

Romania: firearms and security at the EU eastern border

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From a security perspective Romania is in a challenging geographical position and has to secure over 2,000 km of the external borders of the European Union (EU). Nonetheless, through strong cooperation with EU institutions, strong regulations on firearms and effective preventive measures against terrorist risks it has managed to become one of the safest countries in the EU, with fewer than ten gun-related homicides per year and no terrorist attacks in more than 20 years. While a series of complex factors contribute to this picture and other related factors are unknown due to the lack of publicly available data, it is interesting to analyse what has worked so far in terms of policies and regulations, and the main risks that Romania faces presently and will face in the future from the perspective of its illicit firearms market and terrorist access to it.

Our analysis is based on quantitative and qualitative methods and consists mainly of desk-based research and interviews (see Box 1). However, several major challenges significantly hinder a comprehensive analysis of these issues in Romania. The episodic nature of transactions on the illicit firearms market¹ and the low overall capacity of the Romanian public administration (including law enforcement institutions) to systematically collect data and use them to support evidence-based policy-making² (as indicated in the European Commission's 2016 *Romania Country Report*) poses a series of challenges in the process of systematically collect and analyse aggregated data based on information from various law enforcement or judicial authorities at the national level on firearms trafficking, gun-related violence, the potential relationship of gun traffickers to terrorist organisations, and the links among all these indicators. For research purposes, access to relevant aggregated data is difficult, particularly in terms of assessing if there is a connec-

tion between terrorist activities and the illicit firearms market. The main institution charged with counter-terrorism in Romania is the Romanian Intelligence Service (SRI), which is the Coordinator of the National System for Preventing and Countering Terrorism. This makes field research in the area very difficult, since interviewing experts working on counter-terrorism, most of whom work for the SRI, is very difficult, and information on counter-terrorism is mostly classified. There is also a significant lack of publicly available data in this area.

In the first section we discuss existing legislation dealing with the illegal possession, use and trafficking of firearms, national policy on the illicit firearms market in general and terrorist access to that market in particular. We focus on the key policy instruments, the main national players in the fight against the illicit firearms market and cooperation between the relevant national services and similar national law enforcement agencies in Europe, as well as international players (such as Europol). We end this section by identifying the main challenges facing national policy on the illicit firearms market in general and terrorist access to that market in particular.

Based on the available sources of information, the second section provides an analysis of the characteristics of the illicit firearms market, including potential diversion from the legal market, existing military stockpiles, and other factors such as convertibility and reactivation. The section also discusses the illicit firearms market in terms of the firearms that are available, their geographical origin, their prices, how they ended up on this market, the characteristics and dynamics of supply chains, and the profile of the players involved in this market based on an analysis of case studies, official reports, jurisprudence, and media articles for the period 2010-2016.

The third section provides a short description of terrorist activities in Romania in the past 25 years and discusses whether the country's illicit firearms market is connected to terrorism. The number of case studies dealing with this issue is limited, given that the country has not experienced a terrorist attack since the early 1990s.

Box 1: Research design

The desk-based research for the first chapter consisted of a review of existing literature on the characteristics of the illicit firearms market and terrorist activities in Romania; the publicly available statistical data on the size, nature and supply chains of the illicit firearms market in the country; and the annual reports of the General Inspectorate of the Romanian Police (IGPR), the General Inspectorate of the National Border Police (IGPF), the Directorate for Investigating Organised Crime and Terrorism (DIICOT) – General Prosecutor’s Office, and the SRI. We also reviewed open-source information on the illicit firearms market in Romania between 2010 and 2016 (over 400 unique cases were identified from national and local media reports, while several hundred media articles were consulted).

Furthermore, as part of the field research, discussions with some of the main institutional actors in this area were held during an expert round-table discussion (held under Chatham House rules) organised at the headquarters of the European Commission’s Representation in Romania on 26 April 2017. The round-table discussion addressed the research questions of the SAFTE project one by one and facilitated an exchange of information among all the institutions involved. The participants were specialists from the Criminal Investigation Directorate, Intelligence Analysis Unit and Terrorism Department of the National Police; the National Authority for the Control of Exports (ANCEX, which is part of the Romanian Ministry of Foreign Affairs); the Military Technical Academy; and the Southeast European Law Enforcement Centre (SELEC). A separate discussion with the Weapons, Explosives and Hazardous Substances Directorate of the National Police was held in the following month.

In addition, we consulted court records of illicit firearms cases for the period 2010–2016 to obtain information on how various types of firearms have ended up on the illegal market, the characteristics and dynamics of the related supply chains, the geographical origin of various types of firearms, and the profile of players involved in the market. This information was obtained through the online jurisprudence database of the Superior Council of Magistracy (<http://www.rolii.ro>). Available court records related to possible cases of the acquisition or attempted acquisition by terrorists of illicit firearms were searched, but no cases were found. As the report shows, Romanian legislation does not allow that public court records for cases of terrorism-related activities provide any information on these cases.

1. Romanian laws and national policy to fight the illicit firearms market and terrorist access to it

As we illustrate in the following sections, firearms trafficking and gun-related crime in Romania are believed to be significantly lower than in other EU countries. Even though it is difficult to determine the size of the country's illicit firearms market, it is estimated to be quite small. This is due partly to strict regulations on gun possession, to a weak gun ownership culture and to the fact that organised crime groups (usually the main actors involved in firearms trafficking) have a different focus in their criminal activities on Romanian territory.

1.1 Legal framework of the arms and ammunition regime

The regime to control arms and ammunition is regulated by Law 295/2004 and the secondary legislation derived from it: Government Decision 130/2005 on the Methodological Norms for the Application of Law 95/2004, and Government Decision 1914/2006 on the Methodological Norms for the Application of the Provisions of Chapter VI of Law 295/2004.

According to Article 2.2 of Law 295/2004, a firearm is any portable gun with a barrel that can expell, is designed to expell, or can be transformed to expell a pellet, bullet or projectile by the action of a propellant fuel. It is considered that an object can be transformed for this purpose if it has the appearance of a firearm and, as a result of its construction or the material from which it is made, can be transformed for this purpose. According to the Criminal Code (2014), the breache of the arms and ammunition regime consists of failure to comply with the arms and ammunition regime, the illegal use of firearms, and the forgery and modification of firearms (as well as erasing markings on firearms). The Customs Code defines firearms smuggling as 'introducing into the country or taking outside of the country firearms, ammunition ... without authorisation', which is punishable with imprisonment for between three and 12 years.

In recent years Law 295/2004 has been amended several times and made more restrictive (see Box 2). According to the information presented on the website of the National Police, the regulatory changes to the arms and ammunition regime were adopted in the context of harmonising the country's national legislative framework with European regulations covering this area (Directive 477/1991/CEE of the Council of the EU on controlling the acquisition and possession of weapons, as amended and supplemented by Directive 2008/51/EC). New changes to this law are expected in the

future to conform with the proposed new EU Directive on firearms,³ although for the most part Romanian legislation is stricter than the new provisions of this Directive. An example is that firearms and weapons subject to declaration in Category C of the Directive are governed by tighter regulations in Romanian law, since they are included in Category B: Firearms subject to authorisation. Some other provisions recently added to the new EU Directive – such as the requirements for psychological and medical examinations – were already in place in the Romanian law.

Box 2: Recent amendments to Law 295/2004

2008: Emergency Ordinance 26/2008 amended Law 295/2004 by providing a tightening of the conditions for purchasing and owning weapons that use compressed air expansion as a propellant. Previously, airguns could be bought and owned without restriction, even though they could fire metal projectiles.

2011: Law 117/2011 amended Law 295/2004 by introducing the obligation to obtain a holder's licence for non-lethal weapons similar to the one required for lethal weapons, and requiring stricter storage conditions for non-lethal weapons, which are now the same as for lethal weapons.

2014: After the entry into force of the new Criminal Code in 2014, Law 295/2004 was republished because the chapter on gun-related crimes was now covered in the Criminal Code.

Before the adoption of the new Criminal Code, illicit trafficking in firearms was regulated by Law 295/2004 and was punishable by imprisonment of between three and eight years. With the adoption of the new Criminal Code (2014), the article that defined illegal trafficking in Law 295/2004 was repealed.⁴ The offence is now defined by the Criminal Code as 'any other operation regarding the movement of firearms without right', as well as by the Customs Code (see above).

The offences related to the arms and ammunition regime dealt with in the Criminal Code are:

- *failure to comply with the arms and ammunition regime (art. 342).* The theft of firearms and ammunition was introduced as a distinct provision, while other provisions under this article include: owning/carrying/manufacturing or any other operation regarding the movement of firearms without authorisation and the operation of illegal repair shops, which is punishable by one to five years of imprisonment;

- *the illegal use of firearms*: there is a differentiation between the illegal use of lethal and non-lethal firearms; the penalties are one to three years of imprisonment for lethal firearms and six months to two years for non-lethal firearms; and
- *the forgery and modification of firearms*, as well as erasing markings on firearms (with penalties of between one and three years).

2015: Law 319/2015 to amend Law 295/2004 introduces tighter rules for holders of lethal and non-lethal weapons, making them subject to authorisation dependent on psychological and medical examinations. Specifically, holders are obliged to be subjected to such examinations at the express request of the competent police structures or at the express recommendation of the doctor and/or psychologist of the competent authority if there are behavioural indications that such examinations are needed.

2017: Law 22/2017 introduced minor changes to Law 295/2014 prohibiting the testing and evaluation by natural or legal persons of weapons systems and devices.

1.1.1 Main elements of the Romanian legislative framework on civilian firearms possession

Gun control in Romania can be categorised as restrictive: lethal handguns can only be acquired by police officers, members of the military, magistrates, diplomats and members of Parliament for the purposes of self-defence and protection. Military weapons may be owned and used only by specialised structures within the defence, public order and national security services. Besides these categories, civilians can also own rifles and smooth bore shotguns if they are registered hunters, but only in terms of the conditions laid down by the law, while sports shooting weapons can be purchased by athletes and coaches, as well as by hunters. Lethal collectible weapons can only be purchased by weapons collectors. Non-lethal weapons can be acquired and owned for self-defence purposes according to the conditions laid down by the law.

A permit must be obtained to own all categories of lethal and non-lethal weapons, which requires prior notification of the police, medical and psychological tests, a clean criminal record and the installation of proper safekeeping facilities at home. A gun licence is valid for five years from the date of issue or from the date of the last extension. In order to extend the validity of the weapons permit, the holder is required to apply before the five-year term is up to the competent police structure

within whose territorial jurisdiction he/she is domiciled or residing and to present the weapons covered by the permit and the required documents. The validity of the licence can be extended by the competent authority for a period of five years if the holder meets the conditions stipulated by law and the weapons in question have been submitted to periodical technical inspections.

The legal requirements governing gun sales, transfers, storage, marking and tracing in Romania⁵ are the same for lethal and non-lethal weapons:

- The private sale and transfer of firearms are prohibited unless carried out by licenced entities and registered with the police. Dealing in firearms without a valid gun dealer's licence is unlawful. The owner of a gun shop is required to report a lost or stolen weapon to the police within 24 hours.
- Firearm regulations include written specifications for the lawful safe storage of private firearms and ammunition by licensed gun owners, the lawful safe storage of firearms and ammunition by state entities, and the lawful safe storage of firearms and ammunition while in transit.
- A unique identifying mark on each firearm is required by law. State authorities carry out recognised arms-tracing and -tracking procedures.
- Gun owners have the right to carry firearms in public places under certain conditions:
 - Lethal handguns should not be loaded and should be kept in a holster at all times, hidden from sight. The law exempts authorised individuals from this requirement. Other restrictions refer to handing over the weapon for safekeeping when entering a public institution and not being under the influence of alcohol or drugs.
 - Legal owners are allowed to carry only one non-lethal handgun, but not in crowded places such as stadiums, concert halls and public gatherings. The same rules covering alcohol and drugs also apply to the carrying of non-lethal handguns.

Owning lethal weapons

According to Law 295/2004, weapons for self-defence and personal security can only be purchased by the following categories of persons:

- dignitaries, magistrates, diplomats, military personnel and police officers, who may carry such weapons during working hours and after work, including if they have retired, unless they no longer qualify to own such weapons;
- persons who carry out a function involving the exercise of public authority during the period of their mandate; and
- persons in witness protection programmes.

Hunting weapons can be purchased by hunters and can only be long-range weapons. Legally owned weapons may only be sold through gunsmiths or brokers authorised to sell such weapons. Authorisation for the procurement of lethal weapons is limited by a number of conditions aimed at limiting the misuse of these weapons (see Box 3).

Box 3: Basic conditions for possessing firearms in Romania

People can own firearms in Romania if they fulfil the following requirements:

- A. They have reached the age of 18.
- B. They are part of one of the categories allowed by law to possess firearms and have made the relevant applications for official authorisation.
- C. They have not been convicted by a court and sentenced to life imprisonment or imprisonment for more than one year for intentional offences or for offences provided by the law.
- D. They are currently not currently under indictment in criminal cases for intentional acts.
- E. They are psychologically and physically fit to possess and use weapons and ammunition.
- F. They do not pose a threat to public order, national security, and the lives and physical safety of other people, according to the information available to the licensing bodies.
- G. They have completed a theoretical and practical training course, presented by a person legally authorised to provide such training, under the conditions laid down in the relevant law.
- H. Their right to purchase, hold or use lethal or non-lethal weapons subject to authorisation has not been cancelled in the previous two years, except in cases where the cancellation was ordered according to the provisions of Law 295/2004.
- I. No lethal weapons or non-lethal weapons subject to authorisation have been lost by or stolen from them in the last five years for reasons of negligence or failure to obey the law.

Owning non-lethal weapons

The amendments to Law 295/2004⁶ tried to tackle the issue of blank-firing pistols (as part of the non-lethal category of weapons) and the possible threat posed by unrestricted access to such guns by imposing stricter regulation of their ownership (the requirement of undergoing a medical and psychological test and the need to have a clean criminal record to obtain a permit to own them, as well as other conditions).

Romanian citizens and residents of EU Member States residing in Romania, as well as non-EU foreigners legally resident in Romania who are 18 years old, may acquire non-lethal weapons in categories C and D (see Box 4), as well as related ammunition from any dealer and, where applicable, an intermediary who sells such weapons under the terms of the authorisation (Category C) or prior notification (Category D).

Box 4: Classification of non-lethal firearms⁷

Category C: Arms subject to authorisation:

1. short arms (pistols or revolvers) designed to expel rubber projectiles, and the corresponding ammunition;
2. short or long weapons that use the expansion force of compressed air or pressurised gases in a container to expel a projectile at a speed of more than 220 m/s;
3. short or long weapons that use the expansion force of compressed air or pressurised gases in a container to expel a metal projectile that does not develop a velocity of more than 220 m/s; and
4. short arms (pistols or revolvers) designed to produce noise or to disperse noxious, irritating or neutralising gases, as well as appropriate ammunition.

Category D: Arms subject to notification:

1. tranquilising guns;
2. signalling guns and appropriate ammunition;
3. starting guns used in sports competitions and appropriate ammunition;
4. deactivated weapons and appropriate ammunition;
5. theatre props and appropriate ammunition;
6. crossbows and the appropriate projectiles; and
7. antique weapons and appropriate ammunition.

Non-lethal weapons cannot be sold or lent by their owners, unless this is notified to the competent police body. Non-lethal weapons are subjected to restrictions regarding entry into public institutions and shipping or air transport.

Notification of the procurement of non-lethal Category D weapons shall be made in writing and shall be accompanied by an identity document (the original or a copy) certifying the applicant's age and, where appropriate, legal residence in Romania. After procuring any of the non-lethal weapons listed in Category D, the applicant is obliged to submit within five days to the competent body that issued the proof of notification an application for the issuance of a holder's certificate (Annex 15 of Government Directive 130/24.02.2005) and the non-lethal weapon registration in this document.

1.2 Romanian national policy to address the illicit firearms market and terrorist access to it

No publicly available strategy or other type of policy document¹ deals with the illicit firearms market and terrorist access to it in Romania. These issues are, however, addressed separately in wider strategies, such as the National Strategy for Public Order and Safety and the National Defence Strategy 2015-2019.

The National Strategy for Public Order and Safety⁸ describes the smuggling of goods across national borders as one of the main threats to public safety and therefore defines control actions particularly at ports infrastructure and land border-crossing points. Although there is no specific focus in this policy document on firearms trafficking or its potential links to terrorist activities, the main risks and vulnerabilities identified in the strategy – drug trafficking, human trafficking, illegal migration and the smuggling of goods across the border – are all activities associated with the use of firearms for protection purposes, as identified in the media analysis conducted for this study.

Among the objectives of this strategy, the general aim of preventing and combating organised crime, cross-border crime, and terrorism includes as one of its specific objectives the improvement of operational capacity to prevent, anticipate, and combat organised crime and terrorism, through:

¹ According to Government Decision 870/2006, in Romania three types of policy documents are issued by the country's public administration: public policy proposals, plans and strategies.

- the identification and destruction of criminal networks specialising in drug trafficking as well as terrorist activities;
- ensuring the security, efficient functioning and availability of the information systems of national structures dealing with these issues;
- extending the Europol Secure Information Exchange Network (SIENA) to all relevant national structures involved in the fight against organised crime;
- improving structured data/information collection tools and analysis instruments;
- improving the efficiency of crime prevention systems and early warning mechanisms for the purposes of anticipating threats, and preventing, detecting and prosecuting serious offences;
- reducing drug demand and supply, and strengthening research, evaluation and information; and
- expanding cooperation and other actions to prevent and combat the various forms of serious crime and terrorism.

The National Defence Strategy 2015-2019 is based on an extended approach to security, covering not only the military dimension of national security, but economic, social, political, technological and environmental aspects as well. Terrorism is acknowledged as a persistent threat, including from the perspective of identifying and dismantling recruitment and financing flows related to terrorism. Radicalisation, cross-border crime (including drug trafficking; trafficking in people, firearms and goods; and illegal migration) and the illegal trafficking of conventional weapons that may derive from the intentions of state and non-state actors to carry out operations targeting conflict areas/potential conflict areas are recognised as risks to national security.⁹

Data linking the illicit arms market and terrorist activities are very difficult to find. There is no publicly available document that links the policy priorities for combating these two issues. This is largely because the main counter-terrorism actor is the SRI, which means that most data in this field are classified. In Romania, Law 535/2004 classifies terrorism as a national security issue. As such, even though there is a national Strategy to Combat Terrorism, this document is not publicly available.

The lack of reliable statistical data from these documents as well as the lack of an evidence-based approach and of specific, measurable and achievable objectives with a set of indicators to measure impact significantly reduce the relevance and effectiveness of any discussion of the policy framework in this area.

1.3 Actors and cooperation in the fight against the illicit firearms market

Law 295/2004 designates the General Inspectorate of the Romanian Police as the competent authority exercising control over the possession, carrying, and use of weapons and ammunition, as well as on operations with arms and ammunition. The National Border Police can also be considered to be one of the main actors in the fight against the illicit firearms market. The Romanian Intelligence Service is the national authority that deals with the prevention and combating of terrorism.

1.3.1 Inter-agency cooperation on firearms and terrorism in Romania

Data on firearms ownership are centralised in a national record of firearms owners and the firearms owned by such owners, to which multiple agencies have access (see Box 5). All legal owners of firearms are required to register in the National Firearms Registry, which is held by the IGPR's Weapons Explosives and Hazardous Substances Directorate, which administers the records of the legal owners of arms and ammunition, whether Romanian or foreign, natural or legal persons, on the territory of Romania. The centralised nature of the record-keeping system provides reliable data on firearms owners, and the lethal and non-lethal weapons owned in Romania.

To combat organised crime and firearms trafficking, Law 39/2003 established a central analysis and coordination group for the prevention of criminality. This group takes the necessary measures to draw up and update the National Action Plan for Preventing and Combating Organised Crime.

The National Strategy to Prevent and Counter Terrorism establishes the basis for the creation of the National System for Preventing and Countering Terrorism, which consists of a mechanism for cross-sectoral inter-institutional cooperation that includes all the authorities and public institutions with responsibilities in this field, namely the:

- Supreme Defence Council, which is responsible for strategic coordination;
- SRI, which is responsible for technical coordination;
- government ministries dealing with foreign affairs, defence, internal affairs, finance, justice, transport, health, agriculture, labour, the economy, the environment, European funds, youth, culture and regional development; and
- other national authorities: the External Intelligence Service, Security and Protection Service, Special Telecommunications Service, National Bank of

Romania, General Prosecutor's Office, National Office for Preventing and Countering Money Laundering, National Commission for the Control of Nuclear Activities, National Agency for Exports Control, and National Agency for the Control of Strategic Exports and Prohibiting Chemical Weapons.

Box 5: Access to the National Firearms Registry¹⁰

Records kept	Access (internally – IGPR)	Access (externally)
<ul style="list-style-type: none"> • Lethal weapons • Non-lethal weapons • Legal owners of weapons and ammunition, and data on authorisation, possession, use and transfer documents • Existing gun shops and armouries on the Romanian territory and data on the documents for authorisation, possession, use and transfer • Shooting ranges • Lost and found weapons and ammunition • Weapons and ammunition generally pursued on Romanian territory and internationally 	<ul style="list-style-type: none"> • Directorate of Criminal Investigations • General Directorate for Combating Organized Crime and Anti-drug • Forensic Institute • Directorate of Operative • Surveillance and Investigations • Transportation Police Directorate • Public Order Police Directorate • Communications and Information Centre 	<ul style="list-style-type: none"> • The structure that manages the National Firearms Registry connects through the National Component of the Schengen Information System and through the SIRENE Bureau with similar structures in EU Member States for the mutual exchange of data and information on the circulation of arms and ammunition from Romania to the EU and vice versa. • Access of similar structures in EU Member States to the National Firearms Registry occurs through the above-mentioned cooperation structures, according to the access and security levels established by law.

A 2004 decision of the Supreme Defence Council established the National System of Terrorist Alert to support the planning process for counter-terrorism activities at the national level and to inform citizens on the level of terrorist threat in the country.

1.3.2 European and international cooperation

Romania cooperates with all European and international partners according to national and international regulations. Romania is connected to the various European networks and databases (SIS, Prum, etc.), and also to the Interpol network.

In matters of fighting criminality, the International Police Cooperation Centre (CCPI), which forms part of the Romanian Police, is the only central structure specialising in the exchange of international data and information on combating cross-border crime. The CCPI controls four cooperation channels: the National Focal Point, Europol National Unit, Interpol National Office and SIRENE system. Through these channels the CCPI aids the international exchange of information of several national institutions – the Ministry of Internal Affairs, SRI, Public Ministry (General Prosecutor’s Office), National Customs Authority, National Office for Preventing and Fighting Money Laundering – with international partners such as Europol, Interpol, SELEC and foreign liaison officers.

The legal framework for this cooperation consists of:

- Emergency Ordinance 103 of 13 December 2006, which defines measures to facilitate international police cooperation;
- Law 302/2004 on international judicial assistance in criminal matters, as amended;
- Interpol status;
- Europol Convention;
- the SECI agreement (SELEC); and
- Interior Ministry Order 200/2004 on the exchange of information through the National Focal Point.

Cases of cooperation in large-scale operations against drugs, human trafficking and cybercrime are numerous. They involve many EU Member States and non-EU countries (the United States, Brazil, etc.) and can be found in the annual reports of the relevant agencies.

In terms of cooperation on firearms, Romania has in recent years received tracing requests from Brazil, Colombia, France, Hungary, the Russian Federation, Serbia and the United States, and has sent tracing requests to France, Germany and Italy.¹¹ There is only one publicly known case of successful cooperation in a large-scale firearms-related operation: in 2017 Europol announced the results of Operation Bosphorus, an operation coordinated by the Romanian Police, with activities in ten

countries and with the full operational and analytical support of Europol. The operation seized 556 firearms, 131 of which had been converted. It was the first European operation that tried to deal with the issue of blank-firing pistols and the threat posed by differences in national legislation on owning such pistols (for additional information, see section 2.2). As an observation, the effect of this type of operations is limited in terms of countering this phenomenon, since the differences in legislation between participating states do not allow prosecutions to take place in all cases, e.g. differences in procedures for conducting operations and differences in definitions of the relevant offences.

In terms of cooperation on terrorism, from the publicly available information we have been able to identify one case of cooperation that has occurred: the 2011 annual report of the DIICOT refers to the indictment of an Iraqi citizen, Al Dulaimi Ali Asae Mohamad, in terms of Article 33 of Law 535/2004, which deals with preventing and countering terrorism. The defendant had established four commercial entities for the purpose of aiding entry to and exit from the country and prolonging the right to stay in Romania of five Iraqi citizens (Omar Farid Ahmed, Falah M. Salem, Aqeel Mohammed Dhuyab, Omar Assey and Muntasier Aassi) while knowing that they had aided or committed terrorist attacks on behalf of Al-Qaeda in Iraq. DIICOT prosecutors cooperated with authorities from Iraq, Bulgaria, Hungary and Sweden in this case.

However, there are challenges to cooperation both on the national and international levels and measures that can be taken to improve it. One of these challenges is related to data collection and analysis and the absence of a centralised focal point through which to collect and exchange information.

As the DIICOT 2015 annual report stated,¹² there is a need for an integrated approach to preventing and combating organised crime in Romania that should have three pillars:

1. A mechanism should be established to carry out a national risk and threat analysis of organised crime. This could include analysis of the potential relations between organised crime and terrorism, including the access of terrorists to firearms and other types of weapons. This analysis would feed on information received from various departments and agencies (DIICOT, IGPR, IGPE, SRI, etc.), which means that a unified system for data collection and reporting should be established and a legal framework to support this should be created. The priorities and resources of the competent authorities in this field should be allocated based on this analysis.

2. A national strategy should be drafted to combat organised crime based on the risks and threats identified by the above-mentioned analysis.
3. A multi-annual and inter-institutional action plan should be drafted and implemented.

2. Characteristics of Romania's illicit firearms market

This section provides an analysis of the main characteristics of the supply and demand affecting the illicit firearms market in Romania. The analysis is mainly based on data and case studies collected from three types of sources: annual activity reports of relevant key institutions for the period 2010-2016, online media articles on gun-enabled crime (2010-2016) and reports of international organisations (such as the United Nations Office on Drugs and Crime (UNODC), Europol, etc.). Unfortunately, publicly available data do not allow a precise determination of these characteristics and a comprehensive picture of this phenomenon. Annual activity reports and reports of international organisations sometimes contain slightly different data, while media reports obviously cannot provide a comprehensive picture, because they are focused on firearms seizures and/or shootings; do not cover all the existing cases; and do not always include all the relevant details (e.g. if the firearms used in shootings were illegally held or not). The analysis of court files also offers an incomplete picture, because only cases that have gone to court are covered.

2.1 Estimating the size of Romania's illicit firearms market

All legal owners of firearms (lethal or non-lethal) are required to register with the National Firearms Registry, which is held by IGPR's Department for Firearms Explosives and Dangerous Substances. The centralised nature of the Romanian record-keeping system provides reliable data on firearms owners and the lethal and non-lethal weapons that they own. Although these records are secret (in accordance with the provisions of Law 295/2004), general statistical data are publicly available in annual police activity reports (see Table 1). Unfortunately, these data are only available for 2010, 2011 and 2013, and are not included in the reports for 2012, 2014, 2015 and 2016, which indicates inconsistencies in the way in which data are reported from year to year.

Table 1: Number of legal owners and legally owned lethal and non-lethal firearms, 2010-2016¹³

IGPR annual reports	2010	2011	2012	2013	2014	2015	2016
Legal owners/ lethal guns	77,182 owners with 107,266 firearms	86,062 owners with 114,528 firearms	N/A ¹	+12,055 authorisations for the procurement of lethal guns	N/A	N/A	N/A
Legal owners/ non-lethal guns	71,996 owners with 85,368 non-lethal guns	71,517 owners with 94,455 non-lethal guns	N/A	+4,617 authorisations for the procurement of non-lethal guns	N/A	N/A	N/A

Despite the lack of data for recent years, we can conclude that the number of legal owners of both lethal and non-lethal firearms in Romania is quite low relative to the size of the population (approximately 20 million) and compared to other EU member states. According to data from international reports, such as the *UNODC Study on Firearms 2015*, Romania has an average of 0.4 annual rate of firearms seized in Romania by the police per 100,000 residents. These low figures are due mainly to strict gun ownership laws and a weak gun-ownership culture. Consequently, the legal market for lethal handgun imports is rather small. Only certain categories of citizens are allowed to apply for permits to carry guns for self-defence and personal security purposes (members of the judiciary, police, Parliament and the military).

Generally, estimating the size of the illicit gun market is generally a more difficult endeavour than estimating figures for legal gun ownership due to the hidden character of the phenomenon, but also because of the lack of reliable and detailed quantitative data for this phenomenon. This is also the case in Romania. The analysis of reports that provide data on illegal firearms available at the national level and discussions with law enforcement experts in Romania indicate that there could be an important hidden variable in the structure of indicators that reflect the illegal market.

Firstly, these data only refer to operations conducted by the relevant authorities and, as such, to firearms that have been seized. There is no publicly available record or estimate of inferred firearms. Secondly, the data on seized firearms also include legally owned firearms that have been seized for various reasons, including, for

¹ No available data in the annual report for the year in question.

example, non-compliant storage.¹ Therefore the data on seized firearms do not reflect only illicitly held firearms. In addition, when analysing the data from the annual activity reports of the IGPR, the IGPF and airport units of the SRI on firearms seizures, shootings, and the illegal use or possession of firearms, there appears to be no accepted inter-agency method of collecting, categorising and analysing data. This is not only the case among the various institutions, but also within the same institution from one yearly activity report to the next. It is also not clear if the data included in the SRI annual reports also include cases of illegal firearms possession at airports as recorded in the official IGPF reports. Furthermore, there are differences between the data on seized firearms in the national reports and data included in the reports of international organisations such as UNODC, the Organisation for Security and Cooperation in Europe, or Europol).

Notwithstanding these problems, we will give a brief overview of these figures to give at least a partial picture of the problem and its size. Table 2 includes the available figures on gun crime, the illegal use of firearms, and seized firearms as recorded by the IGPR between 2010 and 2016. These figures indicate that gun homicides and armed robberies in which a firearm was used are limited in Romania. The figures also show significant differences in the number of firearms seized in the country. It is currently unclear if the higher number of firearms seized in 2013, 2014 and 2016 represent a trend of increasing illegal firearms possession, or reflect an increased awareness of the problem and related heightened police attention, or are merely a coincidence. Interestingly, where data are available (2011 and 2013), these figures suggest that a significant share of seized firearms are of the non-lethal kind.

For firearms seizures given in Table 2, it is not always stated how many of them were illegally owned firearms or legally owned firearms that were illegally used/stored and consequently seized (in 2011 only 343 seized firearms were illegally owned out of a total of 2,569). This also adds to the observation that data are not consistently reported, as Table 2 shows.

¹ According to Romanian legislation, the police can carry out checks at the homes of legal owners without prior notice.

Table 2: Firearms-related crimes and seized firearms according to IGPR data, 2010-2016

IGPR annual reports ¹⁴	2010	2011	2012	2013	2014	2015	2016
Serious crimes committed with guns	4 murders and 29 robberies	9 murders and 26 robberies	8 murders and 10 robberies	8 murders and 18 robberies	N/A	N/A	N/A
Illegal use of lethal/non-lethal firearms	-36.2% from previous year	210 cases of illegal use 48 incidents involving illegal firearms	221 cases of illegal use 48 incidents involving illegal firearms	204 cases of illegal use	-44.6% cases of illegal use from previous year	605 cases of contravening arms and ammunition regulations	N/A
Seized firearms	N/A	2,569 firearms seized, 1,082 of which were lethal 343 seized for illegal possession and 199 for illegal use	2,293 firearms 70,235 cartridges	6,149 firearms seized, of which 3,098 lethal firearms were illegally owned 244,521 cartridges	N/A	6,204 firearms 3,844,638 cartridges	9,721 firearms 14,801,130 cartridges

Some figures on illicit firearms trafficking are also available. The IGPF annually records tens of cases of illicit firearms trafficking (see Table 3). Again, however, these figures vary considerably from year to year. In 2015, for example, 45 firearms and 2,899 cartridges were seized at the border, compared to 268 (mostly non-lethal) firearms and 111,483 cartridges in 2013.

In its annual reports, the SRI, which is responsible for security at airports, reported the following figures for firearms and cartridges seized in airport control operations:^I

- 2011: 127 firearms and 1,670 cartridges;
- 2012: 17 firearms and 2,532 cartridges; and
- 2013: four firearms and 60 cartridges.

Table 3: Firearms-trafficking cases and seized firearms and ammunition according to IGPF data, 2010-2015

IGPF reports	2010	2011	2012	2013	2014	2015
Firearms-trafficking cases	50	53	39	N/A	157	
Firearms		56	160	268 (majority non-lethal)	62 firearms (15 hunting rifles, 15 gas pistols, 2 CO ₂ pistols, 2 military pistols and 28 other firearms)	45 firearms (5 hunting rifles, 1 sporting rifle, 7 gas pistols, 8 CO ₂ pistols and 24 other firearms)
Ammunition		18,016, mainly hunting cartridges	89,507	111,483	174,401	2,899

Given the lack of reliability and comparability of the official data on seized firearms and related crimes, we developed our own database of seized (lethal and non-lethal) firearms and incidents involving the illegal use of firearms based on an analysis of online media reports.^{II} These figures confirm the significant share of seized

I Even though we did not manage to find out if these numbers are included in IGPF reports (the IGPF is supposed to receive the firearms that the SRI seizes at airports), the numbers for 2011, for example, seem to suggest that this is not happening (127 seized firearms reported by the SRI and only 109 by the IGPF).

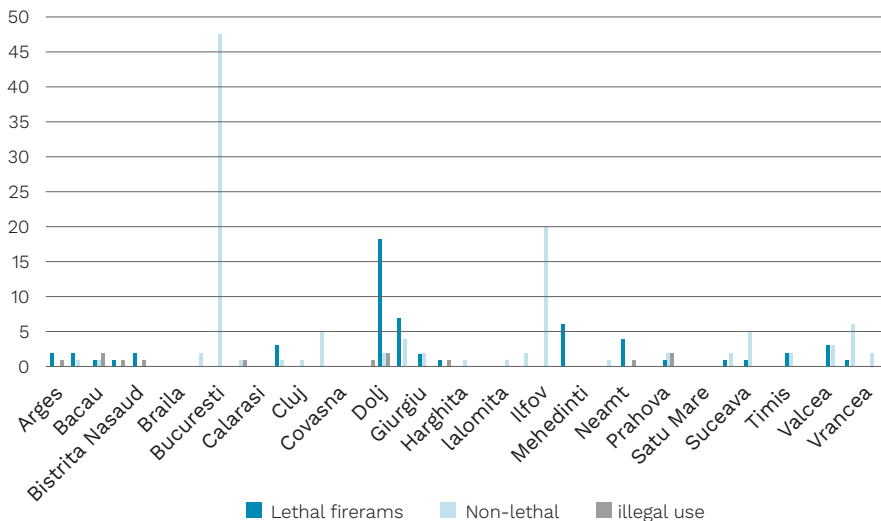
II The online media research was performed in the period February-April 2017.

non-lethal firearms (blank-firing pistols or air rifles) in the country (see Table 4).¹ This media-based analysis further suggests that the majority of seized firearms were registered in the capital (Bucharest).

Table 4: Seized lethal and non-lethal firearms, and cases of illegal use according to media analysis, 2010-2016

	Seized lethal firearms	Seized non-lethal firearms	Illegal use
2010	76	91	27
2011	139	111	23
2012	139	2,572	27
2013	58	293	6
2014	45	74	14
2015	49	68	7
2016	58	114	12

Figure 1: Geographical distribution of seizures at county level, according to media articles, 2016



¹ In 2012 the number of seized non-lethal firearms was exceptionally high due to a large seizure of compressed air rifles by the IGPF at the border with Republic of Moldova).

Despite the differences, the available data indicate a rather low number of seizures and gun-related crimes. This suggests that illegal firearms possession and gun crimes are not significant security issues in Romania. The experts we interviewed for this study also made the same observation. These issues are therefore not treated as a priority by the Romanian authorities.

2.2 Types of available firearms and prices

It is difficult to identify the availability of the various types of firearms (and their prices) on the illicit gun market in Romania, since there are no public records of centralised data on such firearms, while this information is not mentioned in annual police reports and only seldom referred to in media reports. Our interviews with experts from the IGPR indicate that, because gun-related crime is generally low in Romania, the illicit gun market and gun crime are not considered to be a significant security risk and therefore little attention is given to the systematic collection of data to support risk analysis.

Despite these limitations, the available official quantitative data (see above) and the analysed cases reported in the media suggest that the most frequent type of firearms found in searches and seized are easily convertible, non-lethal blank-firing firearms. Especially blank-firing guns manufactured in Turkey are being trafficked into Romania from Bulgaria. These non-lethal firearms can easily be modified for enabling them to expel projectiles, for example by removing the barrel obturator.¹⁵

The prices in Romania of blank-firing pistols manufactured in Turkey vary from €200 (new) to €50-70 (used). These firearms are bought legally in Bulgaria, where they are significantly cheaper than on the Romanian market: such a firearm can be bought for approximately 136 leva (equivalent to €70) for a new one.¹⁶ The acquisition of these firearms is relatively easy in Bulgaria mainly due to the legislation in the country, which allows the buying of non-lethal firearms directly from a shop without any obligation other than registering the personal data of the buyer in the shop's register and submitting the request for a permit to the Bulgarian authorities and declaring the firearms to the Bulgarian police within seven days from the date of acquisition. The other brands of blank-firing pistols of German, Austrian or Italian manufacture that are found in shops have higher prices (approximately €400).

In 2016, with operational and analytical support from Europol, a series of international police actions known as Operation Bosphorus were undertaken in ten EU Member States and coordinated by Romania. This operation was developed under

the EMPACT Firearms Operational Action Plan 2015 targeting gas and alarm pistols of Turkish manufacture that were being trafficked into the EU via Bulgaria. It led to the arrest across the EU of 245 persons and the seizure of 556 gas and alarm pistols (of which 131 were converted), 108 other firearms, 33,748 rounds of ammunition and numerous tools for the conversion of blank-firing to lethal-purpose firearms.¹⁷ This operation clearly illustrated that the non-lethal firearms available on the illicit gun market in Romania mainly come from Turkey through Bulgaria.

Blank-firing pistols became attractive for criminals in Romania because of their capacity to be easily converted (and also converted back to blank firers if needed), because they are cheap and have an intimidating effect – they look like real lethal handguns (in some cases resembling famous models such as Beretta or Colt).¹⁸ Because of the restrictive law regarding lethal handguns and also high penalties in Romania, Turkish blank-firing pistols that imitate lethal handguns came to be a very good option for organised crime groups (OCGs) in Romania.

These guns are mainly used by criminals to threaten victims or rival gang members.¹⁹ Shooting incidents with converted firearms suggest that these weapons can be found in various criminal contexts such as the illicit drug trade, extortion or gangs. In 2013, for example, the DIICOT indicted 54 members of two rival OCGs (Sportivii and Camatarii) after street fights between them involving the use of converted handguns, which severely injured one gang member.²⁰ Besides using them for protection purposes within Romania, OCGs involved in the trafficking of all kind of illicit goods are using firearms to protect their shipments, as shown by the case studies identified in media articles, as well as in IGPF and DIICOT annual reports. According to the Romanian authorities, there are no documented cases of groups committing crimes only involving firearms. Instead, firearms illegally possessed through trafficking were mainly used in spontaneous incidents of violence or in connection with other crimes.²¹

The estimation of prices is very relative. The rule is that illegal firearms are more expensive than legally acquired ones. In OCG transactions firearms can be exchanged for other, more expensive goods (drugs, grenade launchers, etc). The examples in Box 6 suggest that prices can vary not only by type of weapon (non-lethal or lethal), but also according to the region where the sale takes place or even the relationship between buyer and seller.

Box 6: Case studies on prices of illegally sold firearms

1. On 20 November 2015 the police caught someone selling an illegal revolver with 50 cartridges for €3,500.²²
2. In case 88/D/P/2009 a criminal group was indicted for firearms smuggling across the border with Serbia. The group delivered firearms from Serbia to several Romanian clients at prices of around €250 for a .22 LR rimfire rifle, €200 for a 9 mm or 7.65 mm pistol, and €350 for a 7.62 mm carbine, all of them made by Zastava in Serbia. A suspect from the same group went to Austria in 2008 to buy a 9 mm PA calibre blank-firing Reck pistol.²³
3. In the Ciorogarla case (see section 2.3.3) the price for one AK-type automatic rifle sold by the OCG involved was reportedly €2,500.

Buyers of firearms (mainly blank-firing pistols) are usually members of OCGs going for the easiest way to acquire a gun that looks like a real one and that can be made lethal after conversion. As indicated in other reports, OCGs can be both Romanian and foreign.²⁴ OCGs usually use firearms for various purposes:

1. *Firearms used to protect drug or cigarette shipments.* These are usually the firearms seized when a shipment is intercepted.
2. *Firearms trafficked for money.* This is a rare occurrence in Romania, since prices are low for blank-firing pistols and there is no real and sustained demand for lethal firearms.
3. *Firearms used in heists* (e.g. the “Criminal Academy”, an organized criminal group, who used guns to threaten victims during heists) *or in attacks* (e.g. the Vitalie Proca case in November 2012, or the Piatra Neamt case of 14 November 2010, when two gang members were shot in a coffee shop with a .45 calibre handgun; the gun was brought into the country from Turin, Italy in 2007).

As we identified in the case studies from the media analysis and court cases, non-OCG buyers can be ordinary people (i.e. not criminals) who just want to pay less than the prices found in Romania, or individuals who, without being aware of the law, buy a pistol from a trafficker and then subsequently realise that they have committed a crime.

No reported cases were found of terrorists acquiring firearms in Romania. Most of the cases related to terrorist activities found in SRI reports and in the database of cases of the Superior Council of Magistracy involve individuals who have been

expelled from the country and declared inadmissible for up to 15 years for reasons of national security – no other details regarding these cases are made public.

2.3 Sources and supply mechanisms of the illicit gun market in Romania

In Romania, firearms end up on the illicit gun market through three mechanisms: (1) illicit production; (2) illicit trafficking; and (3) diversion from the legal domestic market. In this section we will give an overview of the most important aspects of these mechanisms. Relevant and reliable academic or policy-oriented literature on this topic is, however, quite limited, which is why most of the analysis is based on data provided by public reports of relevant institutions, data presented in international reports, study cases reported in the media, and court decisions.

2.3.1 Illicit production of firearms

The illicit production of firearms and ammunition¹ is rather rare and connected to artisanal production whereby individuals set up private workshops that produce weapons for profit. Within the researched time period – 2010-2016 – two cases of handmade production in private workshops were recorded (see Box 7).

Another risk that we identified from discussions with experts is that of the illegal production of 3D-printed firearms. Although some reports have downplayed the risks posed by 3D printing,²⁵ particularly due to the low strength of materials that 3D printers are able to generate (e.g. plastic barrels) and there have been no registered cases so far in Romania, we believe that the 3D printing of firearms will pose a high risk in the future. Especially for terrorists, these weapons can be very attractive, since they are usually needed only for the attack itself and not to be sold and/or used in the longer term. Existing 3D-printed firearms have proved to be able to fire up to 14 cartridges, which is enough for an attacker wishing to commit a terrorist attack.²⁶ These guns are difficult to control and almost impossible to trace or detect, because the only component made from metal is the firing pin.

1 Law 295/2004 defines illicit manufacturing as the production or assembly of firearms, parts or ammunition:

- (A) by using any essential components obtained from illicit trafficking;
- (B) without an authorisation issued by a competent authority of the member state in which manufacture or assembly takes place;
- (C) without marking the firearms assembled at the date of their production, in accordance with the provisions of the present law, which carries the penalty of imprisonment for two to eight years.

Box 7: Case studies on illegal workshops

During a police search in the western part of Romania, near Lugoj (Tipari, Timis county), 12 hunting rifles were found. The suspects made and sold handmade guns at prices of €100-150. These were used mainly for poaching. There is no information on how many firearms had previously been sold.²⁷

On 2 December 2016 a 28-year old man became involved in a fight with some neighbours in the village of his fiancé's grandmother. He used handmade guns to kill two people and injure another two, after which he committed

suicide with one of the guns. A police search revealed a workshop in the basement of the man's house in Palilula (Dolj county). In total, 15 firearms and over 1,000 cartridges were found, many of them converted or handmade. He did not have a criminal record.²⁸

2.3.2 Illicit firearms trafficking

Given Romania's geographical position, firearms trafficking from neighbouring countries to the South and East represents a risk. In Romania, the main source of illicit trafficking in firearms is Bulgaria. As mentioned in the previous section, Turkish-manufactured blank-firing guns that are legally bought in Bulgaria and then imported into Romania are the most readily available weapons on the Romanian illicit gun market. The main documented trafficking routes from Bulgaria pass through several different border crossings (Varna-Vama Veche, Ruse-Giurgiu, Silistra, Calafat, and Corabia).²⁹

Based on our analysis of Romanian court decisions, we can conclude that in some cases the smugglers on trial were committing their first offence. These smugglers usually stated that they did not know that Romanian law obliged them to notify the police before purchasing a firearm of any kind nor that they had to declare a blank-firing pistol that had been legally bought in Bulgaria at the border. In cases of repeat offences, blank-firing pistols were brought into Romania for other people for the purpose of making a profit and the consignee did not know that the pistol had been brought across the border illegally. In these cases the guns were not always smuggled for a criminal customer, while in other cases OCGs were involved. In 2011, for example, the DIICOT dismantled an OCG from Craiova (a city in south-central Romania) whose main criminal activities involved the defrauding of electronic payment systems in European countries, but who also used Bulgarian citizens to

traffick lethal firearms and ammunition from Bulgaria. The trafficked firearms were sold to other OCG members from Craiova and later used in fights between gangs.³⁰ But in general, OCGs are not that interested in firearms trafficking into or from Romania because of the low price of blank-firing pistols or lethal firearms and thus the limited profit that can be generated from such trafficking.

Firearms are mainly smuggled into Romania in buses and private vehicles.³¹ The study of media articles and Operation Bosphorus showed that in Romania the trafficking of firearms from Bulgaria mostly involves individual weapons. Many cases showed that individuals cross the border into Bulgaria, buy a blank-firing pistol legally and then hide the gun in their car when they cross the border. The number of firearms that are transported is always very small and criminals prefer to make frequent crossings of the border, because the probability of being caught with a gun or two is much lower than with a large shipment. Seizures of large quantities of firearms are rare.

As shown, sellers can be either individuals who think they can earn quick money by transferring cheaper pistols from other countries (Bulgaria), members of OCGs selling to other members, or even amateurs with technical skills who are involved in illicit production (private workshops) and conversion for profit.

Firearms trafficking to Romania also occurs from Western and Southern European countries such as France, Germany, Italy and Spain. The modus operandi for smuggling is the same as for weapons coming from Bulgaria, but the border crossings used are different (Bors, Nadlag and Cenad). The interviewed experts confirmed that the route from Bulgaria is mainly used for trafficking blank-firing firearms, while the routes from France, Germany, Italy and Spain are used for the trafficking of long-barrelled rifles.³²

From the analysis of the serious cases presented in DIICOT annual reports,³³ most dismantled OCGs were involved in human trafficking, cybercrime or drug trafficking (mainly cocaine and heroin via the Iran-Turkey-Bulgaria route). On some of the trafficking routes used, for example, for cigarette smuggling along the northern Moldova-Romania or Ukraine-Romania routes, firearms are being seized, but this is rather rare.

The data reported by Romania to UNODC for 2010-2013 indicate that the majority of firearms (over 80%) that enter the country illegally are destined for the local market.³⁴ It should be mentioned that there are other easier routes than from Bulgaria via Romania for the illegal trafficking of guns to Western European countries. Operation Bosphorus, for example, showed that a large number of the

blank-firing guns found during the operation had been trafficked from Bulgaria to Western Europe along a variety of routes.

Several of Romania's neighbouring countries (such as Moldova, Ukraine and Serbia) have experienced frozen or armed conflicts that left them with large stockpiles of firearms, many of which are lost due to thefts, neglect or corruption and then enter the illicit market. Transnistria, for example, has large Russian Army stockpiles that have represented a source of illegal firearms since the end of the war in the early 1990s. In May 2014 an investigation by the Organised Crime and Corruption Reporting Project conducted in the Republic of Moldova demonstrated how easily a leading member of a transnational OCG involved in criminal activities in Moldova, Romania and Italy could provide 30 AK-type automatic rifles and five grenade launchers in one week at a location near Odessa for €29,000. The price for other handguns like the Baikal TT was about €800 per piece, while a grenade launcher was on sale for €1,000.³⁵ Currently, however, the smuggling of firearms from countries such as Moldova, Ukraine or Serbia to Romania is quite exceptional.

Our analysis has not found an actual case of firearms being smuggled from Ukraine, where an active war is in progress, in the period 2010-2016. Besides OCGs' need for a limited number of firearms, Romania does not represent a real market for military-grade firearms, which makes it more likely for firearms coming from Ukraine, for example, to be trafficked to Western European countries instead of Romania. Given the extensive smuggling of cigarettes from Ukraine or Moldova to Romania, the trafficking of firearms or components from these countries can be considered a potential future risk, since weapons could be smuggled along the same routes.

2.3.3 Diversion of firearms from the legal market

Romania has a significant arms industry. In 2014 various types of Romanian-produced military equipment worth more than \$160 million were sold to 53 countries worldwide.³⁶ The main producer of weapons is Romarm, a state-owned company under the Ministry of the Economy, with 15 factories and production facilities specialising in the production of ammunition, weapons and other military equipment. The main factory that produces firearms and ammunition is the Cugir Firearms Factory. Approximately 95% of Cugir's production is exported to NATO countries and countries outside NATO that use Soviet-type ammunition.³⁷

There are several ways for legally owned firearms to be diverted to the illicit market in Romania. The first is through theft from legal firearms producers and holders. Lethal weapons owners are required to immediately notify the nearest police

station of the disappearance, loss or theft of such weapons, or no longer than 24 hours later.

Theft from military stockpiles

After the 1989 Revolution the modernisation of the Romanian Army led to a reduction of the armed forces from 180,000 in the mid-1990s to 71,745 active forces in 2011, which generated large surpluses of stockpiled weapons and ammunition.³⁸ Diversion to unauthorised end users was considered as one of the main risks that such stockpiles pose, yet only one case of stockpile theft is known (the 'Ciorogarla case'). In January 2009 six members of an OCG stole 62 firearms, including military-grade assault rifles,¹ from a military unit's stockpile. These stolen firearms were then distributed among the members of the gang for use in drug trafficking. The gang tried to make the weapons untraceable by removing their serial numbers. One of the suspects was caught trying to sell 27 of these firearms (pistols and automatic rifles) to a police informant. During subsequent investigations 35 firearms were found in December 2009 and another 15 in January 2011.³⁹

Conversion and reactivation

In recent years conversion has become an increasingly frequent way of diverting legal firearms into the illicit market in Romania. This applies both to firearms already in Romania and those brought to Romania from other countries (see above). Legal loopholes and differences between legal frameworks in various countries that can be exploited by criminals are particularly relevant in this case, both among EU Member States and between EU Member States and third countries (particularly Turkey, Moldova and Ukraine).

Before the promulgation of EU Regulation 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, there were no common deactivation standards for firearms in EU Member States, and the differences in national legislation allowed firearms to be rather easily reactivated and sold in a different country. The case of the deactivated firearms bought in Slovakia and then smuggled into other EU countries with stricter deactivation standards to be reactivated is well known. Europol has indicated that some of the firearms shipments from Slovakia were destined for Romania.⁴⁰ Based on publicly available data, however, we have not identified cases of reactivated firearms in Romania. Also, our

¹ These 62 firearms were one machine gun, 20 AK-type 7.62 calibre automatic rifles, 32 1933 TT 7.62 calibre pistols, five 7.65 mm pistols, three CUGIR 9 mm pistols and one 26 mm flare pistol.

interviews with Romanian key actors suggest that there is no major concern over the reactivation of deactivated firearms in the country. There are also no known reported cases of the modification of semi-automatic firearms to automatic ones.

The conversion of blank-firing guns, on the other hand, is a frequently encountered problem in Romania. While the possession of lethal handguns is restricted, Romanian law allows civilians to buy blank-firing pistols without the need to notify the police prior to purchase or to comply with the regulations that require a medical certificate, a psychological test, a clean criminal record and proper storage facilities. This resulted in the number of legal owners of non-lethal firearms being almost identical to the number of owners of hunting rifles and lethal handguns.

In many EU Member States the conversion of blank-firing guns has become the major mechanism through which firearms have become available on the illicit gun market. This is the result of the ease with which one can acquire these licence-free weapons and with which some of these firearms can be converted to shoot live ammunition.⁴¹ The conversion methods identified in Romania are the same as those found in other parts of Europe. The design of some models of blank-firing pistols makes conversion very easy, allowing them to fire pellets⁴² or even live ammunition. The most frequently found firearms are the Turkish-made Ekol Voltran and Atak Zoraki, which are the most prone to conversion. Some conversions can also be reversed very easily,⁴³ making it very difficult to prove earlier conversion.

Cases of blank-firing converted pistols being used in crimes have been encountered in Romania since 2010⁴⁴ and have resulted in several casualties in different parts of the country and different criminal contexts. In 2010, for example, the wife and daughter of a businessman from the northern region of Romania were killed with a converted blank-firing pistol. The perpetrator, a Ukrainian citizen, entered the country with the gun specifically for this purpose.⁴⁵ In December 2012 in the western region of Romania a converted blank-firing pistol was found abandoned in a car that had two bullet holes in the driver's door. Further investigations showed that the incident was linked to an OCG's attempt to extort €142,000 from a local businessman.⁴⁶ Also in 2012, converted blank-firing pistols were used in a fight between two rival OCGs (Camatarii and Sportivii) in which one gang member was seriously injured.⁴⁷

Illegal sale of legally owned firearms

The illegal sale of legally owned firearms can be considered as unlikely in Romania. These types of cases were not found during our study. This is largely the result of the restrictive legal framework for firearms possession in Romania.

Romania has a very restrictive law on the legal ownership of handguns, and very few people are allowed to legally own handguns for the purposes of personal security and self-defence (see above). This is also the reason for the small number of legally owned handguns ending up on the illicit market due to theft or from being sold illegally.

The majority of the approximately 90,000 legal owners of lethal firearms in Romania are owners of hunting rifles. The legal possession of long hunting rifles is regulated similarly to in other European countries, i.e. civilians who are members of a hunting association can apply for permit to own rifled-barrel or smoothbore firearms, with the requirements of a prior medical examination, a psychological test, a clean criminal record and proper storage facilities. This is partly the reason why there are no known cases where legally owned long firearms were used in shootings or ended up on the illicit market.

In contrast to some other EU member states (including the neighbouring Bulgaria), legal owners of blank-firing pistol need to go through a complex legal procedure to own such a pistol in Romania (see above). The same restrictive rules apply to the ownership of air rifles that fire metal projectiles (4.5 mm, 6.35 mm, etc.) and CO₂ pistols. These regulations make Romanian firearms law one of the most restrictive in Europe.

Even though the dark web is an increasingly important new market for firearms, public reports of proactive investigations by the police conducted on this market were not found during research for this study. The National Police's capacity to conduct this type of investigation and analysis is very limited, both technically and because of lack of personnel, mainly due to the trans-territorial nature of this market.

3. Terrorist access to Romania's illicit firearms market

3.1 Terrorist activities in Romania

Article 1 of Law 535/2004, which deals with the prevention and combating of terrorism, defines terrorism as a set of actions and/or threats that pose a public danger and affect national security. These actions can have the following characteristics:

- (a) They are committed intentionally by terrorist entities, motivated by extremist views and attitudes, and hostile to other entities against whom they act using violent and/or destructive means.
- (b) They are carried out with the aim of achieving specific political objectives.
- (c) They target people and/or infrastructure within public authorities and institutions, the civilian population or any other parts of a country's population.
- (d) They have a strong psychological effect on the population at large aimed at drawing attention to the aims being pursued.

The Global Terrorism Index 2016 of the Institute for Economics and Peace places Romania in 130th place (the last position in its system of ranking countries) in terms of the number of terrorist attacks it has experienced.⁴⁸ The country has not experienced a terror attack in more than three decades, but in recent years several potential terror attacks have been foiled in Romania. Interestingly, these incidents involved terrorist networks of very different ideologies and with very different goals (see Box 8).

In addition, in recent years Romania has also been explicitly named as a potential terrorist target by prominent extremist Islamist leaders. In 2012 and in the aftermath of the Burgas bus bombing^I in Bulgaria, Sheikh Omar Bakri, a Syrian extremist Islamist leader in Lebanon,^{II} stated in an interview that Romania, like Bulgaria, is a target for terrorists. He explained that Islamist extremists consider both countries as Islamic realms and condemned them because of their military presence in Iraq or Afghanistan and because of their cooperation with Israel.

I The 2012 Burgas bus bombing was a terrorist attack carried out by a suicide bomber on a bus carrying a group of Israeli tourists at Burgas Airport.

II Bakri played a key role in the Hizb ut-Tahrir movement, a Sunni pan-Islamist organisation that advocates for the re-establishment of the caliphate. He also led the al-Muhajirun movement (which had links to al-Qaeda), which was involved in the 2005 London Underground bombings.

Box 8: Foiled terrorist attacks in Romania⁴⁹

After Romania's accession to NATO in 2004 the first case of Islamist radicalisation appeared in the country. Florian Lesch^I decided to plan an attack because of Romania's pro-Western political orientation. The suspect came to the attention of the intelligence services after sending threatening messages in the name of the Islamist cause to several television stations in both Romania and abroad. On 27 June 2006 Lesch was arrested on a secondary road travelling towards Timisoara (a city in western Romania). In his car an improvised explosive device (IED) designed to be triggered remotely was found. This IED could have destroyed an entire building and could have caused numerous casualties. He was sentenced to 12 years in prison.

In 2012 the SRI arrested two Pakistani terrorists who belonged to the Sikh International Federation of Youth and Students and were part of the Khalistan Liberation Front. They were planning to organise terrorist attacks with homemade bombs across the country.

In December 2012 Khzr Karim Friad intentionally missed a flight out of Romania and, motivated by hatred of the UK's involvement in Iraq, planned to kill a UK embassy official in Bucharest with a 12-cm-long knife. In 2013 he was sentenced to four years' imprisonment.

In April 2013 a network of members of the Kurdistan Workers' Party (PKK) who had been active in Romania for a long period of time was dismantled through Operation Blue Wolf, which involved the Romanian, Hungarian and Austrian authorities.

In 2013 the DIICOT indicted four citizens for crimes related to terrorism and breaking the law on explosive materials. The defendants made explosive devices and set them off near Ghioroc, Timis county, and in December made two similar devices, which they sold to an undercover agent.

In 2015 ethnic Hungarian who were members of the separatist right-wing extremist group HVIM^{II} were arrested for an attempted attack with an IED. The bomb was supposed to go off in a city square during National Day celebrations. They were sentenced to several months in prison.

I After he converted to Islam he chose the alias of Aynan Hassan Abger (a former soldier in the Seventh Brigade of the Bosnian Islamic Army).

II The Sixty-Four Counties Youth Movement (a far-right movement in Hungary).

SRI annual reports give the numbers of individuals who were identified as being involved in terrorist activities in the reporting year, arrested (Romanian citizens), or expelled and denied subsequent re-entry (foreign citizens), as well as individuals suspected of having ties with terrorist groups.^I In May 2013, for example, an Iraqi and a Lebanese citizen were denied entry to the country due to their involvement in terrorism-linked illegal migration activities aimed at facilitating their fellow nationals' entry into Romania and Europe, as well as being involved in drugs and arms trafficking in support of the Syrian insurgency.⁵⁰

Individuals who have engaged in terrorist activities in Romania most often belong to extremist Islamist networks, but people involved in ethno-nationalist or separatist terrorism are also active in the country (see Table 5). Europol Terrorism Situation and Trend Reports (TE-SATs) for 2010, 2011 and 2016, for example, indicate that a number of people were arrested^{II} for membership of the PKK or actively supporting the organisation. In 2014 four Hungarian citizens were denied entry to Romania, one of whom was a leader of the extreme right-wing group New Hungarian Guard – Seckler Battalion.⁵¹

Table 5: Arrests^{III} in Romania by affiliation

Year	Islamist/ religiously inspired	Separatist/ ethno- nationalist	Left wing	Right wing	Single issue	Not specified	Total
2010	14	2	-	-	-	-	16
2011	2	2	-	-	-	-	4
2012	15	1	-	-	-	-	16
2013	7	1	-	-	-	-	8
2014	-	-	-	-	-	-	-
2015	11	-	-	-	-	-	11
2016	1	-	-	-	-	-	1

Source: Europol TE-SAT reports, 2010-2017

I According to Article 86(5) of Emergency Ordinance 194/2002 governing the management of foreigners in Romania, when a foreign citizen is denied entry to the country for national security reasons, the court decision does not provide any information on its motivation.

II Actually, these are not all arrests, but can refer to court procedures to deny a foreign citizen re-entry into the country and expelling him/her for a number of years, for national security reasons.

III Arrests mentioned in the TE-SAT reports also include persons denied re-entry and expelled.

Even though no case of terrorism financing has gone to court, SRI reports indicate that there might be a connection between the illicit activities of foreign citizens and activities that support terrorism, such as financing, logistical aid, and facilitating the entry of individuals affiliated with terrorist organisations who use Romania for transit to other parts of Europe. As Europol's 2010 TE-SAT report states, even though "[EU] Member States on the Eastern borders of the EU have, so far, been less of a target for Islamist terrorists, a number of arrests in Romania indicate that some EU Member States may be used as transit countries to other parts of Europe. Also, the possibility cannot be ruled out that those countries serve as operational rear bases from which terrorist groups can develop their logistical and financial capabilities".⁵²

In the same vein, the 2015 TE-SAT report indicates that Romanian territory is one of the transit land routes for illegal travellers to and from Syria and Iraq, via Turkey, as are its neighbours – Hungary, Serbia and Bulgaria. The 2016 TE-SAT report reiterates this point, showing that, even though Romania reported low terrorist threat levels, the issue of foreign terrorist fighters transiting its territory remained a concern.

3.2 Acquisition of firearms by terrorists

No data are available on the contemporary access to firearms of terrorists active in Romania, which is probably due to the lack of cases and to the classified nature of the information.

In recent years some media report have suggested that Romania has been the source country of firearms used by terrorist networks in other parts of Europe. After the Paris attacks in 2015 some Western newspapers cited an expert from South Eastern Europe who stated that the firearms used came from Romania. It was later demonstrated that there was no connection to Romania: the Czech-made guns were actually deactivated automatic rifles sold legally in Slovakia as acoustic weapons and later reactivated to fire live ammunition (see the chapters on Belgium and France).⁵³ Another false media report about a Romanian connection in recent arms trafficking was broadcast by SkyNews showing an on-site transaction in Romania to illustrate how easily military-grade guns sourced from Ukraine can end up in the hands of terrorists. After investigations by the Romanian authorities it was revealed that British journalists paid local hunters to act as firearms traffickers using their own hunting and collectors rifles. The Romanian hunters and the British journalists were investigated for spreading false information that affected national security.

Despite these false allegations, firearms from Romania have reached the hands of terrorists in other parts of the world. There were a number of historical cases of diversion prior to the 1989 Revolution. In that period Romania was the world's fifth-largest exporter of military products, with annual exports worth over one billion dollars. The main clients were Arab states and totalitarian regimes in Africa, Asia and Latin America. The delivery of Romanian weapons in that period fueled internal conflicts in countries such as Angola, Mozambique or other African states, and some of the weapons produced in Romania ended up in the hands of terrorist groups,⁵⁴ where they appear to remain.

Also, in more recent years, firearms manufactured and/or exported from Romania have ended up in the hands of criminals, insurgency groups and terrorists worldwide. After 1989, arms produced by the Cugir Firearms Factory (see section 2.3.3) have mainly been sold on the US civilian market. An adaptation of the AK type resulted in the creation of the WASR 10 semi-automatic model, which was sold solely to Century International Arms, the largest North American firearms dealer, which sells it on the civilian market in the United States at \$400 per weapon. Some of these weapons are modified and then resold in Mexico, where a WASR 10 rifle is worth \$2,000-3,000, due to import restrictions. According to a report by the US Public Integrity Center, the WASR 10 has become one of the favourite weapons of Mexican drug traffickers.⁵⁵

According to investigators from the Balkan Investigative Reporting Network and the Organised Crime and Corruption Reporting Project,⁵⁶ in recent years AK-47s, mortar shells, rocket launchers, anti-tank weapons and heavy machine guns have been exported from Romania and a number of other Central and South Eastern European countries¹ and have ended up in Syria and Yemen after being initially exported to Saudi Arabia, Jordan, the United Arab Emirates and Turkey. These weapons are now being used in Syria by Western-backed Free Syrian Army units, but are also in the hands of fighters from Islamist groups such as Ansar al-Sham, the al-Qaeda-affiliated Jabhat al-Nusra, the so-called Islamic State, factions fighting for the Syrian government, and Sunni forces in Yemen. Given the durability of firearms and the risk of diversion, there is a high risk that the weapons sold today to a legitimate government in a conflict area might end up on the EU illegal market in the future and eventually fall into the hands of criminals and terrorists.

The 2014 IGPR annual report refers to Operation Flanko, a joint investigation involving Romanian police officers, DIICOT prosecutors and US authorities, with the

¹ These countries include Bosnia, Bulgaria, Croatia, the Czech Republic, Montenegro, Slovakia and Serbia.

support of the SRI, that dismantled an organised group that was active in many European countries. The members of the group were suspected of supporting terrorist activities by supplying firearms and anti-aircraft weapons to the Revolutionary Armed Forces of Colombia (Colombia's main insurgent group). Two Romanian citizens and one Italian were detained in a third country. There are no further public records on the provenance of the weapons involved, even though it seems that they might have been obtained from a weapons supplier in Russia.⁵⁷

4. Conclusions

In Romania, tight gun regulations have managed to ensure a safer climate in terms of gun-related crime and violence (one of the lowest rates in Europe). Both the number of legally owned firearms and the number of illicit firearms seized in law enforcement operations are significantly lower than in other EU member states. However, the growing phenomenon of blank-firing pistols at the European level has been an issue for many years and also has significant consequences for the illicit firearms market in Romania. The Europol 2017 Serious and Organised Crime Threat Assessment (SOCTA) states clearly that 'Firearms traffickers are highly adept at exploiting legal loopholes and differences in regulatory regimes between Member States to divert firearms from legal suppliers'. These loopholes in legislation create demand, and demand creates the basis for trafficking. The countries that do not regulate blank-firing pistols facilitate demand. As shown in the SOCTA report and proved by Operation Bosphorus, Romania has been affected by these differences in EU countries' national legislation dealing with the ownership of blank-firing pistols.

Unfortunately, the security issue of easily convertible blank firers has not received enough attention in past EU directives on firearms, partially because European countries do not have the same approach to assessing the threat of blank-firing pistols and the danger of conversion. The new EU directive effectively tackles the issue of acoustic guns (automatic or semi-automatic lethal guns legally converted to fire blank cartridges), stating that a firearm that has been converted to fire blanks must remain licensed under the same rules as its original lethal-purpose version.⁵⁸ Romania, as one of the countries for which the main issue regarding the illicit firearms market is blank-firing handguns, already has strict regulations on blank-firing handgun ownership. An effective measure at the EU level that the Romanian authorities should support could prohibit the selling of blank-firing pistols by natural persons, shops or factories from a country with a free-access regime to a natural person from another country that has more restrictive laws. The success of

Operation Bosphorus, which dealt directly with the issue of blank-firing pistols, resulted from the willingness of the countries involved to cooperate and correctly assess the Europe-wide threat caused by these easily convertible pistols.

The EU Commission has stated that there is a need to improve existing statistical and analytical tools at the EU and national levels, including through setting up interconnected national focal points on firearms, developing expertise, and improving the analysis of and strategic reporting on illicit trafficking in firearms, notably through the combined use of both ballistic and criminal intelligence. To this end, information could be reported in standardised templates, and an analysis and forecasting unit could be established to provide early warning of specific threats. Recommendations have already been made at the EU level to all European countries to create national focal points on firearms. The EU Commission has also stressed the need for developing internationally harmonised data collection, and to regularly map out global firearms trafficking routes to the EU and make the information available to all member states' law enforcement authorities. For this to be put to good use, however, national units are needed that are able to supply reliable data and have the analytical capacity to integrate and use the information received. As has been shown throughout the present report, data collection and standardisation by the various Romanian authorities with competencies in this area can be improved. This is one of the main impediments to correctly assessing the size of the illicit firearms market in Romania and the risks emerging from it. The need for a fully operational Romanian focal point on firearms issues that collects data from the institutions and agencies involved emerged from both the research and the expert interviews.

To gain a clearer (and comparative) picture of the illicit firearms markets in EU member states that supports the development of evidence-based policies, it might be useful to develop a common methodology for data collection and centralisation, with a set of clear indicators related to these markets for use by law enforcement agencies from all member states. The methodology should include aspects such as steps in data collection, the nature of the institutional framework (which institutions should send data, how and of what type) and templates for data collection. This could also support the operational and statistical data sent to the Europol Focal Point or Interpol and could build the 'better intelligence picture'⁵⁹ referred to in the 2015 EU Action Plan against Illicit Firearms Trafficking.

Furthermore, even though the Romanian authorities do not regard firearms trafficking and gun-related crime in general as a serious threat, firearms should become an issue in the risk analysis made by each European country, no matter the number of shootings or other types of gun-related crimes in a particular country. As shown

in the present report, other issues affect Romania from the perspective of the illicit firearms market and terrorists' access to it, even though they are not frequent occurrences. Besides cases in which Romanians are involved in international firearms trafficking, OCGs' main activities on Romanian territory include human trafficking, modern slavery and drug trafficking, and they often use violent methods in these activities, for which they procure firearms – either for the purposes of threats or actual use. There are only rare cases of OCGs being involved in firearms trafficking, since this is not a very profitable business for them and the risks are quite high. As such, law enforcement agencies in Romania should pay more attention to the connections between OCGs and criminals involved in other types of activities, particularly in border areas and on smuggling routes.

As regards Romania's relations with non-EU neighbouring countries, both from a bilateral perspective and from the perspective of the EU's relations with its neighbours, we believe that the issue of the very low production standards of easily convertible firearms should be addressed in bilateral relation with countries that produce such weapons, but also in EU policy on the access of these types of easily convertible weapons, particularly blank-firing pistols, to the European market. Moreover, strong firearms regulation and effective stockpile management should be prioritised in relations with Eastern Partnership and pre-accession countries, and Romania should strongly support this at the EU level.

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