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From: General Secretariat of the Council

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To: Delegations

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Subject: Council Conclusions on the implementation of the National Firearms Focal Points (NFFPs) in the EU Member States
– *Council Conclusions* (13 July 2021)

Delegations will find in the annex the Council Conclusions on the implementation of the National Firearms Focal Points (NFFPs), approved by the Council (Economic and Financial Affairs) at its 3808th meeting held on 13 July 2021.

**Council Conclusions on the implementation of the National Firearms Focal Points (NFFPs)
in the EU Member States.**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 3(2).

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 67 to 89 thereof,

Whereas:

1. Pursuant to Article 3 TEU, the Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.
2. Since 2013, the fight against firearms trafficking has been one of the priorities of the EU policy cycle for organised and serious international crime, during the 2014-2017 cycle and the current 2018-2021 cycle. The confirmation of firearms trafficking as an EMPACT priority for the next 2022-2025 cycle reflects the importance of this threat for the Member States.
3. The EU Strategy against illicit Firearms, Small Arms & Light Weapons and their Ammunition "Securing Arms, Protecting Citizens",¹ states under the chapter 'Compliance through monitoring and enforcement - operational cooperation' that *'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.'* This Strategy was endorsed by the Council.²

¹ JOIN(2018) 17 final, 1.6.2018.

² Council conclusions of 19 November 2018 (13581/18).

4. In 2018, the Law Enforcement Working Party endorsed the EFE/EMPACT “Best practice guidance for the creation of National Firearms Focal Points”³ with specific guidance on tasks, access to databases, staffing levels, locations and functions.
5. In the 2020-25 EU Action Plan on firearms trafficking⁴, the European Commission urges Member States and south-east Europe partners to complete the establishment of fully staffed and trained Firearms Focal Points in each jurisdiction, as recommended by the minimum requirements in the Best practice guidance for the creation of NFFPs and input of national experts. Such focal points should also be systematically associated to the implementation of the UN Programme of Action on Small Arms and Light Weapons and of the International Tracing Instrument. In order to facilitate EU-level and international cooperation, the Commission will publish a scoreboard of those focal points, clearly setting out their contact details and competences and guidelines for databases and (semi) automated data exchange among NFFPs.
6. In December 2020, a list of contact points of NFFPs was added to the updated manual on law enforcement information exchange, in the framework of the Working Party on Information Exchange and Data Protection⁵, where the users could check, among others, the contact details and the functions of the NFFPs.
7. The main tasks of the NFFPs is to gather analyses and improve the information flow on the criminal use of firearms and their illicit trafficking into and within the Member States and across the EU, at a strategic and operational level by means of a co-ordinated collection and sharing of information to enhance the intelligence picture and to better inform law enforcement agencies;
8. The European Commission will issue guidelines for the data to be collected, the type of databases and data exchange format to be used.

³ 8586/18: networks and expert groups related to LEWP - EFE.

⁴ https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-security/20200724_com-2020-608-commission-communication_en.pdf

⁵ 5825/20 ADD 1 REV1

Mindful of differing national resources and organisational structures, the Council of the European Union hereby encourages the Member States:

1. To designate the appropriate entities at national level, to fulfil the tasks reflected in the EFE/EMPACT best guidance recommendations, to provide a comprehensive approach to the integral control of firearms. The tasks of NFFPs can be fulfilled by the designated entity named in Manual on Law Enforcement Information Exchange;
2. To integrate these entities into the corresponding national administrations, according to the national competences on integral control of firearms, so as to create a structure that can fulfil the role of the NFFPs, without prejudice to the possibility of attributing different tasks to more than one entity. It is highly recommended that these entities operate on the guidelines for NFFPs regarding data collected, type of databases and data exchange format used;
3. To work towards providing the NFFPs with the necessary legal competences to fulfil their tasks, especially in relation to:
 - Establishing a Repository for firearms-related intelligence, both criminal and ballistic,
 - Establishing a Repository for all lost, stolen and recovered firearms;
 - Tracing of all seized firearms, when possible, from manufacturer to the last legal owner,
 - Analysing of seized firearms tracing data to identify the type, make, model, calibre and country of manufacture of a firearm,
 - Analysing of seized firearms to identify the type, make, model, calibre and country of manufacture, serial number (if the firearm has one), special features of reworked firearms and modifications,
 - Providing data, statistics, information, assessments and reports for use within the Member States,
 - Functioning as a technical point of contact with UNODC,

- Fulfilling the requirements of the United Nations Illicit Flows Questionnaire (UN-IAQF),
 - Promoting international cooperation.
4. Where appropriate, to ensure that the NFFPs carry out the collection of all information regarding seizures of illegal firearms in the Member States, their ensuing traceability and related ballistic analysis, when it becomes technically feasible.
 5. To designate the NFFPs as focal points at national level for the United Nations illicit arms flows questionnaire, in order to fulfil the indicator 16.4.2 for the Sustainable Development Goals, which reads “Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments.”⁶
 6. To systematically associate such NFFPs to the implementation of the UN Programme of Action on Small Arms and Light Weapons and especially as focal points for the implementation of the International Tracing Instrument.

Hereby invites the Member States to make full use of the support provided through the EU Internal Security Fund for the development of national capacities with respect to NFFPs.

⁶ [https://www.unodc.org/unodc/en/data-and-analysis/statistics/crime/iafq.html#:~:text=United%20Nations%20Illicit%20Arms%20Flows%20Questionnaire%20\(UN%20IAQF\)&text=2%2C%20which%20reads%20%22Proportion%20of,in%20line%20with%20international%20instruments%22.](https://www.unodc.org/unodc/en/data-and-analysis/statistics/crime/iafq.html#:~:text=United%20Nations%20Illicit%20Arms%20Flows%20Questionnaire%20(UN%20IAQF)&text=2%2C%20which%20reads%20%22Proportion%20of,in%20line%20with%20international%20instruments%22.)