

Acquiring firearms by exploiting legislative loopholes

Project SAFTE generated new insights into illicit firearms markets in Europe and terrorist access to those markets. One of the main findings of the project was the fragmented nature of illicit firearms markets. There is no such thing as a single illicit firearms market in the EU; rather there are many illicit firearms markets, each with different characteristics and dynamics. Criminal and terrorist actors source their firearms through a variety of supply mechanisms. Because of the varying local dynamics, a supply mechanism may be predominant in one member state, but not in another. This fact sheet discusses the exploitation of legislative loopholes as one of the main supply mechanisms through which firearms end up on illicit firearms markets in the EU.

Legislative loopholes foster illegal firearms procurement

Several forms of firearm diversion within the EU constitute significant supply mechanisms for European illicit firearms markets. This is often the consequence of loopholes and differences in national firearms legislations that are exploited by both criminals and gun enthusiasts. However, such loopholes have also enabled terrorists to acquire and use firearms in terrorist attacks in Europe.

A lack of harmonisation in national firearms legislation in the EU offers these actors the opportunity to legally buy firearms and components in countries with less restrictive firearms regulations, and smuggle them into countries with more restrictive legislations. The absence of internal border controls in the EU allows traffickers to move easily from one member state to another. This means **national loopholes have in fact become European loopholes.**

Reactivation of firearms

The reactivation of firearms is **one of the most important ways in which firearms have ended up on illicit gun markets in Europe** in recent years. Until recently, deactivated firearms

The 'Slovakia route'

Slovakia emerged especially as a source of easy-to-reactivate firearms given the absence of adequate deactivation standards in the country.

For years, Slovak shops have legally sold deactivated firearms and acoustic expansion weapons to adults on the presentation of an identity card. These firearms were often decommissioned weapons that used to be part of the arsenal of the Slovak armed forces.

Since the adoption of the EU deactivation standards, a number of gun stores seem to have shifted their focus away from deactivated firearms to Flobert guns.

did not fall under the definition of 'firearms' of the EU Firearms Directive if they had been 'rendered permanently unfit for use'. Consequently, such firearms could be bought legally without authorisation and often even without any form of registration in most EU member states. Not all member states, however, implemented effective national deactivation procedures. This resulted in the widespread reactivation of poorly deactivated firearms, including military-grade firearms.

The adoption of common EU deactivation standards in 2015 has resolved this legislative loophole, but a new loophole has emerged in its immediate aftermath: **firearms modified to 'Flobert' calibres** (4 and 6mm). Flobert guns can be bought legally without authorisation in several EU member states, but can easily be altered to fire more powerful ammunition. The circulation of altered Flobert firearms will become a significant security problem in the coming years.

Conversion of blank firers

Non-lethal-purposed imitation firearms such as blank-firing guns (e.g. alarm weapons) can be used in their original state to perpetrate certain crimes, since criminals often use firearms only to threaten victims or rivals. Yet, blank-firing guns converted to fire live ammunition are also widely available on illicit gun markets in several EU member states.

In recent years, **Turkish-made blank-firing guns** (especially Ekol and Zoraki brands) have become the most prevalent converted blank-firing guns in Europe. Some of these can be converted with only basic engineering skills and tools. They are extremely attractive for criminals because they are cheap, near replicas of real firearms, small in size and weight, and readily available.

Involvement of local 'handymen'

Illicit reactivation and assembly of firearms is generally not carried out by large-scale criminal organisations, but rather by a limited number of **'handymen' who have the necessary expertise, skills and tools**. This phenomenon has been identified throughout Europe, but regions with a history of firearms production seem to be more prone to these activities because of the presence of firearms-related expertise.

'Handymen' who reactivate and assemble firearms **depend to a large degree on the legal firearms market** for buying deactivated firearms and the necessary firearms components.

The proliferation of easy-to-convert blank-firing guns in the EU is clearly linked to inconsistencies in national legislation dealing with such guns across EU member states. The EU Firearms Directive excludes alarm and signal weapons from its application field if they can be used 'for the stated purpose only' and cannot be converted to live-firing firearms. Because there are no common technical guidelines, **differences exist in national authorities' assessment of the 'convertibility' of such guns**. There are also great differences in registration and licensing requirements among member states.

For example, the significant availability of easy-to-convert blank firing firearms in Romania is directly connected to the situation in Bulgaria, where these weapons can be bought legally for low prices and where controls can easily be bypassed. This has resulted in significant cross-border smuggling of these weapons into Romania where they are sold to Romanian criminals across the country and in various criminal contexts.