause in partnership and trade agreements with other countries.

Next steps:

- The Council will consider a Decision on the marking of all SALW to improve traceability;
- The Council welcomes the Commission's intention to adopt a Delegated Act on exchanging, by electronic means, information on authorisations for the transfer of civilian firearms to another Member State, and set up an electronic system whereby Member States can exchange such information as required by Directive 91/477/EEC.³⁰

³⁰ Art.13.5 of the Directive 91/477 requires the adoption of this implementing act by 14 September 2018.

2.2 IMPLEMENTATION OF NORMS IN THE DIFFERENT LIFE CYCLE PHASES OF FIREARMS/SALW

2.2.1 Control on firearms and SALW manufacturing

In the EU, the manufacture of firearms and SALW, their parts, accessories and ammunition is well regulated and the rules governing the storage of SALW and their ammunition are designed to minimise diversion risks.

Developments in the design of firearms and SALW such as the increased use of polymer frames and modular design risk undermining the effectiveness of the International Tracing Instrument (ITI) which is the global standard on SALW-marking. Action should be undertaken to update the ITI in light of these developments.

The EU encourages and supports research and development on technology and design features aimed at mitigating the risk of firearms and SALW and ammunition diversion, trafficking and unauthorised use. It promotes the application of new technologies for more effective SALW stockpile management, use-control, marking, tagging, record keeping and tracing.

Actions:

- The EU will continue to address the illicit manufacture of firearms and ammunition. The methods of illicit manufacture are permanently evolving and can be facilitated through the use of 3-D printed parts. They include the illicit re-activation of deactivated firearms, craft production and the illicit conversion of alarm or signal guns designed for blank ammunition or flobert guns, the illicit conversion of ammunition and the illicit use of reloading tools. The Commission will closely monitor the implementation of its future Implementing Act laying down technical specifications for alarm signal weapons for the application of Directive 91/477/EEC on control of the acquisition and possession weapons³¹; and
- As marking and thorough record-keeping are vital for successful tracing, the EU will continue to support the full implementation of the International Tracing Instrument (ITI).

Next steps:

- At global level, to preserve and increase the effectiveness of the ITI, the EU and its Member States will take action by proposing to consider an annex to the ITI in the light of developments in SALW design, such as modular architecture and polymer frames; and
- The EU will make use of relevant instruments to support research and development in the field of reliable and cost effective technology to secure SALW and their ammunition and mitigate the risk of diversion.

³¹ Implementing act to be adopted by 14 September 2018 according to art.10 a of Council Directive 91/477/EEC on control of the acquisition and possession of weapons as amended by Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 (OJ L 137, 24.5.2017, p. 22)

2.2.2 Controls on the export of firearms and their ammunition

The EU and its Member States support the implementation and universalisation of the Arms Trade Treaty. Building on the implementation of the Arms Trade Treaty, the EU counters diversion by supporting capacities for identifying points of diversion by means of tracing, making better use of information-exchange systems and mitigating the risk of further diversion by cutting supply to identified diverters in the framework of arms export control.

Unregulated brokering remains a source of SALW diversion. The transnational nature of brokering activities requires international cooperation.

Actions:

- The EU will continue to promote responsible and effective arms export control in the EU's neighbourhood, in accordance with Common Position 2008/944/CFSP for military grade weapons and Regulation (EU) No 258/2012 for civilian firearms; and
- The High Representative and the Member States will ensure the correct and full implementation of Common Position 2003/468/CFSP on arms brokering.

Next steps:

- The Commission continues to monitor the EU system and need for possible improvements for export authorisation and import and transit measures for civilian firearms, their parts, components and ammunition, as indicated in the report adopted by the Commission on 12 December 2017³²;
- The Council will consider a decision on end-user certificates for SALW exports, taking account of the OSCE's work in this regard;

³² COM(2017) 737 final of 12.12.2017.

- In agreement with the Member States, the EEAS will increase the capacity of the COARM online system³³ for the exchange of information relevant for diversion risk assessment purposes between Member States' export control authorities in the context of export licensing, taking into account the security level of the system and the information;
- In the risk assessment prior to granting an export licence for SALW and ammunition, Member States will take into account the diversion record of intended recipients and intermediaries; and
- The Member States will consider using the European criminal records information system (ECRIS) and the future ECRIS-TCN (third country nationals) system to ensure that criminal records information on entities/persons convicted for arms trafficking is available to arms export control authorities for use in their risk assessment of licence application for military technology and equipment.

2.2.3 Secure SALW and ammunition stockpile management

The secure management of national small arms and ammunition stockpiles is instrumental in curbing illicit proliferation. Poor stockpile security is a key factor allowing arms and ammunition to be diverted from the licit to the illicit markets. Stockpile security is especially precarious in states affected by violent conflict or weak governance.

³³ Online platform for information exchange between Member States' Export Control authorities established under the COARM Council Working Party on Arms Exports. The Working Party on Conventional Arms Exports handles work concerning export controls for conventional arms. It also works as a forum, where the member states communicate and share information on their export policies to non-EU countries, and on national denials of applications for export licenses to non-EU countries.

Actions:

- The EU and its Member States will continue to help other countries to improve the management and security of state-held stockpiles by strengthening national legislative and administrative frameworks and institutions that regulate the legitimate supply and stockpile management of SALW and ammunition for defence and security forces, with a particular focus on marking and record-keeping; and
- The EU will promote and implement standards and good practices for the handling of small arms (international small arms control standards - ISACS) and ammunition (international ammunition technical guidelines - IATGs).

2.2.4 Responsible disposal of SALW and their ammunition

Surpluses of SALW and ammunition arise when stockpiles exceed immediate and projected needs. Also, illicit arms that are seized or collected in the context of voluntary collection or disarmament, demobilisation and re-integration campaigns often end up in stockpiles. The only way to eliminate the risk of these surpluses being diverted is to dispose of them responsibly, preferably by destruction, as deactivation can be reversible if not performed according to appropriate standards. Before destroying seized and collected firearms their markings must be recorded in order to allow tracing or other investigations into their origins. The Commission has adopted common guidelines on deactivation standards and techniques³⁴ which can usefully serve as a global template for the secure and irreversible deactivation of firearms.

³⁴ Commission Implementing Regulation (EU) 2018/337 of 5 March 2018 amending Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable (OJ L 065, 08 March 2018 p.1).

Actions:

- The EU and its Member States will promote and assist in the responsible disposal of surplus, seized and otherwise retrieved SALW and ammunition, preferably through destruction; and
- To ensure that deactivated firearms are rendered irreversibly inoperable, the Commission, together with the High Representative and the Member States, will promote EU firearms deactivation standards abroad, including through its cooperation with third states.

2.2.5 Cross-cutting issues

The EU and its Member States are committed to improving the coordination of their actions and initiatives in the fight against firearms trafficking, in order to exploit synergies, enhance interoperability between relevant databases and other information systems, and prevent duplication of effort.

Improved information sharing, research, data collection and analysis on the various aspects of firearms trafficking and gun crime are essential to compile a good intelligence picture and to keep up-to-date with evolving security needs. There is a need to improve the use of existing tools and assess possible synergies and interoperability between existing EU and international law enforcement databases to monitor the trafficking of SALW, inter alia by collecting, analysing and sharing relevant information. Europol and the European Border and Coast Guard Agency (EBCGA) can play a role in this area and further use of the iARMS system should also be encouraged.

Actions:

- The EU will encourage further use of Interpol's illicit arms records and tracing management system (iARMS)³⁵;

³⁵ <https://www.interpol.int/Crime-areas/Firearms-trafficking/INTERPOL-Illicit-Arms-Records-and-tracing-Management-System-iARMS>

- The Commission will pursue cooperation with Europol, INTERPOL and the Member States to enhance synergies and interactions between the Schengen Information System (SIS)³⁶ and iARMS to follow up action envisaged by the EU Action Plan against illicit trafficking in and use of firearms and explosives³⁷;
- The Commission will continue to support and promote research and actions against firearms trafficking and related crime through the available funding instruments³⁸.

2.3 COMPLIANCE THROUGH MONITORING AND ENFORCEMENT

The EU is uniquely placed to help disrupt criminal markets through its legislative and operational work, including police and customs cooperation and funding streams, and through cooperation and engagement with other countries and international organisations in the field of law enforcement³⁹. Europol and the European Border and Coast Guard Agency (EBCGA) can play a role in this area.

³⁶ Stronger and smarter information systems for borders and security, Commission Communication to the European Parliament and the Council (COM(2016) 205 final, 6.4.2016).

³⁷ EU action plan against illicit trafficking in and use of firearms and explosives, 2nd December 2015, COM(2015), 624 final

³⁸ https://ec.europa.eu/home-affairs/financing/fundings/security-and-safeguarding-liberties/internal-security-fund-police_en

³⁹ For the purpose of this Strategy, the term ‘law enforcement’ refers to the activity of police, border and coast guards, and customs.

Operational cooperation is one of the pillars of EU action under the European Agenda on Security. The Europol multiannual policy cycle for organised and serious international crime includes since the 2014-2017 cycle the fight against firearms trafficking among the priority crime areas in which to enhance law enforcement cooperation⁴⁰. The new 2018-2021 policy cycle for organised and serious international crime has maintained this priority⁴¹. In 2017, Europol's weapons and explosives analysis project received substantially more contributions than in 2016, thus proactively supporting investigative action.

Intelligence on firearm/SALW trafficking is also shared through reports from the EU Intelligence and Situation Centre (EU-INTCEN).

Actions:

- EU Intelligence and Situation Centre (EU-INTCEN) is requested, where necessary, in cooperation with the Commission, Europol and the EBCGA, to compile reports on SALW and ammunition trafficking;
- The EU Agency for Law Enforcement Training (CEPOL) should continue to arrange training for law enforcement officials on firearms/SALW trafficking;

⁴⁰ Council conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime (doc. 15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94, 25.10.2010).

⁴¹ Council conclusions on the implementation of an EU policy cycle for organised and serious international crime (2014-2017) (doc.12095/13, 26.7.2013).

- The EU will improve cross border cooperation between judicial and law enforcement authorities, encourage the relevant Member State authorities, including customs authorities, to establish national focal points on firearms, produce better analysis of all information available in the area of illicit firearms and ensure full participation in the exchange of information with Europol in the area of firearms trafficking; and
- All Member States will ensure cooperation in the framework of the EU policy cycle for organised and serious international crime. This should also apply to such information collected and transmitted to the European Border and Coast Guard Agency in the context of operations coordinated by the Agency.

2.4 INTERNATIONAL COOPERATION AND ASSISTANCE

2.4.1 At the international level

The EU supports effective cross-border cooperation between judicial and law enforcement agencies to ensure authorities' full participation in exchanging information with Europol in the area of firearms trafficking. It aims to avoid duplication of efforts, ensure coordination with other bilateral, regional and multilateral initiatives, and improve cooperation in investigations of trans-border crimes. The EU is a top donor for SALW-control cooperation and assistance to other countries and regional organisations through its Council Decisions and dedicated support through the Instrument contributing to Stability and Peace (IcSP)⁴² and other instruments. The EU supports the implementation of the UN Programme of Action against illicit SALW, the Arms Trade Treaty and the Firearms Protocol. Although gender based violence with firearms and SALW in any case constitutes a violation of human rights law and international humanitarian law, the Arms Trade Treaty contains explicit provisions to address the risks of firearms being used in that context. UN Security Council resolutions⁴³ specifically call for the empowerment of women in efforts to prevent, combat and eradicate the illicit transfer, destabilising accumulation and misuse of SALW.

Actions:

- The EU will proactively engage in the global firearms programme of the UN Office on Drugs and Crime (UNODC) on global data collection and analysis on firearms trafficking, and strengthen the capacity of partner countries and sub-regions to implement effective firearms control in line with the firearms protocol;

⁴² Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014

⁴³ UN Security Council Resolution 1325 (2000) and subsequent resolutions on women, peace and security, e.g. UNSCR 2242 (2015).

- The EU will continue to support Interpol's Illicit Arms Records and tracing Management System (iARMS);
- The EU will foster cooperation and information sharing, in particular among countries along major trafficking routes to/from the EU;
- The EU will cooperate with the World Customs Organisation (WCO) to implement its SALW Strategy;
- The High Representative will evaluate and analyse the impact and effectiveness of EU-supported SALW-control projects in non EU countries between 2005 and 2017 as part of the implementation of the 2005 SALW Strategy;
- The EU will systematically mainstream gender considerations in the design of new projects relating to the fight against gun violence and SALW control in general, and the sharing of good practices in this regard;
- The EU will promote the implementation of standards and good practices for the handling of small arms and their ammunition, including the international small arms control standards (ISACS) and the international ammunition technical guidelines (IATG); and
- The Member States will improve their cooperation with Europol and the European Border and Coast Guard Agency (EBCGA) on illicit firearms trafficking and the use of firearms in non EU countries, and foster the further involvement of authorities in operational cooperation, the exchange of information and joint law enforcement action.

The EU already supports the monitoring of illicit SALW flows in conflict affected areas, in order to identify the most effective ways to cut the supply. Data obtained through the identification and tracing of illicit SALW and ammunition helps improve arms export control, inter alia through improved risk assessment, end-user certification and end-use monitoring.

Actions:

- The Council will explore modalities to improve the monitoring and enforcement of EU arms embargoes;
- The EU will support the work of UN panels that monitor arms embargoes, and consider ways of improving access to their findings on diversion and illicit firearms and SALW for arms export control purposes;
- Where relevant and within their mandate and taking account of local buy-in and available resources, the Council will give Common Security and Defence Policy (CSDP) missions and operations a role in supporting SALW awareness and organising SALW-control related training, supporting proper stockpile management, monitoring movements of illicit SALW and ammunition (including cross-border trafficking), as appropriate. Where applicable and on direction from Member States, CSDP missions and operations could also support the facilitation of the recording, tracing and disposal of seized illicit SALW. The Council will draw on lessons learned from those CSDP engagements where mandates include SALW tasks (e.g. EUFOR Althea in Bosnia and Herzegovina);

- The EU will continue to fund research efforts targeting the origins of illicit SALW in conflict zones, such as Conflict Armament Research's iTrace project⁴⁴. It will encourage further research, analysis and studies on the matter, relying on existing capacities such as the EU Non Proliferation and Disarmament Consortium; and
- The EU will support national capacities in conflict affected areas to track and trace the origins of illicit SALW and ammunition in conflict zones, also building on the experience of the iTrace project.

2.4.2 At regional level

At regional level, the EU and its Member States will assist in strengthening law enforcement capabilities in order to identify, disrupt and interdict trafficking networks and prevent firearms from reaching terrorists and criminals via the illicit market, inter alia by blocking the illicit financing and transport of arms and enhancing the role of border police, customs and port authorities in tackling illicit arms flows by maritime transport. Due to the cross-border nature of arms trafficking, it is particularly important to involve neighbouring countries, even if they are not directly affected.

The EU will encourage links between law enforcement actors dealing with arms trafficking and authorities responsible for the control of arms trade and export, to ensure that information on the major routes of illicit flows into Europe is shared, in order to prompt preventive or remedial action. Action will include fostering information exchange, direct communication between investigative bodies, jointly planned investigations and swift implementation of cooperation requests, all within the established legal framework. There will be a particular focus on trans border cooperation with the southern and eastern neighbourhoods.

⁴⁴ Council Decision (CFSP) 2017/2283 of 11 December 2017 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade ('iTrace III').

Europol will give special consideration to support for efforts by Member States' police and customs authorities, and Union bodies, non EU countries and international organisations to prevent and combat the forms of criminality within its mandate associated with the illicit activities of criminal organisations and individuals involved in the illegal possession of and trafficking in SALW, including ammunition, parts and components.

The EU will strengthen its dialogue and cooperation with regional organisations working on SALW control, by aligning its activities with regional strategies and action plans.

Western Balkans and Turkey

In line with the strategic goals set out in the Commission's Communication on 'A credible enlargement perspective for and enhanced EU engagement with the western Balkans' (Flagship initiative 2 on security and migration)⁴⁵, the EU will continue its support for the UNDP South Eastern and Eastern Europe Clearinghouse for the control of Small Arms and Light Weapons (SEESAC). The EU will also maintain cooperation with relevant regional organisations in the field of SALW control and will take into account regional initiatives such as the Roadmap⁴⁶ addressing illicit SALW in the Western Balkans. More broadly, it will continue to invest in the prevention and resolution of regional conflicts through a broad range of instruments and policies. This Strategy focuses on conventional arms control, which is an essential component of broader conflict prevention and counterterrorism policies.

⁴⁵ COM(2018) 65 final of 6.2.2018 and annex

⁴⁶ On 10 July 2018 the Western Balkans Summit in London adopted the "Regional Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW/firearms and their ammunition in the Western Balkans by 2024" .

While significant progress has been made in recent years, especially in south east Europe, the scale of accumulation of SALW and ammunition, inadequate storage conditions, widespread illicit possession and gaps in implementation continue to limit the effectiveness of firearms/SALW control efforts in parts of the western Balkans. In order to address more effectively the supply of illicit firearms and the large stockpile of weapons, priority will be given to surplus destruction, the documenting and tracing of illicit SALW, information-sharing through the use of European, regional and global information exchange channels (e.g. Europol, Interpol), and the setting-up and conduct of joint operations.

Actions:

- The EU will support efforts to reduce surplus stocks of SALW and ammunition, to reduce illicit possession, to counter diversion and arms trafficking, to improve border controls, to enhance marking, record-keeping and tracing of SALW as well as disposal capacities, to increase awareness, and to support law enforcement capacities, taking into account the EU's longstanding support for the UNDP South Eastern and Eastern Europe Clearinghouse for the control of Small Arms and Light Weapons (SEESAC), and maintain support for national control systems and take into account relevant regional initiatives for countering illicit SALW and their ammunition such as the Regional Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW/firearms and their ammunition in the Western Balkans by 2024⁴⁷; an initiative that has been supported by France and Germany;
- The EU and its Member States will ensure coherent cooperation between the Union and Western Balkan countries by implementing initiatives to fight against firearms trafficking, as set out in the 2018-2021 Policy Cycle for organised and serious international crime, including specific operational support through EMPACT Firearms⁴⁸, and the EU-Western Balkans action plan under integrative internal security governance (IISG) in the Western Balkans;

⁴⁷ See footnote 40.

⁴⁸ EMPACT – European Multidisciplinary Platform against Criminal Threats.

- The EU and its Member States will coordinate EU's efforts with other bilateral, regional or multilateral initiatives to reduce the risk of overlap and improve the efficiency of cooperation in investigations of trans-border crimes, in line with the Council conclusions of 13 December 2016⁴⁹; and
- The EU and its Member States will make full use of and create synergies between the Europol liaison officers to be deployed in the western Balkans, SEESAC⁵⁰ and regional programming under the instrument for pre-accession assistance (IPA) on 'countering serious crime in the western Balkans'⁵¹ and 'measuring and assessing organised crime in the western Balkans: supporting evidence-based policy making'.⁵²

Next steps:

- The Action Plan 2015-2019 on illicit trafficking in firearms will be evaluated to assess its effectiveness in addressing the supply of illicit firearms and the large stockpile of weapons; and

The EU Policy Cycle on organised crime will be expanded to the extent possible to include the Western Balkans in its operational activities. Western Balkans countries are to be invited to take part in specific European Multidisciplinary Platform against Criminal Threats projects and to meetings of the Standing Committee on Operational Cooperation on Internal Security, including those held jointly with the Political Security Committee on an ad-hoc basis when the projects are discussed.

⁴⁹ The conclusions referred to 'the need for effective and intense regional and international cooperation, including with Europol and Eurojust, without prejudice to Member States' positions on status'.

⁵⁰ CFSP-funded programme, 2017-2019, EUR 6 508 136.

⁵¹ IPA 2017-2019, EUR 13 million: Deutsche Gesellschaft für internationale Zusammenarbeit (GIZ).

⁵² IPA 2015-2019, EUR 2 million: UNODC.

Eastern Neighbourhood

The current instability in Eastern Europe has raised the level of illicit trafficking of firearms in various countries in the region, such as Ukraine. This presents a significant long term security threat to both Ukraine and the EU. Cooperation between the EU and Ukraine on this issue is thus of mutual interest. The EU is pursuing its bilateral engagement with Ukraine and other countries in the region and systematically integrates the fight against illicit SALW into any dialogue on security matters with partner countries in the neighbourhood.

Actions:

- The EU and its Member States will integrate the fight against firearms/SALW trafficking in the context of the dialogue on security matters with partner countries in the neighbourhood, such as Ukraine;
- The EU and its Member States will establish channels of communication between EU and Ukrainian experts, identify a contact point to ensure smooth cooperation, raise awareness, share best practices and expertise, and identify training needs and other support measures to strengthen Ukraine's capacities in the field; and
- The EU and its Member States will keep working on a permanent technical roundtable with Ukraine to address the pressing problem of the illicit traffic of firearms and the risks associated with such arms falling into the hands of terrorists and organised crime groups.

Southern Neighbourhood

The protracted armed conflicts with wide regional repercussions in the Middle East and North Africa (MENA) continue to be fuelled by diversion and trafficking of SALW. Illicit SALW in this region have many sources, including poorly secured stockpiles and SALW originating from licit production and authorised export and subsequently diverted to unauthorised end-users, including SALW from EU Member States.

The EU's 2018-2021 policy cycle for organised and serious international crime includes specific operational actions in those regions to improve cooperation on the illicit trafficking of firearms. Deeper bilateral cooperation is essential to counteracting more effectively the transnational dimension of illegal trafficking in firearms across the region. EU-MENA coordination in this field should therefore be encouraged, bearing in mind the need to avoid duplication of effort and to ensure coherence and coordination with existing initiatives supported or funded by the EU.

Actions in the Middle East and Africa:

- The EU will seek to enhance cooperation with Algeria, through the security dialogue, on firearms transfer control and the fight against illegal trafficking of small arms;
- The EU will continue to support Tunisia on security sector reform and border management, mainly through a specific funding programme, which will have a direct bearing on controlling the illicit trafficking of firearms;

- The EU will promote the implementation of all initiatives deepening cooperation with Morocco on the control of exports of firearms and dual-use item as foreseen in EU-Morocco action plan implementing the advanced status⁵³;
- The EU will continue providing support to Lebanon and Jordan in tackling organised crime (including through security sector reform assistance and support for integrated border management), and in controlling the illicit trafficking of firearms;
- The EU will continue strengthening EU-MENA cooperation in fighting illicit trafficking of firearms, including through the Euromed Police IV initiative⁵⁴. This regional programme aims at enhancing operational and strategic police cooperation in the MENA region between national authorities in Southern Partner Countries, as well as with EU MS and relevant EU agencies such as Frontex;
- The EU will continue to support the monitoring of diversion to unauthorised actors in the region and intelligence-led risk-assessment and counter-diversion measures, thereby taking into account the positive results of the iTrace project⁵⁵; and
- The EU will continue to support capacity building for local law enforcement and security forces as regards physical security and stockpile management (PSSM), surplus destruction and the documenting and tracing of illicit SALW.
- The EU will continue to support the African Union and relevant regional economic communities in their efforts against the illicit trade in SALW.

⁵³ Joint proposal for a Council Decision on the Union position within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, with regard to the adoption of a recommendation on the implementation of the EU-Morocco action plan implementing the advanced status (2013-2017) (* JOIN/2013/06 final - 2013/0107 (NLE)).

⁵⁴ <https://www.euromed-police.eu/>

⁵⁵ <https://www.conflictarm.com/itrace>

Americas

Action in the Americas: The EU will look for synergy with the relevant American states and regional organisations to reduce the illicit proliferation and trafficking of SALW, with a view to reducing armed violence and criminal activity.⁵⁶

3. CONCLUSION AND FOLLOW-UP

This Strategy presents a common way forward for the EU on how to address the threat of illicit firearms and SALW and their ammunition, a set of actions to be taken by the EU and its Member States within the EU's borders, and proposals for cooperation and assistance for SALW control in the EU's neighbourhood and the rest of the world.

The EEAS and the Commission will produce annual progress reports on the implementation of this Strategy.

⁵⁶ According to a 2013 UNODC study, intentional homicide caused the deaths of almost half a million (437 000) people across the world in 2012. Over a third of those (36 %) occurred in the Americas. Almost half of all homicide victims are aged 15-29 and the use of firearms is particularly prevalent in the region, where two thirds (66 %) of homicides are committed with guns.