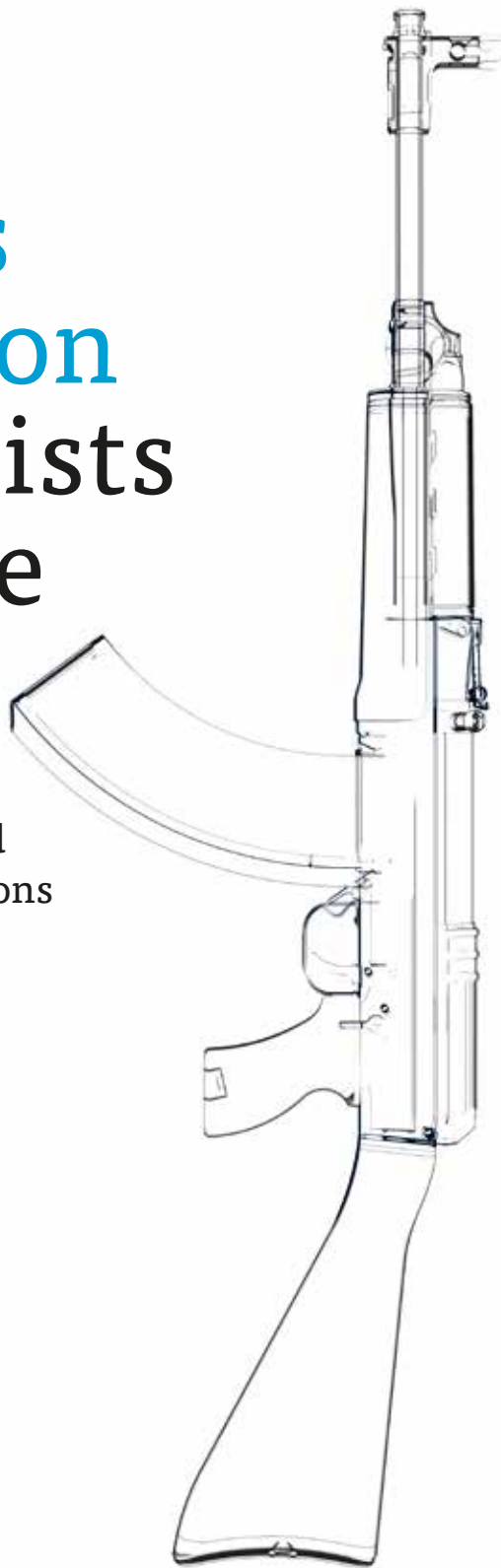


# Firearms acquisition by terrorists in Europe

Research findings and  
policy recommendations  
of Project SAFTE

NILS DUQUET  
KEVIN GORIS





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**NILS DUQUET**  
**KEVIN GORIS**

**flemish  
peaceInstitute**



**Sant'Anna**  
School of Advanced Studies – Pisa



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## Colophon

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### **Project SAFTE**

Project SAFTE is an international research project funded by the European Commission. SAFTE stands for ‘Studying the Acquisition of illicit Firearms by Terrorists in Europe’. The research was conducted by an international network of firearms experts.

**Project coordination:** Flemish Peace Institute

**Project partners:** SIPRI and Scuola Universitaria Superiore Sant’Anna.

### **Country study teams:**

- Flemish Peace Institute
- SIPRI
- Scuola Universitaria Superiore Sant’Anna.
- Arquebus Solutions
- Bureau Bruinsma
- Small Arms Survey

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### **Authors**

Nils Duquet, Kevin Goris

### **Language review**

Alex Potter

### **Layout**

Karakters, Ghent

### **Print**

Artoos, Kampenhout

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## FOREWORD

Illicit firearms are a phenomenon that mostly elicit attention in times of crisis. Mass shootings or terrorist attacks involving firearms trigger a plethora of questions, including questions regarding the provenance of the firearms that were used. Oftentimes, the firearms used by criminals and terrorists have been procured illegally. This implies that there is a market in illicit firearms where such goods circulate under the radar.

The existence of such a market triggers concern but it also speaks to our imagination precisely because we know so little about it. Whether citizen, policy-maker or practitioner, we are all aware that there must be something like ‘an illicit firearms market’ out there. Yet few people, even specialists, can say in a decisive manner what such a market looks like in Europe, which dynamics characterise it or how it has evolved over time. Can we even speak of ‘a market’ or are we dealing with multiple fragmented circuits each characterised by entirely different logics?

This uncertainty is driven by the very nature of the phenomena, a covert market is by design hidden from the oversight of state authority. Yet it also has to do with the fact that attention to it tends to be event-driven, and thus misses a sound and structural embedding in broader policy, intelligence or legal frameworks. A further consequence of this is that attempts to study and address illicit firearms markets, and terrorist access to them, have been mostly piecemeal and ad hoc. An overarching understanding of what we talk about when we talk about illicit firearms markets is missing.

Our knowledge of the illicit market for firearms very much resembles the Udana parable of the blind men and the elephant: a group of blind men who have never encountered an elephant are asked to describe it based on their palpating of only one part of the creature. Based on this partial impression, they each describe an entirely different phenomenon (a thick snake, a tree trunk, a bumped wall, a fan). None can grasp the entire and true nature of the thing they are confronted with. Moreover, each one of them assumes his (partial) interpretation of reality to be the whole truth.

Similarly, with regards to illicit firearms markets in Europe, policy-makers, regulators and others, all have access to, and information about, at best, one part of the phenomenon. But they usually lack any kind of intelligible overview that would facilitate a better understanding of the entirety of the phenomenon they are confronted with. Only by piercing these bits of information together in a systematic way, can we arrive at a more comprehensive and reliable image.

One example suffices to illustrate the extent to which we have to rely on partial and imprecise information when we seek to understand illicit firearms circulation in Europe: a recent study estimated that there are between 81.000 and 67.000.000 unregistered firearms circulating in the EU, *between eighty one thousand and sixty seven million*. This is the kind of margin that makes any kind of reliable analysis as well as fact-based policy-making entirely impossible. It illustrates the importance of generating comprehensive and precise data and of developing a common approach and framework of analysis.

Today there is neither a reliable scientific estimate of the overall size of the illicit trade in firearms in Europe, who is involved in this trade, nor how they are involved in the trade. Yet, this information is crucial for various reasons. Even if illicit firearms trade is believed to be lower in volume in the EU than in other parts of the world, and even if there are fewer firearms-related homicides in the EU than in other parts of the world, reports by Europol suggest that the possession of firearms by criminals is rising. Moreover, the possession of, and access to, illicit firearms, by ordinary citizens and criminals as well as terrorists, can have highly lethal and disastrous consequences. The stakes involved necessitate a sound policy response. Yet developing an evidence-based response is hampered by the lack of reliable and comprehensive knowledge about the phenomenon.

The urgency of having such knowledge has been increasingly apparent since 2015, when several high-profile terrorist attacks showed the threat posed by the so-called firearms-terrorism nexus. Firearms acquisition by terrorists had already received policy attention at the European level before 2015, but several terrorist shootings and attacks on European soil sped up the process of developing an EU-wide illicit firearms trafficking policy. Appropriately policing illicit firearms trafficking increasingly came to be considered as a crucial counter-terrorism measure on which swift progress must be made. Resources were made available. Yet, once again, the lack of a sound understanding of the precise characteristics of the phenomenon hampered, and continues to hamper, progress.

Law enforcement officials soon noticed that, with every step taken in the right direction, criminals swiftly, and seemingly effortlessly, shifted directions to exploit

new loopholes. For example, when closing the loophole posed by inadequately deactivated firearms, criminals soon abandoned this strategy and promptly turned to firearms converted to fire unregulated 'Flobert' calibers of ammunition that can easily be altered to fire more powerful ammunition. This neatly illustrates the pitfalls of well-intended but ultimately disjointed initiatives. Closing one loophole without a proactive strategy on how to stop criminals and terrorists from exploiting other loopholes is unlikely to bring about significant positive change. However, to proactively mitigate this risk, one needs to, first, have a clear understanding of which loopholes exist, how they can be exploited and what the broader picture looks like.

This volume is a first attempt at painting the contours of such a picture, a picture that provides an in-depth understanding of the functioning of illicit firearms markets in Europe and terrorist access to them. It offers new perspectives to think about the firearms-terror nexus and how it functions in Europe. In doing so, it offers an invaluable corrective to those perspectives treating the circulation of illicit firearms as a phenomenon secondary to other criminal phenomena, but also to those studies that rely uniquely on single-n case descriptions or those offering a birds-eye comparative overview without much analytical depth. As such, this policy report is best read in conjunction with the extended research volume which provides, with greater detail and with attention for methodological considerations, a sound, in-depth understanding for each of the eight country studies conducted. Both reports were made possible because of the awareness and acknowledgement on the side of key actors, like the European Commission, that there was a pressing knowledge gap that needed to be filled. The European Commission should be applauded for its courage and decisiveness in making resources available to support groundbreaking projects like Project SAFTE.

Project SAFTE showed that there is not one unified firearms market in Europe. Rather several disjointed and sometimes interrelated markets with different characteristics, configurations and supply-and-demand mechanisms exist alongside each other within Europe. What all of them have in common though is (a) that they are inherently enablers of all kinds of criminal behavior including various kinds of terrorist acts, and (b) their closed nature, which means that criminals and terrorists usually have to rely on existing criminal networks and established relations of trust if they seek to acquire firearms. This means that not all criminals and terrorists have the same access to illicit firearms. It also means that raising (policy or other) obstacles and prolonging the distance between malevolent buyers and their potential suppliers can have significant dissuasive effects. As such, policy-makers and regulators are not powerless vis-à-vis these illicit firearms markets and those populating them.

However, it is not possible to start to tackle a phenomenon of which the contours are unknown. Therefore a comprehensive intelligence picture is needed. This volume begins to paint the contours of that picture by bringing together unique and rich data. It is an invitation and an instrument for others to complete the picture.

*Tine Destrooper, director Flemish Peace Institute*

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## LIST OF ABBREVIATIONS

AFSJ	Area of Freedom, Security and Justice
AP Weapons and Explosives	Analysis Project Weapons and Explosives (Europol)
BBET	Bloed, Bodem, Eer en Trouw
CEPOL	European Union Agency for Law Enforcement Training
CFSP	Common Foreign and Security Policy
Coreper	Committee of Permanent Representatives
COSI	Standing Committee on Operational Cooperation on Internal Security
CT	Counter-Terrorism
CWR	Centraal Wapenregister (Belgium)
DG ENTR	Directorate-General for Enterprise and Industry (European Commission)
DG GROW	Directorate-General Internal Market, Industry, Entrepreneurship and Small Businesses (European Commission)
DG HOME	Directorate-General Migration and Home Affairs (European Commission)
EAS	European Agenda on Security
ECTC	European Counter-Terrorism Centre (Europol)
EEAS	European External Action Service
EFE	European Firearm Experts Group
EFFECT	Examination of Firearms and Forensics in Europe and aCross Territories (research project)
EIS	Europol Information System
EMPACT	European Multidisciplinary Platform Against Criminal Threats
ETA	Euskadi Ta Askatasuna
EU	European Union
FIRE	Fighting Illicit firearms trafficking Routes and actors at European level (research project)
FLNC	Front de Libération Nationale Corse
FTF	Foreign Terrorist Fighter
iARMS	Illicit Arms Records and Tracing Management System (Interpol)
IBIN	Interpol Ballistic Information Network
IBIS	Integrated Ballistics Identification System

ICSR	International Centre for the Study of Radicalisation and Political Violence
IFRT	Interpol Firearms Reference Table
IOCTA	Internet Organised Crime Threat Assessment (Europol)
IRA	Irish Republican Army
ISIS	Islamic State of Iraq and Syria
JHA	Justice and Home Affairs
JIT	Joint Investigation Team
LEWP	Law Enforcement Working Party
MENA	Middle East and North Africa
NABIS	National Ballistics Intelligence Service (UK)
NCA	National Crime Agency (UK)
OAP	Operational Action Plan
OMG	Organised motorcycle gangs
RAF	Rote Armee Fraktion
RIF	Risk Information Form
SAFTE	Studying the Acquisition of illicit Firearms by Terrorists in Europe (research project)
SALW	Small Arms and Light Weapons
SDG	Sustainable Development Goal
SEESAC	South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
SIENA	Secure Information Exchange Network Application (Europol)
SIPRI	Stockholm International Peace Research Institute
SIS	Schengen Information System
SOCTA	Serious and Organised Crime Threat Assessment (Europol)
SSSA	Scuola Superiore di Studi Universitari e di Perfezionamento Sant'Anna
TE-SAT	Terrorism Situation and Trend Report (Europol)
TREVI	Terrorisme, Radicalisme, Extrémisme et Violence Internationale
UK	United Kingdom
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
US	United States

## EXECUTIVE SUMMARY

Project SAFTE is an international research project, funded by the European Commission, that aims to contribute to the fight against (terrorist access to) illicit firearms markets in Europe. This research project has demonstrated the existence of various illicit firearms markets in the EU, each with their own specific features and dynamics. The traditionally closed character of these markets has partially eroded in several EU member states in recent years, which has increased the availability of firearms in general, and military-grade firearms in particular, to criminals and to terrorists with criminal connections. To combat this, a comprehensive and proactive approach is needed that consists of improving the intelligence picture on illicit firearms trafficking, upgrading the policy and the regulatory framework on firearms, and optimising operational capacities and cooperation.

### Background

Several terrorist attacks have been carried out with firearms in Europe in recent years, causing the deaths of hundreds of people and injuries to hundreds more. These events demonstrate that terrorists are able to get their hands on various types of firearms, including military-grade firearms. Although the use of firearms to commit terrorist attacks is not a new phenomenon in the EU, Europol recently noted that firearms have become the most prevalent type of weaponry used by terrorists and violent extremists across a range of ideologies. This observation led policy-makers in Europe to develop specific measures to combat terrorist access to firearms. In-depth, evidence-based insight into the firearms acquisition dynamics of terrorists in the EU is limited, however. This is part of the larger problem of the scarcity of reliable data and in-depth research with regard to Europe's illicit firearms markets.

### Process

The goal of Project SAFTE is to improve knowledge regarding (terrorist access to) illicit firearms markets in Europe and to provide information that can influence policy intended to enhance the fight against this security threat. The Flemish Peace

Institute coordinated the project, and carried it out in partnership with the Stockholm International Peace Research Institute (SIPRI) and the Scuola Superiore di Studi Universitari e di Perfezionamento Sant'Anna (SSSA). In addition, research teams from Arquebus Solutions, the Small Arms Survey and Bureau Bruinsma contributed extensively to the study.

The design of the research project consisted of two phases. In a first phase, specialised research teams conducted qualitative, in-depth studies into illicit firearms markets, terrorist access to these markets and national policies to counter these phenomena in eight EU member states: Belgium, Croatia, Denmark, France, Italy, Romania, the Netherlands and the UK. More than one hundred key national actors were interviewed during this process.

The second phase consisted of a systematic and comparative analysis, in which the studies in these countries were supplemented by an explorative mapping of the situation in the other twenty EU member states. In addition, an assessment was made of the illicit possession and proliferation of firearms in the wider EU neighbourhood (the Balkans, Northern Africa and Ukraine), to address the significant interconnections between the EU's internal and external security dimensions in terms of illicit firearms trafficking. All these findings were then linked to the EU policy context by, for example, interviews with several key international actors.

The research conducted for Project SAFTE resulted in two separate publications. The findings of the systematic and comparative analysis are presented in a policy-oriented synthesis report, *Firearms acquisition by terrorists in Europe: Research findings and policy recommendations of Project SAFTE*. A separately edited volume, *Triggering Terror: Illicit Gun Markets and Firearms Acquisition of Terrorist Networks in Europe*, publishes the individual country studies, together with the studies on the illicit possession and proliferation of firearms in Northern Africa and Ukraine.

### Findings on illicit firearms markets

There is no unified illicit firearms market in the EU. **Various regional variants of illicit firearms markets can be identified**, however, **each with distinct characteristics and dynamics**. These differences can be attributed to a variety of local elements that shape local demand and supply of illicit firearms and influence the involvement of different actors. Although it is currently **impossible to quantitatively estimate the scope of illicit firearms markets** in the EU in a credible way, it is clear that most of the firearms that are available on illicit firearms markets are **handguns**. The presence of military-grade firearms is generally more limited.

The easy and cheap access to certain firearms in some countries strongly contributes to illicit firearms trafficking across the EU. Most illicit firearms markets in Europe are **driven by criminal demand. Different types of criminals tend to procure, possess and use different types of firearms**, and contemporary **terrorist networks usually rely on established criminal connections** to acquire firearms from these markets. Furthermore, a significant proportion of the illicitly possessed firearms are in the hands of **private citizens in several EU member states who have no criminal or terrorist motives**. These are individuals who simply possess firearms without holding the necessary permits.

Firearms end up in illicit markets in the EU through cross-border smuggling from both outside the EU (mainly from the Western Balkans) and intra-EU trafficking (mainly as a result of differences in national legislation). The most important illicit supply mechanisms for firearms in the EU are **cross-border smuggling**, change of ownership through **theft**, the **conversion of blank-firing guns**, and the **reactivation of deactivated firearms and acoustic expansion weapons**. Each EU member state has a different illicit firearms market with its distinct supply mechanisms, however. These different supply mechanisms are characterised by their own dynamics, and present specific policy and law enforcement challenges. Our analyses indicate that supplying firearms to European illicit firearms markets is not very lucrative, and is **generally not a primary source of income** for those actors involved in trafficking firearms. Another observation is the cyclical nature of supply and demand in these markets. The actors involved in firearms trafficking in the EU have **constantly adapted their operating methods** in reaction to regional, national and European policy initiatives and law enforcement operations.

Traditionally, illicit firearms markets in Europe are **closed markets** with restricted access for people outside criminal networks, and having the right **criminal connections and reputation** are crucial factors in this, even in countries with rather high levels of illicit firearms possession. Differences can be observed in the access to illicit firearms, and especially military-grade firearms, and these differences are linked to the **criminal hierarchy** and the criminal milieu to which the potential buyer belongs. They are also reflected by a **price hierarchy** for illicit firearms markets that is similar across the EU: the most expensive firearms on the illicit firearms market are generally military-grade firearms such as assault rifles, while the cheapest firearms are generally (converted) blank-firing firearms.

The closed character of these markets has been under pressure in recent years, which is linked to the observed **growing availability of certain types of firearms**. The underlying factors of this erosion are the emergence of the Internet, the cross-border smuggling of military-grade assault rifles into the EU, the conversion of

blank-firing guns and the reactivation of deactivated firearms and acoustic expansion weapons. The increased availability of firearms has contributed to arms races between criminal groups across the EU. This has facilitated the **gradual trickling-down of the possession and use of firearms to lower segments of the criminal hierarchy** in several EU member states, especially in Western Europe.

### Findings on terrorist access to illicit firearms markets

**Significant amounts of firearms have been seized from different types of terrorist networks** in recent years. These firearms include various models and brands of pistols and revolvers, but also various types of military-grade firearms, such as assault rifles and sub-machine guns. Terrorists who procure firearms generally do so exclusively for carrying out terrorist acts and to defend themselves against law enforcement agencies.

Most terrorists seem to have a **preference for military-grade firearms**, although the observed possession of less-suitable firearms among terrorist networks suggests that **not all terrorists have access to a wide range of firearms**. Our comparative analysis identified **clear distinctions between different types of terrorist networks in the EU in the acquisition, possession and use of firearms**. While the traditional separatist groups have developed their own distinct (and context-specific) firearms acquisition patterns, religiously-inspired terrorist networks across the EU generally rely on criminal connections to obtain firearms from local illicit markets. There are no indications of significant firearms flows between the various types of terrorist networks in Europe today and also no indications of recent state-sponsored arms transfers to terrorist groups in the EU. For most of the contemporary terrorist networks operating in Europe, **access to local criminal firearms markets** is a key element in their firearms acquisition patterns.

Through their criminal pasts, contemporary terrorists with criminal antecedents have acquired various skills that can be used in the planning and execution of successful terrorist attacks, including the skills and network needed to acquire weapons more easily. Given the generally closed character of these markets, **only terrorists with the right criminal connections can acquire firearms, and in particular military-grade firearms, on illicit firearms markets in the EU**. The observed terrorist firearms arsenals therefore generally reflect the specific dynamics of the local criminal firearms market. Individuals without a developed criminal network generally experience more difficulties in their attempts to acquire firearms, and are more likely to use an alternative acquisition method, for example the Internet, or to use a different type of weapon.

No illicit firearms dealers have been observed who exclusively supply firearms to terrorist networks. There seem to be a **number of barriers that inhibit criminals from actively and knowingly supplying weapons for terrorist attacks**. Illicit firearms dealers are generally not eager to engage in activities that are not very lucrative, but at the same time involve an increased risk of detection and higher penalties. **Terrorists will generally rely on already established criminal connections, often pre-dating their radicalisation**, in order to obtain firearms on illicit markets, and sellers often do not know they are selling to terrorists. This can be observed among the significant number of terrorists with a criminal history. **Prisons have also been identified as places that offer new opportunities** for terrorists who do not yet have the necessary criminal connections to acquire firearms.

The overwhelming majority of those perpetrators of recent jihadi terrorist attacks who had a criminal history were involved in **low-level criminality**. There have been some exceptions of perpetrators who attained a mid-level position in the criminal underworld, but none of the perpetrators or people arrested for plotting terrorist attacks in the EU in recent years was a member of a high-level organised crime group. In countries where illicit firearms supply channels are tightly controlled by a limited number of highly-organised crime groups, it is quite difficult for terrorists to acquire firearms. In particular, countries with **more chaotic criminal landscapes present potential terrorists with increased opportunities for illicit firearms acquisition**. Individuals who acquire firearms for a terrorist network are generally not recruited for this specific purpose, but are already part of the network, and become responsible for this task later because of their skills and networks.

Contemporary terrorist networks seeking (specific types of) firearms, but who lack the necessary criminal connections or are operating in a context of limited firearms availability in the local illicit market, can engage in the **direct diversion of legally owned firearms**, for example by targeted thefts of firearms from state stockpiles or legal gun owners. From a historical perspective, targeted thefts have been a vital element in the firearms acquisition patterns of separatist terror groups in Europe, but such thefts have decreased in recent years. Firearms that were **deliberately stolen** have only been encountered among jihadi networks in exceptional cases. The diversion of legal ownership for terrorist aims through various forms of **embezzlement** is also quite exceptional in the EU, as well as the **legal possession** of firearms by perpetrators of terrorist attacks. Yet, in some EU member states significant numbers of legally-owned firearms have been observed among members of extremist networks, and especially right-wing networks.

## Policy recommendations

The development of European and national policy to combat both illicit firearms markets and terrorist access to these markets has been strongly event-driven. A **proactive and comprehensive approach** is needed to effectively combat illicit firearms trafficking. The multifaceted and transnational nature of illicit firearms trafficking requires a comprehensive strategy that simultaneously pressures various supply and demand dynamics, while the crime-enabling capacity and closed nature of illicit firearms markets require a proactive policy and operational response. For such an approach to be successful, efforts need to be made in at least three closely-interdependent areas: the intelligence picture, the policy and regulatory framework, and operational capacities and cooperation.

A good intelligence picture is the starting point for a solid regulatory framework and effective operational initiatives. Increased knowledge about which kinds of firearms are being used in crimes gives law enforcement a vital tool in mapping the actors and networks that are linked to the illicit arms trade. In order to **improve the intelligence picture on illicit firearms trafficking**, the following actions should be taken:

- **improve data collection** on the various aspects of firearms trafficking and gun crime;
- **facilitate and enhance data-sharing** at the national, EU and international level;
- **establish and monitor national focal points** on firearms in all EU member states, and
- **invest in strategic data analysis and research.**

The current **policy and regulatory framework on firearms needs to be upgraded**. Flaws in this framework continue to be exploited for illicit firearms trafficking from both within and outside the EU. Remedying these flaws would enable pressure to be applied to illicit firearms markets. The following actions should be taken to upgrade the policy and regulatory framework on firearms:

- **close the loopholes in EU and national firearms legislation**, for example, by taking measures to stop the relative easy circulation of easy-to-convert blank-firing guns and Flobert guns;
- **monitor the implementation of EU firearms legislation**;
- **adopt firearms and ammunition surrender programmes** tailored to the specific context of national illicit firearms markets;
- **effectively penalise illicit firearms possession and trafficking**, and



- **increase security cooperation with third countries** to prevent firearms from illicitly flowing into the EU.

**Operational capacities and cooperation need to be optimised.** Actions to improve the intelligence picture and regulatory and policy framework must be supported by sustained, appropriate and sufficient operational capacities and cooperation in order to successfully contribute to the fight against (terrorist access to) illicit firearms markets. Priority should be given to uncovering the actors and networks involved in gun-related crime and illicit (terrorist) firearms acquisition. This can be done by using a **proactive ‘investigate the gun’ approach**. For this approach to be effective, the following actions should be taken:

- **increase operational capacities** by installing specialised national police teams equipped with sufficient staff, expertise and equipment;
- **enhance inter-agency operational coordination within EU member states;**
- **enhance international cooperation** aimed at effectively tackling the transnational dimensions of illicit firearms trafficking, and
- **closely monitor specific risks**, such as the apparent increased availability of military-grade assault rifles on European illicit firearms markets and illicit firearms transactions on the Internet.

It is impossible to fully prevent terrorist access to illicit firearms markets in the EU, but by putting constant pressure on these markets the risk of detection can be increased. This way we can limit the use of firearms in terrorist attacks in particular, while at the same time contribute to the prevention of gun crime in general.



## INTRODUCTION

In recent years several terrorist attacks have been carried out with firearms in Europe, causing the deaths of hundreds of people and injuries to hundreds more. In March 2012 a young Frenchman killed three French soldiers, as well as three pupils and a teacher at a Jewish school in a series of shootings in Toulouse and Montauban. In the following years numerous deadly attacks with firearms took place, including high-profile attacks on the Jewish Museum in Brussels (May 2014), and in the cities of Copenhagen (February 2015) and Paris (January and November 2015). In addition, law enforcement agencies across Europe have foiled several other plots to carry out terrorist attacks using firearms. Most of the recent high-profile terrorist attacks were inspired by Islamic extremism and connected to the upsurge of non-state group known as the Islamic State of Iraq and Syria (ISIS) in the Middle East. Yet both in the recent and more distant past separatist, right- and left-wing terrorist plots and attacks involving firearms have also occurred throughout Europe.

The recent successful and foiled attacks demonstrate that terrorists are able to get their hands on various types of firearms, including military-grade firearms. This observation has led policy-makers in the European Union (EU) and in several EU member states to develop measures to combat terrorist access to illicit firearms. Yet in-depth evidence-based insight into the firearms acquisition dynamics of terrorists in the EU is limited. The final report of a recent European Commission-funded project on illicit firearms trafficking, for example, highlighted that ‘little research has been conducted to determine how and why European terrorists access certain types of weapons’.<sup>1</sup> This is part of a larger problem of the scarcity of data and in-depth research on Europe’s illicit firearms markets.

Project SAFTE, an international research project funded by the European Commission, originated from this lacuna. It aims to enhance the fight against illicit firearms trafficking by improving our knowledge of this phenomenon that threatens the internal security of the EU and informing policy-makers, law enforcement agencies, the judicial sector, the research community and other stakeholders – both at the national and EU levels – on illicit firearms markets in Europe, terrorist access to these markets, and the policies developed to counter this security threat. The Flemish Peace Institute coordinated the project and executed it in partnership with the Stockholm International Peace Research Institute (SIPRI) and the Scuola

Superiore di Studi Universitari e di Perfezionamento Sant'Anna (SSSA). In addition, specialised research teams from Arquebus Solutions, the Small Arms Survey and Bureau Bruinsma contributed extensively to the successful outcome of this urgently needed research project.

### Research questions

In order to achieve the project's goals, several research questions were addressed. Given the scarcity of in-depth and comparative insights into the functioning of illicit firearms markets on a European scale, it was first necessary to improve our understanding of the dynamics of the various illicit firearms markets in Europe and the linkages among these markets. The next step was to analyse the various ways in which terrorists have been able to acquire firearms on these markets. As highlighted in previous research, until now our knowledge of terrorist firearms acquisition in Europe had been very limited. In a final step, Project SAFTE analysed the policies aimed at preventing and combating this phenomenon at the national and EU levels in order to identify best practices and formulate policy recommendations to enhance the fight against illicit firearms markets and terrorist access to these markets.

In summary, Project SAFTE's main research questions were:

- What are the main characteristics of illicit firearms markets in the EU?
- Who are the main actors involved in these illicit markets and how do terrorists access these markets?
- What is the national and EU regulatory framework to combat terrorist access to illicit firearms markets?
- What recommendations can be provided to EU policy-makers, member states and non-EU countries to reduce and prevent terrorist access to illicit firearms markets?

### Research design

Project SAFTE addressed these questions through a research design consisting of two distinct research phases. In the **first phase**, in-depth country studies were conducted in eight EU member states. Each country study analysed the basic characteristics of the local illicit gun market (such as size, the availability of different types of guns, prices, sources and logistics, and actors), the ways in which terrorists access this market, and the regulatory and policy framework that has been developed to prevent and combat (terrorist access to) this illicit gun market.

The project deliberately did not opt for a superficial comparison of all the EU member states. Instead, a varied selection of eight member states was subjected to an in-depth study: Belgium, Croatia, Denmark, France, Italy, the Netherlands, Romania and the United Kingdom (UK). During the selection of these member states several elements were taken into account such as the size of the country, its geographical location and political features, the extent and characteristics of the illicit firearms markets it contained, and the degree of exposure to (different types of) terrorist activities and recent terrorist attacks with firearms.

**Table 1: Overview of the country research teams**

Country report	Organisation	Research team
Belgium	Flemish Peace Institute	Nils Duquet Kevin Goris
Croatia	Arquebus Solutions	Filip Dragović Paul James Krešimir Mamić Robert Mikac
Denmark	Stockholm International Peace Research Institute (SIPRI)	Ian Anthony Lina Grip
France	Small Arms Survey	Anna Alvazzi del Frate André Desmarais Nicolas Florquin
Italy	Scuola Superiore di Studi Universitari e di Perfezionamento Sant'Anna (SSSA)	Francesco Strazzari Francesca Zampagni
The Netherlands	Bureau Bruinsma	Monique Bruinsma Toine Spapens
Romania	Arquebus Solutions	Roxana Albisteanu Alexandru Dena Matthew Lewis
United Kingdom	Arquebus Solutions	Paul Holtom Paul James Connor Patmore

The eight in-depth country studies were undertaken by country teams comprising experts with significant policy-oriented research experience on international firearms trafficking and specific knowledge of the situation in the eight selected EU member states (see Table 1). Findings were reported using a pre-defined template that allowed the flexibility necessary to attune the chosen methodological approach

to the local situation in the countries under study. The country teams made use of a variety of sources and methods to collect and analyse information: literature reviews, document analyses, and the collection and analysis of available quantitative data. The core data collection method, however, consisted of (semi-structured) expert interviews with key actors in the fight against terrorist access to illicit firearms markets in the countries being studied. During the various country studies more than 100 national key actors were interviewed. In this way the country teams were able to generate and complement the specific knowledge of key actors from each country. The Flemish Peace Institute coordinated the various country studies in the first phase of the project.

In the **second phase** of Project SAFTE the Flemish Peace Institute research team conducted a systematic and comparative analysis of the results of the country studies that were carried out in the first phase of the project. The aim of this second research phase was to integrate the insights of the country studies and to combine them into an EU-wide set of findings. The fact that only a relatively small selection of EU member states were subjected to in-depth studies had significant methodological and analytical repercussions. Although this approach had the clear advantage of generating rich and detailed insights into the dynamics and characteristics of local firearms markets and the terrorists accessing these markets, the necessary caution needed to be exercised when interpreting the findings of the country studies, since these findings were not necessarily (readily) transposable to the situation in other EU member states. In order to mitigate the risk of over-generalising these findings during the systematic and comparative analysis process, the project's partners (SIPRI and SSSA) carried out an additional explorative mapping of (terrorist access to) illicit firearms markets in the 20 other EU member states. This allowed the Flemish Peace Institute to assess and validate the findings of the in-depth country studies with more comprehensive data on the situation in all EU member states. In addition, the EU country studies and mappings were extended with an assessment of the illicit possession and proliferation of firearms in the wider EU neighbourhood (the Balkans, Northern Africa and Ukraine) in order to address the significant nexus between the EU's internal and external security dimensions in terms of illicit firearms trafficking.

All these findings were integrated into the systematic and comparative analysis and then linked to the EU policy context. This was done by using an in-depth qualitative research methodology that involved desk research (literature review) and semi-structured interviews with key international actors and stakeholders. A total of 15 representatives from seven key EU and international institutional actors were interviewed (see Table 2). In this way best practices across the EU were identified and recommendations for EU policy-makers, member states and non-EU countries were

formulated to improve efforts to combat the illicit gun market in general and terrorist access to this market in particular.

**Table 2: List of interviews with key international actors**

Actor	Date
Interpol Firearms Programme	18 October 2017
South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC)	19 October 2017
EMPACT Firearms	6 November 2017
Europol AP Weapons and Explosives	8 November 2017
European Commission DG Migration and Home Affairs – D.3 Organised Crime and Drugs Policy – Firearms Team	15 November 2017
European Union External Action Service (EEAS) – SECPOL 1: Disarmament, Non-proliferation and Arms Export Control	17 November 2017
Council of the European Union – General Secretariat – Office of the EU Counter-Terrorism Coordinator	13 December 2017

## Output

The research conducted for Project SAFTE resulted in two separate publications. In this policy-oriented synthesis report, the Flemish Peace Institute presents the findings of the systematic and comparative analysis and links these findings to concrete policy recommendations on how to enhance the fight against illicit firearms markets and terrorist access to these markets in the EU and its member states. A separate edited volume, *Triggering Terror: Illicit Gun Markets and Firearms Acquisition of Terrorist Networks in Europe*, publishes the individual country studies, together with the studies on the illicit possession and proliferation of firearms in Northern Africa and Ukraine.<sup>2</sup> This volume allows the reader to gain a more in-depth and detailed insight into Project SAFTE's research findings.

This synthesis report consists of four chapters. In the first chapter, EU policy on counter-terrorism and illicit firearms trafficking is discussed. For some time counter-terrorism has served as the main driver of EU policy development in the field of justice and home affairs. Mostly in the aftermath of high-profile terrorist attacks, measures have been adopted to enhance police and judicial cooperation at the

### Research seminars

During Project SAFTE the project partners and country teams participated in three research seminars in order to coordinate the research activities of the teams of researchers and discuss the results of the project.

During the first research seminar an in-depth discussion was held on the pre-defined template and methodologies used for Project SAFTE. The researchers from each country team also presented the research approach used in their own country study and explained the challenges they foresaw in undertaking this study. This allowed possible research pitfalls to be identified and adequate mitigation measures to be developed.

During the second research seminar the country teams presented the results of their individual country studies. These presentations were followed by group discussions on various aspects of these studies. This made a valuable contribution to the comparative analysis of (terrorist access to) illicit gun markets in Europe in the second phase of Project SAFTE.

In the third research seminar the Flemish Peace Institute presented the findings of the systematic analysis, outlined the EU policy context and presented some preliminary policy recommendations. Input was gathered from the country experts on these aspects. These insights served to fine tune the research output and formulate appropriate policy recommendations.

European level. These measures have also benefitted the joint European fight against illicit firearms trafficking, which appeared on the EU agenda in the early 2000s. The firearms-terrorism policy nexus, which emerged as a reaction to the terrorist shootings on European soil in the last few years, has transformed the fight against terrorist access to illicit firearms into a central EU security priority. The first chapter concludes with a brief presentation of the main EU actors involved in the fight against illicit firearms trafficking.

The second chapter addresses the main characteristics of illicit firearms markets in the EU. Significant differences in this regard can be found between and even within EU member states. Nonetheless, local illicit firearms markets are often (transnationally) connected and some common attributes can be discerned. This complex picture will be presented through a discussion of the demand for illicit firearms from criminals and gun enthusiasts, supply mechanisms for illicit gun markets



– illicit production, domestic procurement through diversion, and cross-border smuggling – and the dynamics of illicit firearms markets throughout the EU.

The third chapter focuses on the dynamics through which terrorists have been able to acquire access to these markets. In recent years a wide range of firearms have been used by and seized from terrorists in the EU. To a certain extent these seizures reflect the availability of various types of firearms on local illicit firearms markets and indicate differences in acquisition patterns among different types of terrorist actors. Specific attention will be focused on the dynamics of terrorist access to criminal gun markets and the ways in which terrorists have directly diverted firearms from legal sources.

The final chapter translates the research findings into concrete policy recommendations to make the fight against (terrorist access to) illicit firearms markets more efficient and effective. Based on our analysis, it is crucial to move away from an event-driven logic when developing policies to tackle illicit firearms trafficking in favour of a long-term and structural strategy at the EU and national levels. Because illicit firearms trafficking reveals itself to be a closed, concealed, complex and resilient phenomenon, this strategy needs to be both comprehensive and proactive. This requires simultaneous investment in at least three vital areas: (1) improving the intelligence picture; (2) optimising the regulatory and policy framework; and (3) enhancing law enforcement agencies' operational approaches, capacities and cooperation. In the long run, this investment will not only help to combat illicit firearms markets and terrorist access to these markets in the EU, but will also contribute to the prevention of (gun-related) crime and terrorism as a whole, and therefore to the internal security of the EU.



# Chapter 1

## EU policy to combat (terrorist access to) illicit firearms markets

Since the start of the European Union (EU), many steps have been taken to achieve closer police and judicial cooperation among member states in general, and to jointly combat terrorism and illicit firearms trafficking in particular. Terrorist incidents and subsequent counter-terrorism policy initiatives have been an important driver of the willingness to work together in criminal matters at the European level. Firearms policy, on the other hand, has been dominantly shaped from a common market perspective that attempts to balance economic and security interests. Under the pressure of a series of shooting incidents and terrorist attacks, tackling illicit firearms trafficking gradually became a significant EU security priority in the last decade. After the January 2015 Paris terrorist attacks, joint efforts have been increasingly prioritised to combat both terrorism and the illicit firearms market in the EU. Moreover, because firearms have been used in some of the most deadly terrorist attacks, EU policy has become much more focused on the possible nexus between terrorism and the illicit firearms market.

In this section we first address EU counter-terrorism policy and its influence on the ongoing development of EU homeland security (sec. 1.1). We then examine the main currents in EU policy to deal with illicit firearms up to 2015 (sec. 1.2). Thirdly, we discuss policy measures announced and implemented after the January 2015 Paris terrorist events and subsequent attacks on European soil. This will make clear how counter-terrorism policy has increasingly and deliberately been focused on tackling illicit firearms trafficking (sec. 1.3). In a final section we briefly present the main actors involved in combating (terrorist access to) illicit firearms at the EU level (sec. 1.4).

## 1.1 EU counter-terrorism policy as driver of developing European homeland security

Counter-terrorism is undoubtedly one of Europe's major security priorities today. Although several EU member states have been confronted with terrorist incidents and groups for many years, the focus on European cooperation to prevent and combat terrorism is relatively new. For a long time terrorism was mostly dealt with by member states as a domestic problem within the confines of their national borders. In the 1970s the first organised attempts to work together in the fight against terrorism could be observed in Europe. One of the first and most important forms of such cooperation is the TREVI group<sup>1</sup> formed in 1976 by European justice and interior ministers.<sup>3</sup> Under this inter-governmental constellation, police officials exchanged information and provided mutual assistance on terrorism and related international crimes.<sup>4</sup> The TREVI group functioned until its integration into the 1992 Maastricht Treaty.<sup>5</sup>

For a long time joint cooperation in the field of justice and home affairs (JHA) was limited to purely inter-governmental decision-making, because member states traditionally protected and asserted their national sovereignty when dealing with sensitive security issues. However, the abolition of internal EU border controls confronted them with significant security concerns. They could no longer effectively curb certain criminal activities solely on the basis of national action and legislation. Member states felt the need for more formal and concerted efforts to prevent and combat crime at the European level. Under its Title VI, the Maastricht Treaty made JHA cooperation among EU member states (the so-called Third Pillar) official EU policy. This included judicial and police cooperation in criminal matters to prevent and combat terrorism, unlawful drug trafficking and other serious forms of international crime.<sup>6</sup> Third Pillar arrangements were also flanked by the creation of central European institutions such as the Schengen Information System (SIS) and Europol, which were mainly entrusted with the collection, coordination and exchange of information on international criminal phenomena.<sup>7</sup>

Notwithstanding national and the previously mentioned EU actions, counter-terrorism only became a real priority in EU security policy after the terrorist attacks in the United States on 11 September 2001 (commonly known as 9/11). These attacks proved to be a true turning point.<sup>8</sup> Since then, numerous EU counter-terrorism policy and legal documents have been developed. In the meantime the EU and its institutions underwent important transformations. Steps were taken to gradually deepen and strengthen JHA cooperation among member states, with the 'Com-

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1 TREVI stands for Terrorisme, Radicalisme, Extrémisme et Violence Internationale.

munitarisation' of Third Pillar matters by the 2007 Lisbon Treaty as the high point of this process.<sup>9</sup> Importantly, in this evolution the ideal of more concerted European action in combating crime frequently gained additional momentum after new major terrorist incidents. The largely event-driven counter-terrorism agenda therefore can be seen as 'a driving factor in the rapid development of homeland security in the EU'.<sup>10</sup> In the following sub-sections we will describe the main developments in this process.

### 1.1.1 Building on existing JHA agreements after 9/11

Agreements on JHA cooperation in general and to counter terrorism in particular have been in place in Europe for several decades. In the 1992 Maastricht Treaty, for example, terrorism was formally adopted as one of the phenomena targeted for closer European cooperation in combating crime.<sup>11</sup> This was further acknowledged and reinforced by the 1997 Treaty of Amsterdam, which proclaimed the EU to be an area of freedom, security and justice (AFSJ)<sup>12</sup> and by the full extension of Europol's mandate<sup>1</sup> to counter terrorism in 1998.<sup>13</sup> In the 1999 Tampere conclusions – the first multi-annual programme adopted by the European Council to strengthen the AFSJ – agreements were reached on stepping up police and judicial cooperation, including in the fight against terrorism.<sup>14</sup> Yet, despite this policy attention, results were initially meagre and not much actual progress was made in the area. Member states were unwilling to give up their national sovereignty in criminal matters, especially in as delicate a domain as terrorism. Information sharing and operational cooperation could therefore not be considered a priority in practice.<sup>15</sup>

The 9/11 terrorist attacks in the United States were the starting point for a multitude of EU policy initiatives, programmes and legislation specifically aimed at enhancing counter-terrorism processes.<sup>16</sup> On 21 September 2001, only ten days after the 9/11 attacks, the European Council declared terrorism to be a real challenge to both the world and Europe. It therefore decided to make the fight against terrorism an EU priority objective.<sup>17</sup> It is important to note that terrorism was at that time mostly perceived as a threat originating from outside the EU.<sup>18</sup> The European Council stated that the fight against terrorism required the EU to play a greater part in the international community's efforts to prevent and stabilise regional conflicts, and issued an Action Plan announcing several measures to develop international legal instruments, stop the funding of terrorism, strengthen air security and coordinate the EU's global action.<sup>19</sup>

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<sup>1</sup> Europol started off as a unit to police international drug crimes (Deflem, M. (2006), Europol and the policing of international terrorism: Counter-terrorism in a global perspective, *Justice Quarterly*, 23: 3, p. 341).

In the months following the 9/11 attacks the EU also took several steps to enhance police and judicial cooperation within its borders. Many of these actions were aimed at speeding up the implementation of agreements reached in the 1999 Tampere programme.<sup>20</sup> The 2001 European Council Action Plan, for example, laid down some concrete measures in this regard, urging the development of both legal and operational measures within the EU. At the legal level, the European Council announced the adoption of a common criminal-law definition of terrorism and repeated its plans to introduce a European arrest warrant and to allow for ad hoc joint investigation teams (JITs) to be created.<sup>21</sup> These intentions were all realised by the Council of the EU in June 2002 through a set of three framework decisions.<sup>22</sup>

Firstly, the Council Framework Decision on the European Arrest Warrant was enacted.<sup>1</sup> This can still be considered as one of the most important achievements in the area of JHA cooperation in the EU, as it implemented the new governing principle of mutual recognition agreed upon in Tampere.<sup>23</sup> Secondly, the Council Framework Decision on Joint Investigation Teams created a legal basis for joint criminal investigations by police forces, customs authorities and the other relevant authorities of multiple member states. The Council stressed that such JITs needed to be set up as a matter of priority, particularly to combat terrorist activities.<sup>24</sup> Thirdly, the definition of a terrorist offence was laid down in the Framework Decision on Combating Terrorism. This introduced a comprehensive and harmonised definition of terrorism, including those offences relating to terrorist groups, into EU legislation.<sup>25</sup> According to Article 1 of the Framework Decision, a list of criminal infractions (see Box 1.1) are deemed to be terrorist offences when, in light of their nature or context, they may seriously damage a country or an international organisation and where they are committed with the aim of seriously intimidating a population; unduly compelling a government or international organisation to perform or abstain from performing any act; or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.<sup>26</sup> Furthermore, the Framework Decision defines terrorist group-related offences (e.g. directing a terrorist group or supplying it with information, material resources or funding) and urges member states to make inciting, aiding or abetting terrorism punishable offences.<sup>27</sup>

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1 Through this, a new and simplified system of surrender of sentenced or suspected persons between judicial authorities was introduced for the purposes of the execution or prosecution of criminal sentences. This put an end to the complexity and delays of the existing extradition procedures (Preamble Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, OJ 18 June 2002).

### Box 1.1: Criminal infractions deemed to be terrorist offences under Article 1 of the Framework Decision on Combating Terrorism

These infractions include:

- a) attacks upon a person's life which may cause death;
- b) attacks upon the physical integrity of a person;
- c) kidnapping or hostage taking;
- d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss;
- e) seizure of aircraft, ships or other means of public or goods transport;
- f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;
- g) release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life;
- h) interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;
- i) threatening to commit any of the acts listed in a) to h).

The European Council Action Plan of 2001 also prescribed various steps to be taken at the operational level such as the development of a common list of terrorist organisations and the encouragement for member states to share with Europol, systematically and without delay, all useful data regarding terrorism. Within Europol, a specialist anti-terrorist team was also created.<sup>28</sup> With the establishment of the Europol Counter-Terrorism Task Force, this team became fully operational a few months later.<sup>1</sup> The Task Force was composed of experts and liaison officers from member state police and intelligence services and produced several threat assessments, including on the presence of terrorist groups in Europe.<sup>29</sup>

Besides the measures highlighted in the 2001 European Council conclusions and Action Plan, other important decisions taken in Tampere in 1999 were put into practice in the wake of 9/11. The most important was the establishment of Eurojust

<sup>1</sup> A year later the Counter-Terrorism Task Force was incorporated into Europol's Serious Crime Department. After the terrorist bombings in Madrid in 2004 it was re-established as a separate entity (Deflem, M. (2006), Europol and the policing of international terrorism: Counter-terrorism in a global perspective, *Justice Quarterly*, 23: 3, p. 344).

in 2002 to reinforce the fight against serious organised crime in Europe (see sec. 1.4.2, below).

### 1.1.2 Counter-terrorism as a distinctive area of EU governance after the Madrid and London attacks

Gradually, the sense of urgency caused by 9/11 diminished. The timely implementation of the agreements discussed above generated problems, while operational measures were not put in place often due to national reluctance. Some member states preferred to work through bilateral arrangements for information sharing and cooperation in criminal matters.<sup>30</sup> The terrorist bombings in Madrid (2004) and London (2005) not only fueled new counter-terrorism measures at the EU level, but also caused a shift in policy focus, and from this moment counter-terrorism became a distinctive area of European governance.<sup>31</sup> Moreover, the perception changed from terrorism as a mostly external (al-Qaeda) threat to the view that it also needed to be seen as a phenomenon threatening the EU from within. The perpetrators of the Madrid and London terrorist bombings were not linked to an international terrorist network, but were home-grown and operated relatively independently. New initiatives were developed to investigate the root causes of terrorism, with radicalisation becoming a key focus of attention.<sup>32</sup>

#### Revised action plan and reinforced coordination after the 2004 Madrid attacks

The next phase of EU counter-terrorism policy started with the European Council Declaration on Combating Terrorism of 25 March 2004, which was issued two weeks after the Madrid terrorist attacks.<sup>33</sup> The declaration set out seven strategic objectives (see Box 1.2) that would serve as guidelines for a revised counter-terrorism action plan.<sup>34</sup> The revised EU Plan of Action on Combating Terrorism based on these guidelines was adopted a few months later.<sup>35</sup> In this 75-page document about 150 actions were attached to the seven outlined strategic objectives, many of them accompanied by specified deadlines.<sup>36</sup> Importantly, to overcome implementation and coordination issues arising from these numerous and diverse new arrangements, the European Council Declaration of 25 March 2004 also created the new function of counter-terrorism coordinator, located within the Council Secretariat. This official was charged with coordinating the Council's work in combating terrorism and overseeing the instruments at the EU's disposal.<sup>37</sup>



### Box 1.2: Strategic objectives of the European Council Declaration on Combating Terrorism of 25 March 2004

The following high level Strategic Objectives will be implemented:

- Deepen the international consensus and enhance international efforts to combat terrorism
- Reduce the access of terrorists to financial and other economic resources.
- Maximise capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and prevent terrorist attacks
- Protect the security of international transport and ensure effective systems of border control
- Enhance the capability of Member States to deal with the consequences of a terrorist attack
- Address the factors which contribute to support for, and recruitment into, terrorism
- Target actions under EU external relations towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced<sup>38</sup>

Apart from this declaration, the European Council also worked on a successor to the 1999 Tampere programme.<sup>39</sup> A second multi-annual programme to strengthen the EU as an AFSJ was concluded in The Hague in November 2004. In general terms this programme re-emphasised the need to improve cooperation among EU member states' law enforcement agencies. Among other things, it announced an innovative approach to the cross-border exchange of law enforcement information. For this purpose, the mere fact that information crosses borders should no longer be relevant. The exchange of such information should instead be made easier and governed by the principle of availability.<sup>40</sup> In May 2005 seven EU member states<sup>1</sup> took the lead and signed the Prüm Convention on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration. Among other things, this convention established a legal basis for the exchange of law enforcement data (such as DNA profiles, fingerprinting and vehicle registration data) and for improving police cooperation among the contracting parties.<sup>41</sup> In 2008, the Prüm provisions were incorporated in the Third Pillar and hence made applicable to all EU member states.<sup>42</sup>

1 Austria, Belgium, France, Germany, Luxembourg, the Netherlands and Spain.

A specific section of the The Hague programme was also dedicated to the fight against terrorism, in which the European Council, among other things, called for the full implementation of the 2004 revised Action Plan, a common EU approach to the use of passenger data for border and aviation security and other law enforcement purposes, and the development of a long-term strategy to address the factors that contribute to radicalisation and recruitment for terrorist activities.<sup>43</sup>

### Comprehensive EU counter-terrorism strategy after the 2005 London attacks

As months went by, however, the sense of urgency and drive to fully realise these calls gradually faded once more.<sup>44</sup> The 7 July 2005 London terrorist bombings encouraged EU policymakers to take the next major step in European counter-terrorism activities. The UK used its position as rotating president of the EU to introduce its comprehensive national counter-terrorism model at the European level. In December 2005 the Council adopted the Counter-terrorism Strategy, in which the EU moved away from the largely ad hoc responses to terrorism in the past in favour of more streamlined counter-terrorism measures in a single referential framework.<sup>45</sup>

This strategy still serves as the basis of EU counter-terrorism policy today. In it, the EU commits itself to working in four domains: prevent, protect, pursue and respond. Key priorities within the third domain ('pursue') are strengthening national capabilities to combat terrorism, making full use of Europol and Eurojust to facilitate police and judicial cooperation, ensuring the full implementation and evaluation of existing legislation, and tackling terrorist access to weapons and explosives.<sup>46</sup> Importantly, the new Counter-terrorism Strategy also explicitly addresses the division of responsibilities between member states and the EU. The primary responsibility for combating terrorism remains with member states. The EU has a subsidiary role and can add value to member states' activities in four ways: (1) by strengthening national capabilities (e.g. through the improved collection and analysis of information and intelligence); (2) by facilitating European cooperation (e.g. between police and judicial authorities); (3) by developing collective capability (e.g. making best use of EU bodies such as Europol and Eurojust); and (4) by promoting international partnerships (e.g. working together with the United Nations (UN) and key third countries).<sup>47</sup>

In the following years some additional counter-terrorism measures were developed. Most importantly, the Framework Decision on Combating Terrorism was amended in 2008. Recognising that the terrorist threat was evolving from structured and

hierarchical groups to semi-autonomous cells loosely connected to each other and increasingly reliant on the use of new technologies, in particular the internet, this decision compelled member states to criminalise the public provocation, training and recruitment for terrorism.<sup>48</sup>

More general policy plans were also conceived to deepen JHA cooperation among member states. An important milestone was the signing of the 2007 Lisbon Treaty, which abolished the pillar-structure that was introduced in Maastricht.<sup>49</sup> The European Council also adopted a third multi-annual AFSJ programme (the 2009 Stockholm programme), as well as the EU Internal Security Strategy 2010-2014, both of which viewed terrorism as one of the main challenges threatening security within the EU and calling for an EU-wide approach to preventing and fighting international criminal and terrorist groups and their activities.<sup>50</sup> Nevertheless, initiatives to further expand and implement counter-terrorism policy in the EU somewhat subsided.<sup>51</sup> By the end of 2009 this led the counter-terrorism coordinator to denounce a growing sense of 'CT [counter-terrorism] fatigue'.<sup>52</sup>

### 1.1.3 Towards a 'Security Union' after the recent ISIS attacks

With the outbreak of the Syrian civil war in 2011, the upsurge of the non-state group Islamic State of Iraq and Syria (ISIS), and the ensuing problem of foreign and home-grown terrorist fighters, the terrorist threat has once again appeared more urgently on the European agenda in the last few years.<sup>53</sup> In May 2014 what is considered to be the first terrorist attack committed by a returnee from Syria on European soil took place, targeting the Jewish Museum in Brussels. In the following years a series of ISIS-orchestrated or -inspired terrorist incidents targeted various EU cities such as Paris, Brussels, Nice, Berlin, London and Barcelona. These attacks once again had an important impact on counter-terrorism and broader JHA policy development in the EU.

Firstly, the attacks provoked a shift in threat perception in Europe. The interrelatedness of domestic (security) problems and instability outside the EU – in particular in its immediate neighbourhood – made the nexus between internal and external security more prominent.<sup>54</sup> This was acknowledged, for example, in the European Council conclusions in June 2014 and the new EU Internal Security Strategy 2015-2020, both calling, among other things, for improved integration of the internal and external aspects of EU security policy in general and counter-terrorism policy in particular.<sup>55</sup>

Secondly, since 2014 further steps were taken to improve JHA cooperation between member states and the EU. In April 2015 the European Commission adopted its

European Agenda on Security (EAS). In this document the Commission set out three priorities for the following five years: terrorism, organised crime and cyber-crime. To tackle these phenomena, a call is made for a shared and coordinated EU response that is heavily dependent on the political commitment of EU institutions, member states and EU agencies. The EAS places strong emphasis on the need to better implement already existing EU instruments with regard to information exchange (e.g. SIS and the Prüm framework), operational cooperation (e.g. via Europol and JITs), training (e.g. through the European Police College, or CEPOL), funding (in particular the Internal Security Fund) and the promotion of security-related research and innovation. In line with the changing threat perception, the EAS also pays explicit attention to the need to combine the internal and external dimensions of security by linking JHA and the Common Security and Defence Policy.<sup>156</sup> Following the Brussels terrorist attacks of March 2016 the ideas presented in the EAS gained additional force, with Commission president Jean-Claude Juncker's plea for the development of a genuine Security Union as a necessary step to effectively face the threat of terrorism. According to Juncker, efforts are needed to prevent radicalisation more effectively, strengthen border management, improve information exchange, enhance operational cooperation, and strengthen the relationship between internal and external security.<sup>57</sup> To overview this development a specific commissioner for the Security Union was appointed in 2016. Strengthening the common fight against terrorism and organised crime in the EU figures among his core responsibilities.<sup>58</sup>

Thirdly, besides broader JHA developments, several specific counter-terrorism measures have been adopted in recent years. Among other things, the latest attacks provoked heightened attention to (online) radicalisation,<sup>59</sup> the creation of the European Counter-Terrorism Centre (ECTC) to integrate counter-terrorism efforts at Europol,<sup>60</sup> and the adoption of the new Directive on Combating Terrorism. This directive, which replaced the 2002 Framework Decision (see sec. 1.1.1, above), criminalised additional acts such as travelling for terrorist purposes and organising or facilitating such travelling.<sup>61</sup> Because in some of the deadliest attacks (heavy) firearms were used or were at least at the disposal of the terrorists, several recent EU counter-terrorism initiatives see terrorist access to firearms as a crucial focus of attention. More than ever, therefore, these measures pay explicit attention to the nexus between terrorism and illicit firearms trafficking. The ECTC, for example, focuses on the link between terrorism and illicit firearms trafficking investigations. Thus, EU illicit firearms policy has been significantly accelerated. Before discussing

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<sup>1</sup> In this regard, the need for preventive engagement with third countries is stressed. According to the European Commission, this can take the form of dialogues on security with neighbouring countries, the deployment of security experts, mutual legal assistance agreements and the further development of relations with international organisations such as Interpol.

this acceleration, the overall development of EU firearms and illicit firearms trafficking policy between 1991 and 2015 will be addressed in the following section.

## 1.2 EU firearms policy development, 1991-2015

The establishment of the Schengen area and the internal market were decisive milestones for closer cooperation between EU member states on security-related issues. The loss of internal border controls confronted member states with a series of possible negative effects and therefore called for compensating measures. Not only international terrorism, but also the decreased ability to control firearms transfers became important concerns. As a consequence, this theme also occupied European policymakers in the late 1980s. In line with the accepted European philosophy, a balance was sought between the goal of achieving the free movement of goods, services and people, on the one hand, and the security demands of controlling the flow of weapons, on the other.<sup>62</sup> In 1991 the European Community enacted the Firearms Directive, which provided for minimum standards for the transfer, acquisition, and possession of weapons and ammunition.<sup>63</sup> Since then the EU has formulated a series of strategies and actions plans and has undertaken various regulatory initiatives in the field of illegal firearms.

It is important to highlight that various actors have taken a lead role in policy on illicit firearms trafficking. The 1991 Firearms Directive was enacted under the auspices of the European Commission's Directorate-General for Enterprise and Industry (DG ENTR).<sup>1</sup> In the late 1990s the Council of the EU took up the issue of the flow of small arms and light weapons (SALW) to conflict-ridden areas in its Common Foreign and Security Policy (Second Pillar). During the last decade the European Commission's Directorate-General Migration and Home Affairs (DG HOME) took on an important role in the EU's firearms policy as the EU started to focus more and more on internal security in general, and on the problem of the illicit trafficking of explosives, firearms and ammunition within the EU in particular.

### 1.2.1 The 1991 Firearms Directive: balancing economic and security interests

Although it recognised that economic interests needed to be balanced with security needs, the European Commission's DG ENTR approached the firearms issue from

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<sup>1</sup> Now integrated into the Directorate-General Internal Market, Industry, Entrepreneurship and Small Businesses (DG GROW).

the perspective of the common market and the commercial interests of licit arms manufacturers, dealers and consumers. In a 2010 document the European Commission made this viewpoint explicit by pointing out that Directive 91/477/EEC 'relates to the establishment and functioning of the internal market'.<sup>64</sup> Indeed, it provided for common standards on firearms transfers within the EU with the intention of harmonising and thus facilitating the (well-controlled) movement of legal firearms.<sup>1</sup> The directive set out minimum requirements that allowed member states to adopt more stringent provisions in their legislation.<sup>65</sup>

In the 1991 Firearms Directive firearms were classified into four categories: prohibited firearms (Category A), firearms subject to authorisation (Category B), firearms subject to declaration (Category C) and other firearms (Category D). For each of these categories the corresponding types of weapons were listed and specific qualifications for their acquisition and possession were attached. For example, according to the 1991 directive, Category B firearms, such as semi-automatic short firearms, can only be acquired and owned by persons who have good cause, are 18 years or older (except for hunting or target shooting), and are not likely to be a danger to themselves, public order or public safety.<sup>66</sup> The same rules apply to any essential component of the firearms belonging in the different categories: the breech-closing mechanism, chamber and barrel. Not included in the directive's scope were firearms that were rendered permanently unfit for use by the application of technical procedures guaranteed by an official body or recognised by such a body (deactivated weapons); antique weapons or reproductions; and firearms designed for alarm, signalling, life-saving, animal slaughter or harpoon fishing, or for industrial or technical purposes, provided that they can only be used for these purposes.<sup>67</sup> Besides this, the 1991 Firearms Directive set out a series of rules for firearms dealers and the intra-EU movement of weapons. It also compelled member states to introduce penalties 'sufficient to promote compliance' for persons violating its provisions.<sup>68</sup>

In 2008 the Firearms Directive was amended via directive 2008/51/EC. This served to introduce several suggestions from the 2000 European Commission report on the directive's implementation<sup>69</sup> and the provisions of the UN Firearms Protocol<sup>70</sup> (which was signed in 2001 by the Commission on behalf of the European Community). Importantly, the 2008 amendment reinforced several security-related aspects of the Firearms Directive, such as implementing the UN Firearms Protocol definitions of the brokering and illicit manufacturing of and illicit trafficking in firearms.<sup>71</sup> A definition of firearms was introduced that referred to 'any portable

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<sup>1</sup> It is important to note in this respect that the 1991 Firearms Directive only regulates 'civilian' firearms. In addition, excluded from its scope are the acquisition or possession of weapons and ammunition by the armed forces, the police, public authorities or recognised collectors, and bodies concerned with the cultural and historical aspects of weapons.

barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant'.<sup>72</sup> The inclusion of convertibility in this definition was crucial, because police intelligence had shown an increase in the use of converted weapons in the EU.<sup>73</sup> Deactivated firearms remained excluded from the directive's definition of a firearm, but the 2008 amendment provided a more detailed description by defining them as weapons that *"have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way"*.<sup>74</sup>

The amendment stated that member states needed to make arrangements for the deactivation measures to be verified by a competent authority in order to ensure that the modifications had rendered a firearm irreversibly inoperable. In this regard the European Commission was also asked to issue common guidelines on deactivation standards and techniques.<sup>75</sup> Yet this would only be done in December 2015 after the Paris terrorist attacks earlier that year (see sec. 1.3.2, below). The other excluded categories, such as alarm pistols and replicas, were not further refined by the 2008 amendment.<sup>76</sup>

Other important elements of the 2008 amendment that reinforced security aspects of the Firearms Directive related to the marking and registration of firearms, and the penalisation and control of infringements of its provisions. Following the UN Firearms Protocol, member states were compelled to ensure that the owner of a firearm could be identified at any time. Therefore the 2008 amendment obliged them to make sure that any firearm placed on the market has been properly marked and registered in a computerised data-filing system accessible by police, judicial and other authorised authorities. For a period of at least 20 years, each firearm's type, make, model, calibre and serial number must be recorded in this database, as well as the names and addresses of the supplier and the person acquiring or owning the firearm.<sup>77</sup> Penalties for persons infringing national provisions adopted to implement the directive needed no longer to be only 'sufficient', but 'effective, proportionate and dissuasive'. Finally, the 2008 amendment also prohibited the acquisition of firearms by persons convicted of serious (violent, intentional) criminal offences, and prescribed a strict control regime for acquisition through distance communication (e.g. via the internet).<sup>78</sup>

As part of the usual policy cycle of EU legislation, at regular intervals the European Commission has been providing reviews and impact assessments of the Firearms Directive.<sup>79</sup> In 2010, for example, the issue of whether the directive should regulate the acquisition and possession of replica firearms was investigated,<sup>80</sup> while in 2012

the possible advantages and disadvantages of reducing the classification of firearms from four to two categories (prohibited and authorised) were studied in order to improve 'the functioning of the internal market for firearms' by simplifying the system.<sup>81</sup> An evaluative study commissioned by the European Commission and published in 2014 mainly called attention to issues regarding the flexibility of the Firearms Directive.<sup>82</sup> Importantly, the study concluded that the directive still left too much scope for national interpretation, standards and procedures in several areas, which resulted in certain security risks. One of the main concerns was the approach to alarm weapons, because they fell outside the directive's scope provided that they could be used for their stated purpose only and could not be converted to fire live ammunition. However, due to the absence of common technical guidelines, it remained up to national authorities to determine this. The study made clear that this had already resulted in criminal offences being committed with converted alarm weapons.<sup>83</sup> Another important problem area addressed in the 2014 evaluation was the lack of common technical guidelines provided by the European Commission on deactivation. This had resulted in differences in national practices and interpretations.<sup>84</sup>

### 1.2.2 Actions to combat illegal firearms flows to and from third countries

In the late 1990s and early 2000s firearms also became an important point of attention in the EU's Common Foreign and Security Policy (CFSP). In this policy field firearms are part of a wider SALW agenda. From the 1990s onwards this agenda was not only pushed by an engaged research community, but also became a topical issue for the UN, which, in the famous words of Secretary-General Kofi Annan, started to view SALW as 'weapons of mass destruction'. Attention in particular focused on the role of SALW in the 'new' asymmetric wars of the immediate post-Cold War period.

From the early 2000s the EU started to play an important role in translating the growing global focus on SALW into European policy. In 2005 the EU Strategy to Combat the Illicit Accumulation and Trafficking of SALW and Their Ammunition (SALW Strategy) was formulated.<sup>85</sup> This strategy followed from the wider European Security Strategy promulgated in 2003, which defined five key security challenges: terrorism, the proliferation of weapons of mass destruction, regional conflicts, state failure, and organised crime.<sup>86</sup> According to the Council of the EU the consequences of the illicit manufacture, transfer and circulation of SALW, and their excessive accumulation and uncontrolled spread could be placed at the centre of four of these five challenges. These weapons contributed to terrorism and organised crime, and functioned as a major factor in triggering and spreading conflicts, as well as in the



collapse of state structures.<sup>87</sup> The 2005 strategy in particular addressed the problem of transfers of SALW to sub-Saharan Africa. But in a context of 'new wars' that were 'blurring the dividing line between armed conflicts and criminality and in which the tools are essentially SALW', it restated the European Security Strategy's recognition that 'the post-Cold War environment is one of increasingly open borders in which the internal and external aspects of security are indissolubly linked'.<sup>88</sup>

The 2005 SALW Strategy emphasised that the flow of SALW to conflict areas could not be isolated from its sources. The EU stated that a reactive strategy had to be supplemented by preventive action to tackle illegal supply and demand, and control exports of conventional weapons. Particular attention was paid to the enormous accumulations of SALW stockpiled in Eastern and South Eastern Europe and the ways and means by which they were disseminated in Africa, for example by means of illegal brokering and transport.<sup>89</sup>

The EU's 2005 SALW Strategy was implemented through a series of Council decisions. The Council, for example, took action to counter the illicit trade of SALW by air<sup>90</sup> and provided financial support for the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC; see Box 1.4, below)<sup>91</sup> as well as for the destruction of SALW and their ammunition in Ukraine.<sup>92</sup> In 2011 and 2012 European support was also extended to the UN Office for Disarmament Affairs to implement the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects,<sup>93</sup> as well as to the Organisation for Security and Cooperation in Europe to organise regional training workshops on brokering controls and for security upgrades of stockpile depots of conventional weapons and ammunition in Belarus and Kyrgyzstan.<sup>94</sup> Following the 2011 Libyan crisis the EU also took action to secure stockpiles in Libya to reduce the risk of illicit trade in SALW, primarily to Libya's neighbouring countries and the wider region,<sup>95</sup> but this was repealed in 2015 because of the deteriorating political and security situation in that country.<sup>96</sup> In 2014 a Council decision was adopted to support physical security and stockpile management activities to reduce the risk of illicit trade in SALW and their ammunition in the Sahel region.<sup>97</sup> In addition, the EU enacted Regulation 258/2012, which implemented Article 10 of the UN Firearms Protocol by establishing export authorisations and import and transit measures for firearms, their parts, and components and ammunition.<sup>98</sup> This regulation provided a control regime for the export of civilian firearms from the EU to third countries. The export of military-grade firearms was already regulated by a 2008 common position on defining common rules governing the control of exports of military technology and equipment.<sup>99</sup>

### 1.2.3 Targeting the illegal use of and trade in firearms within the EU

Initially, the EU approach to the issue of illicit firearms focused on the regulation of the legal possession of and trade in firearms, and the flow of SALW to third countries in conflict-ridden areas outside the EU. Since the beginning of the 2000s, however, growing attention has been paid to flows of illegal firearms to and within the EU. This interest grew in the wake of terrorist attacks, the perception of criminals' increased use of heavy firearms, a number of public shootings, and heightened police focus on the issue of illegal trafficking.

#### Fragmented policy focus, 2001-2013

In 2001 the Arrow Route Policing Project, an EU-wide joint police operation, was set up.<sup>100</sup> The objectives of the Arrow operation were not only to better control the licit trade of firearms in EU member states and to identify the weak points in the legal framework, but also to gather as much criminal intelligence and information as possible on the illicit trafficking of firearms. The operation itself resulted in 261 criminal investigations and the seizures of a number of weapons. It is important to highlight that at the operation's planning stage it had immediately become clear how little was known about the phenomenon of the illegal firearms trade in the EU.<sup>101</sup> The report drawn up at the end of the operation stated that the project had highlighted the seriousness of the problem and the need to create international structures to combat it more effectively.<sup>102</sup>

Following Operation Arrow, and in the wake of the 2004 Madrid and 2005 London bombings, the EU started to increasingly focus on the problem of the internal acquisition and circulation of weapons in the EU. Growing attention was directed to the threat illegal firearms represent to the security of EU citizens. In 2004 the European Firearms Expert Group (EFE) was established to support the European Council's work on illicit firearms trafficking (see Box 1.3, below).<sup>103</sup> Subsequently, in 2005 the European Commission took action to ensure greater security for explosives and firearms. Because of the modus operandi of the Madrid and London terrorist attacks, there was a strong emphasis on explosives, but firearms also received some attention. The Commission stated that law enforcement cooperation in the fight against illicit firearms should be improved and that common standards for the reporting of seized or recovered firearms used in crimes, and diverted, lost or stolen firearms needed to be considered.<sup>104</sup> In 2007 the Council developed initiatives specifically targeting the trade in illegal firearms for criminal purposes. It proposed actions to establish standard procedures in member states for cross-border

enquiries by police authorities in investigations of the supply channels of seized or recovered crime-related firearms. One aim of these actions was to uncover firearms-trafficking market structures within the EU and detect offenders operating in this market. Another aim was to gather and assess material information on the present state of firearms crime in Europe 'for the production of an EU arms crime situation report based on solid facts'.<sup>105</sup> Thus, as in 2001, obtaining an adequate picture of illicit firearms trafficking within the EU and ensuring operational cooperation among EU member states to combat this phenomenon were still considered to be major challenges.

In 2010 EU action to combat the illegal use of and trade in firearms was given a number of new impulses. In the Stockholm Programme and the 2010-2014 Internal Security Strategy, trafficking in firearms was mentioned among the illegal activities that continued to challenge the EU.<sup>106</sup> The Council also adopted a European Action Plan to combat illegal trafficking in 'heavy firearms'.<sup>107</sup> After a number of incidents where criminals started shooting with fully automatic assault rifles in the streets of Brussels, the Belgian Presidency took the lead in developing new policies aimed at targeting gun-related crime and trafficking in 'heavy firearms'.<sup>1</sup> In the 2010 Action Plan, actions were proposed in two main areas. Firstly, the need was once again stressed to improve existing understanding of firearm-related crime, in particular in terms of the types of offenders, the types of weapons available on the criminal market, and the various sources of illegal trafficking. Not only did existing efforts to trace firearms need to be continued, but quantitative and qualitative data should also be collected in a more coordinated and systematic way (e.g. detailed recording of the number and types of illegal firearms seized in law enforcement operations). Secondly, the Action Plan reiterated the importance of strengthening cooperation among member states' law enforcement agencies and EU agencies in order to dismantle criminal gangs that were actively involved in the illegal trafficking of firearms. To further this aim, the Council requested member states to regularly participate in meetings of the informal EFE Group (see Box 1.3, below), to set up joint investigations focusing on illicit firearms dealers, and to make more use of existing possibilities for operational analysis at Europol.<sup>108</sup>

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<sup>1</sup> What exactly was to be understood under 'heavy firearms' remained unclear, although the Action Plan stated that measures only focusing on such firearms would remain limited.

## Concerted action following the 2013 European Commission communication on firearms and the internal security of the EU

The EU's efforts and initiatives to combat the illegal use of and trade in firearms converged in a concerted action announced by the European Commission in the autumn of 2013. Because the Council had included the strategic goal of reducing the risk to citizens posed by firearms among the EU's priorities of the 2014-2017 Policy Cycle in the fight against serious and organised crime, the Commission combined all its projected plans for initiatives in one communication.<sup>109</sup> In this communication the Commission defined the misuse of firearms – whether legally owned civilian weapons or illicitly manufactured or obtained civilian or military weapons – as ‘a serious threat to the EU's security from both an internal and an external perspective’.<sup>110</sup> In support of this statement, reference was made to the numerous lethal terrorist (e.g. in Toulouse and Montauban in 2012) and non-terrorist (e.g. in Tuusula in 2007, Winnenden in 2009 and Liège in 2011) shooting incidents that had taken place in Europe in recent years. In order to draw up an integrated policy, the communication took stock from a law enforcement perspective of existing EU actions to reduce firearms trafficking and stated how the Commission imagined future steps in this area.<sup>111</sup>

The phenomena targeted in the communication were defined rather broadly. The focus was on illegally held firearms and gun-related violence in general (not only crime, but also public shootings and terrorist acts). As was duly noted in the European Commission communication, ‘the lifecycle of a weapon begins with its manufacture and ends with its destruction; at any of the intervening stages of sale, possession, trade, storage and deactivation the weapon is susceptible to diversion into criminal hands’.<sup>112</sup> Although the communication repeatedly spoke of illicit trafficking, mention is also made of the fact that the illegal circulation of many firearms often resulted from theft or diversion from their lawful lifecycles, from being illegally imported from third countries, or from the conversion of other objects such as alarm pistols into live-firing firearms. The reactivation of deactivated firearms, the loss of firearms, online trade, mail order and 3D printing of guns were also mentioned in this regard.<sup>113</sup>

Thus the European Commission seemed to be aware of the many aspects of the problem of illegal firearms. A multifaceted approach was also discernible in the actions proposed in the 2013 communication. It put forward an integrated policy to address the threat posed by illegal firearms. Firstly, the Commission planned to assess the need for new common EU rules to address differences in national legislation on firearms that were being exploited by criminals. Various aspects of firearms regulation would be scrutinised: which offences linked to firearms should be

criminalised and what level of criminal sanctions should be imposed by member states; whether a need exists to regulate the sale and possession of items such as air guns, replicas, antique weapons and deactivated weapons that may readily be converted into or used as firearms; the possibility of common guidelines on deactivation standards to ensure that deactivated firearms are rendered irreversibly inoperable; and an assessment of the scope of minimum standards for the secure storage of firearms by their owners in the EU. Secondly, the Commission wanted to enhance cross-border cooperation among police, customs and border guards. The intention here was to establish, for example, more coordinated collection and sharing of information on firearms crime, to organise joint police control operations to tackle the principal sources and routes of illegal firearms, and to strengthen cooperation in tracing firearms used by criminals and enhance ballistics identification capabilities.

Thirdly, the Commission emphasised the need to build a better intelligence picture by gathering and sharing more information on firearms-related crimes. Its diagnosis was that there was a lack of solid EU-wide statistics and intelligence, which hampered effective policy and operational responses. This also contributed to firearms being downgraded in relation to other serious crimes, despite firearms being recognised as a key facilitator of criminal phenomena such as drug trafficking. The 2013 communication stressed that the registration and tracing of firearms in the EU remained partial and insufficiently coordinated. Seizures may be registered in police but not customs databases, or vice versa, while their systems are not interoperable. The Commission therefore set itself the task of gathering more accurate and comprehensive data on firearms-related crime in the EU. Existing IT tools and information sources were to be used jointly and intelligently at the operational level at relevant stages of criminal investigations. The ultimate goal of these efforts would be to enable the EU to build a clearer overall picture of the phenomenon of firearms-related crime.<sup>114</sup>

While the overall ambition of the Commission's communication was to set out a comprehensive blueprint for Europe to act together in preventing gun-related crime, the specific goal was to design a firearms package by 2015 in which further actions would be proposed, such as new legislative proposals on deactivation and marking procedures and on criminal sanctions against illicit trafficking in firearms. The Commission also funded several projects to develop a better understanding of the issues at stake, including a study on firearms deactivation, destruction and marking procedures in the EU, as well as on alarm weapons and replicas;<sup>115</sup> a study to support an impact assessment of (mainly legislative) options for combating illicit firearms trafficking in the EU;<sup>116</sup> a study on gun crime and the possibilities of ballistics intelligence (Project EFFECT);<sup>117</sup> and a study on the routes and actors

involved in illicit firearms trafficking (Project FIRE).<sup>118</sup> An evaluation of the 1991 Firearms Directive as amended was carried out in 2008 (see sec. 1.2.1, above).<sup>119</sup> Under the lead of its Directorate-General Migration and Home Affairs, the Commission also established the (now closed) Firearms Expert Group tasked with assisting in the preparation of legislative proposals and policy initiatives targeting illicit firearms trafficking.<sup>120</sup>

### 1.3 Recent firearms-terrorism policy nexus, 2015-2017

The acquisition of weapons by terrorist groups had already received EU policy attention before 2015. Examples are the 2005 EU Counter-terrorism Strategy, which viewed the tackling of terrorist access to weapons and explosives as a key priority,<sup>121</sup> and the June 2007 JHA Council meeting, which was specifically dedicated to limiting the availability of arms and explosives to terrorists and criminals.<sup>122</sup> However, in the wake of the Madrid and London terrorist attacks and their modus operandi of using bombs, the main focus in these initiatives was on explosives. This focus was expanded more deliberately to include firearms with the 2013 European Commission communication announcing a concerted EU approach to disrupt illicit firearms trafficking. Among the shooting incidents prompting this communication, reference was also made to terrorist attacks using firearms. Although the focus on illicit firearms in general and their connection with terrorism in particular had thus already been increasing, the terrorist shooting attacks on European soil in 2015 significantly sped up the development of EU illicit firearms-trafficking policy.

#### 1.3.1 Increased policy focus on illicit firearms trafficking after the 2015 terrorist attacks

The January 2015 Paris terrorist shootings can be seen as an important turning point. From then onwards, tackling the acquisition of firearms by terrorists has become an important priority in EU internal security policy. A few days after the attack, several interior and justice ministers issued a joint statement condemning terrorism and advocating reinforced action against the terrorist threat. Apart from more general resolutions, such as committing to step up intelligence sharing and operational cooperation in the field of law enforcement, the ministers also specifically pledged to further reduce the illegal supply of firearms throughout Europe as a priority under the European Multidisciplinary Platform Against Criminal Threats (EMPACT) (see Box 1.3, below).<sup>123</sup> The EU counter-terrorism coordinator also presented several initiatives specifically aimed at tackling terrorist acquisition of firearms. These initiatives comprised stepping up information sharing on firearms

through Europol and Eurojust, increasing the number of joint firearms operations across Europe, examining possibilities for the harmonisation of de-militarisation standards, and better addressing the trade in firearms on the internet. The counter-terrorism coordinator also explicitly called for orienting more law enforcement attention towards the crime-terror nexus: 'More information on terrorist acquisition of firearms needs to be shared with Europol. Synergies between CT [counter-terrorism] and organized crime work must be sought.'<sup>124</sup>

These ideas served as the basis for the informal EU JHA ministers meeting in Riga on 29 January 2015 dedicated to the terrorist threat. In general terms the ministers endorsed the suggested way forward in combating the crime-terror nexus with regard to firearms acquisition by committing to ensure that their competent authorities reinforce information exchange and develop further cross-border cooperation on fighting illegal firearms trafficking, in particular by systematically inserting information into SIS, and by encouraging decisive action, including legislation, to curb illegal firearms trafficking. The ministers also called for specific attention to be paid to the deactivation of firearms, the reinforcement of their traceability, information sharing and countering firearms trafficking on the internet.<sup>125</sup> In the days and months that followed new terrorist shootings took place in Verviers and Copenhagen, and on the Thalys train travelling from Amsterdam to Paris. In their wake the Council reiterated the content of this message in several JHA-related meetings and documents. On all of these occasions the fight against the illicit trafficking of firearms was explicitly identified as one of the counter-terrorism measures on which further progress should be made.<sup>126</sup>

The European Commission also strongly committed itself to taking action on this terrain. Commissioner Avramopoulos' speech at the informal Riga meeting illustrated the heightened EU prioritisation of the issue of terrorist access to and use of (illicit) firearms:

*"Over the past years, serious efforts have been made by the European Commission and the Member States to curb the use of explosives for terrorist attacks. But the latest terrorist attacks and plots have shown that the use of firearms, and often very heavy firearms, needs more attention."<sup>127</sup>*

In the EAS launched in April 2015 the Commission not only prioritised the tackling of illicit firearms trafficking as an essential aspect of the fight against serious and organised crime, but also explicitly linked this phenomenon to the terrorist threat. According to the Commission, 'recent terrorist attacks have focused attention on how organized criminals are able to access and trade firearms in Europe, even military-grade firearms, in large numbers'.<sup>128</sup> Therefore, the EAS promoted several

specific actions aimed at combating terrorist access to illicit firearms. Acknowledging that rules on who can possess and use firearms are societal choices to be made by EU member states, the Commission stated that differences in national legislation hinder controls and police cooperation. Therefore, as a matter of priority, the need for a common approach on the neutralisation and deactivation of firearms was highlighted that would prevent criminal reactivation and use of deactivated firearms. The Commission also announced a review of existing firearms legislation to improve information sharing (e.g. by uploading seizure data to Europol), reinforce traceability, standardise marking and determine whether alarm weapons should be included. With regard to the external dimensions of illicit firearms trafficking, the problem of stockpiles of military weapons in neighbouring post-conflict zones was stressed. Therefore, the Commission called for the full implementation of the recently adopted action plan regarding the Western Balkans and its replication in other areas, in particular the Middle East and Northern Africa.<sup>129</sup>

Several of the issues covered in the EAS were taken into account by the Council in the new Internal Security Strategy 2015-2020, which was adopted in June 2015.<sup>130</sup> In October 2015, recalling the terrorist shootings that had taken place earlier that year, the JHA Council made some of these issues more concrete by advancing actions to further strengthen the fight against firearms trafficking. In total, the Council formulated 13 concrete invitations addressed to member states, the Commission, Europol and Interpol. For example, member states were invited to systematically supply relevant information to Interpol (the Interpol Illicit Arms Records and Tracing Management System, or iARMS, see Box 1.5, below) and Europol databases, with the latter especially dealing with ongoing investigations into firearms trafficking, offences committed with firearms and terrorist detentions that involved firearms seizures.<sup>131</sup>

The Paris terrorist attacks of 13 November 2015 further accelerated the firearms-terrorism policy nexus. Immediately after the attacks the European Commission announced a multifaceted package of measures aimed at raising the threshold requirements for acquiring firearms in the EU, improving the tracking of legally held firearms, strengthening cooperation among member states and ensuring that deactivated firearms are rendered inoperable. These proposals were already foreseen in the EAS, as discussed above, but had been significantly accelerated in light of the November 2015 terrorist attacks. The accompanying statement by Commission president Juncker leaves no doubts about the Commission's intention to intensify the link between the fight against terrorism and combating illicit firearms trafficking:



*“The recent terrorist attacks on Europe’s people and values were coordinated across borders, showing that we must work together to resist these threats. Today’s proposal [...] will help us tackle the threat of weapons falling into the hands of terrorists. [...] Organized criminals accessing and trading military grade firearms in Europe cannot and will not be tolerated.”*

Internal Market and Industry Commissioner Bieńkowska and Migration, Home Affairs and Citizenship Commissioner Avramopoulos endorsed this viewpoint:

*“The adoption of the firearms package today is proof of the Commission’s determination to address the new reality we are confronted with. We need to remove regulatory divergences across the EU by imposing stricter, harmonized EU standards for firearms and ensuring efficient exchange of information between Member States.”<sup>132</sup>*

### 1.3.2 Legislative initiatives

The firearms package adopted by the College of Commissioners on 18 November 2015 included legislative and operational actions. Both were welcomed by the Council in a counter-terrorism meeting two days later.<sup>133</sup> The Commission then announced two legislative initiatives.<sup>1</sup>

Firstly, an implementing regulation on common standards for the deactivation of firearms was adopted in which common and strict technical criteria were set out on the way in which member states should deactivate weapons so that they are rendered inoperable.<sup>134</sup> The Commission also tabled a revision of the Firearms Directive<sup>135</sup> with the aim of tightening controls on the acquisition and possession of firearms in the EU.<sup>136</sup> After a year of discussions, the European Parliament and the Council reached a political agreement on this proposal. The accompanying press release entitled ‘Agreement on Commission proposal to increase citizen’s security’ is illustrative of the shift in perspective on firearms in the EU. The new amendment of the Firearms Directive was mainly driven by security interests, with the Commission stating that ‘mass shootings and terrorist attacks in Europe have highlighted the dangers posed by illegal and legal arms circulating across the EU’. Yet economic considerations did not disappear entirely and the compromise reached

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<sup>1</sup> These were not entirely new ideas, but based on an evaluative study on the implementation of the Firearms Directive carried out by the Commission in 2014 (see Technopolis, EY & VVA (2014), *Evaluation of the Firearms Directive – Final report*, Brussels: European Commission, Directorate-General for Enterprise and Industry).

by the European Parliament and Council did not go as far as the Commission would have wanted.<sup>137</sup>

The most fundamental changes relate to the scope and categorisation of firearms laid down in the Firearms Directive. Firstly, because they can become a potential source for illicit firearms trafficking,<sup>138</sup> the directive now also includes museums and collectors in its scope.<sup>139</sup> Apart from this, the 2017 amendment changes the categorisation of firearms that could previously be owned by private persons without authorisation or declaration. The directive now only distinguishes among three categories: prohibited firearms (Category A), firearms subject to authorisation (Category B) and firearms subject to declaration (Category C). This means that single-shot long firearms with smooth-bore barrels that were previously included in the abolished Category D will have to be declared to national authorities. Furthermore, the amendment significantly extends the list of prohibited firearms. These now include a range of semi-automatic firearms that cannot be either acquired or owned, including automatic firearms converted into semi-automatic firearms, semi-automatic long firearms that can be reduced to a length of less than 60 cm without losing their functionality, and short and long semi-automatic firearms with a loading device with a capacity exceeding 20 and ten rounds, respectively.<sup>140</sup> The prohibition is not absolute, however, and exceptions are retained. Among others, private collectors and sports shooters can still acquire and own such semi-automatic firearms if they meet certain strict conditions.<sup>141</sup> Another important change applies to deactivated weapons, which now fall under the directive's definition of firearms subject to declaration to national authorities.<sup>142</sup> The same applies to firearms converted to blank-firing, saluting or acoustic weapons. Given that they can easily be reconverted into live-firing firearms, they will remain in the category they belonged in before their conversion.<sup>143</sup>

Apart from the changes to the scope and firearms categories, the amended directive introduced a range of other provisions to prevent leakages from the licit to the illicit firearms market and the misuse of firearms by criminals or terrorists. Among other things, the 2017 amendment prescribes clearer rules for the marking and registration of firearms in order to improve their traceability,<sup>144</sup> stricter conditions for the online acquisition of firearms,<sup>145</sup> and compels EU member states to establish safe storage and supervision rules for lawful owners of firearms.<sup>146</sup>

### 1.3.3 EU Action Plan against Illicit Trafficking in and Use of Firearms and Explosives

The operational dimension of the Commission's firearms package was covered by the Action Plan against Illicit Trafficking in and Use of Firearms and Explosives adopted in December 2015. This plan brings a series of measures together in a single framework designed to counter illicit firearms trafficking and the misuse of firearms and explosives. The Action Plan is presented as an implementation of the EAS in this area and a continuation of projects already initiated in the EU Policy Cycle 2014-2017. Several of the proposed actions are also a reminder of priorities already set out by the Commission in its 2013 communication. Whereas in the latter reference had already been made to the threat of terrorists obtaining firearms, the 2015 Action Plan is predominantly developed from the perspective of combating terrorist access to firearms (and explosives). After acknowledging illicit firearms trafficking as part of organised crime groups' core business and firearms as instruments that are well embedded in the criminal world, the Commission proclaimed that 'beyond organized crime, the heinous terrorist attacks of the past year have shown the imperative to cut off access to firearms and explosives'. Referring to the terrorist shootings in Paris and Copenhagen, as well as the foiled attack on the Thalys train, the Commission called attention to the urgent threat of 'terrorist networks [...] accessing weapons and explosives through organized crime networks and the black market'.<sup>147</sup> The Action Plan consists of four broad priorities, which are subsequently expanded on in a patchwork of concrete measures.

#### Restricting access to illegal firearms and explosives

The first priority is that of restricting access to illegal firearms. Here, developing a better intelligence picture of firearms trafficking and the diversion of firearms from the legal market is seen as a crucial challenge. The Commission stressed that improving statistical and analytical tools at the EU and national levels is an urgent necessity. To achieve this goal, it invited all member states to set up interconnected national focal points on firearms that combined both ballistics and criminal intelligence, while Europol was requested to improve its collection of information and intelligence related to firearms, including data on (online) trafficking, seized and stolen firearms, and *modi operandi*. On the basis of these data, Europol should produce timely analytical products and an up-to-date threat assessment that are to be shared with national law enforcement agencies. Evaluating and preparing for new (technological) developments and risks, such as the possible threat of 3D-printed firearms, is another important aspect of restricting access to illegal firearms.<sup>148</sup>

## Enhancing operational cooperation

The Action Plan's second priority is that of enhancing operational cooperation in the field of firearms trafficking in the EU. This remains an important challenge. The Commission therefore stressed that more joint efforts should be invested in cross-border actions, the disruption of illicit supply via the open internet and dark web (e.g. by setting up national cyber-patrol teams and a Europol toolkit for online investigations), the control of intra-EU movement of weapons and ammunition (e.g. by setting up an information exchange system among member states), risk-based external border controls, and training. CEPOL is considered to be the pre-eminent forum for raising the level of expertise, exchanging best practices, and information sharing both among member states and with third countries' firearms experts.<sup>149</sup>

### Improving the collection and sharing of operational information through the optimal use of existing tools

In order to enhance operational cooperation the Commission also emphasised the need for the (international) tracing of firearms used by criminals and terrorists, which is an equally important dimension of the third broad priority of the Action Plan. Here the Commission called for improving the collection and sharing of operational information through the optimal use of existing tools (e.g. SIS, Europol Information System and Interpol's iARMS; see Box 1.5, below). These tools can facilitate operational information exchanges and cooperation on the international movements of illicit firearms and licit firearms used in crimes. The Action Plan consequently encourages EU member states to insert as much information on firearms as possible in these – ideally interoperable – databases. They are also urged to share such information proactively with the Europol Focal Point on Firearms and to participate fully in its activities. Because there is no EU-wide system for the analysis of ballistics data, the Commission committed itself to facilitating the exchange of such data through a dedicated platform using the Interpol Ballistic Information Network<sup>1</sup> and other systems in use in member states.<sup>150</sup>

### Stronger cooperation with third countries

Clearly in line with the emphasis placed on the integration of intra- and extra-EU perspectives in the EAS, the Action Plan indicates ways of achieving stronger EU

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<sup>1</sup> The Interpol Ballistic Information Network (IBIN) is hosted by Interpol and can be accessed by member states using the IBIS technology (also see Box 1.5, below).

cooperation with third countries. This can take many forms, ranging from discussing illicit firearms trafficking and use during security dialogues with key partner countries and organisations, to joint actions on firearms that include EU agencies (such as Europol, Eurojust and CEPOL), to providing financial assistance to third countries and training their security services and officials. Among the targeted areas for such cooperation are South Eastern Europe, Middle East and Northern African countries, Ukraine, and Turkey.<sup>151</sup>

## 1.4 Main actors in the EU fight against (terrorist access to) illicit firearms markets

The previous sections were dedicated to EU policy development in the areas of counter-terrorism and the combating of illicit firearms over the past decades. As became clear, future steps in these policy areas are strongly interrelated with broader currents in EU cooperation in the field of JHA. Terrorist attacks can be seen as important driving forces behind the development of counter-terrorism policy and stronger measures to work closer together in criminal matters at the European level. Recent terrorist attacks have heightened awareness of the threat posed by illicit firearms trafficking, causing EU actions in this policy domain to gain additional momentum. In this section we briefly discuss the main European actors involved. It is important to note that EU member states hold a central position in both EU JHA cooperation and the EU Common Foreign Security Policy (CFSP). Given the sensitivity of these domains, both are highly dependent on national willingness to cooperate at the European level. This is reinforced by Article 4 of the EU Treaty, which stipulates that national security remains the sole responsibility of each member state.<sup>152</sup> The subsidiarity principle also applies to all EU activities. This means that the EU can only take European-wide actions if they are more effective than measures at the national, regional or local levels. The Treaty of Lisbon strengthened this principle by extending the role of national parliaments in EU decision-making: they can block measures that do not conform to the subsidiarity principle.<sup>153</sup> The Court of Justice of the European Union has jurisdiction in actions on grounds of infringement of this principle by a legislative act.<sup>154</sup>

### 1.4.1 EU institutions

Bearing in mind the important role that member states play, at the EU level policy development and decision-making in the fight against (terrorist access to) illicit firearms is steered by the European Council, the Council of the European Union, the

European Commission and the European Parliament. Their mandates and functioning can differ depending on whether actions relate to internal or external security.

### European Council

The European Council is composed of the heads of state or government of the 28 EU member states, the European Council president, and the president of the European Commission. When dealing with foreign affairs, the high representative of the Union for foreign affairs and security policy takes part in the discussions. The European Council has no legislative mandate; instead, it defines the EU's overall political agenda and priorities. Traditionally this is done through the consensual adoption of 'conclusions' at European Council meetings, in which particular issues are raised and actions identified.<sup>155</sup> With regard to the external CFSP, including matters with defence implications, the European Council identifies the EU's strategic interests, determines objectives and lays down general guidelines.<sup>156</sup> In the AFSJ, the European Council develops strategic guidelines for legislative and operational planning to increase security in the EU.<sup>157</sup> Important examples are the Tampere Conclusions and The Hague and Stockholm programmes discussed earlier.<sup>158</sup>

### Council of the European Union

The Council of the EU, composed of representatives of each member state at the ministerial level and presided over by a different member state every six months, also determines general guidelines and priorities. Unlike the European Council, the Council of the EU also has an important legislative mandate. In the ordinary legislative procedure, together with the European Parliament it rejects, adopts and adapts legislative proposals put forward by the European Commission. In 2017 the European Parliament and Council of the EU, for example, adopted the Commission's proposal for the amendment of the Firearms Directive.<sup>159</sup> Claiming this could threaten the security situation in Europe and undermine trust in the EU, the Czech Republic opposed to the new Firearms Directive and filed a law suit against it in the Court of Justice of the European Union.<sup>160</sup>

The JHA Council is composed of the justice and/or interior ministers of all EU member states<sup>1</sup> and deals with asylum and immigration policies, judicial cooperation in civil and criminal matters, civil protection, and the fight against serious and

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<sup>1</sup> Denmark, the UK and Ireland do not or conditionally participate in measures on some JHA aspects.

organised crime and terrorism.<sup>161</sup> Decisions in the JHA Council – which since the Treaty of Lisbon include those on police and judicial cooperation,<sup>162</sup> although some exceptions remain<sup>1</sup> – are adopted through a qualified majority voting. These decisions are supported by the Committee of Permanent Representatives (Coreper) whose work in turn is prepared by several committees and working groups (such as COSI<sup>II</sup> and LEWP<sup>III</sup>), which are all composed of member states' officials.<sup>163</sup> Under the JHA Council's wing specific bodies have been mandated to support the preparation and implementation of EU policy regarding firearms, namely EFE and EMPACT Firearms (see Box 1.3).

### Box 1.3: EFE and EMPACT Firearms

The **European Firearms Expert Group**, which was established in 2004, provides support and expertise to the Law Enforcement Working Party (LEWP). The EFE is an informal network composed of law enforcement firearms experts from each EU member state, Europol, and associate members Liechtenstein, Norway, Switzerland and Turkey.<sup>164</sup> It has produced, for example, a *Glossary of Firearms Terminology* and a *Best Practice Manual on Firearms Tracing*.<sup>165</sup>

**EMPACT Firearms** is part of the EU policy cycle to tackle organised and serious international crime. This methodology, which was adopted in 2010, is designed to enhance the fight against the most important criminal threats facing the EU. Priorities are politically determined by the JHA Council on the basis of criminal intelligence provided by the Serious and Organised Crime Threat Assessment (SOCTA) and an evaluation of this assessment by the Standing Committee on Operational Cooperation on Internal Security (COSI). Comments from member states, EU agencies and the European Commission are also taken into account. Nine crime priorities were set for EU Policy Cycle 2013–2017, among which the priority of reducing the risk of firearms to citizens included combating illicit firearms trafficking.<sup>166</sup> Illicit firearms trafficking will also be one of the priorities in EU Policy Cycle 2018–2022.

For the selected priorities, annual operational action plans (OAPs) are developed, consisting of several joint operational actions in which EU member

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- I E.g. for measures concerning operational police cooperation, the JHA Council acts unanimously after consulting the European Parliament (art. 87 TFEU).
  - II Standing Committee on Operational Cooperation on Internal Security.
  - III Law Enforcement Working Party.

states and agencies can choose to participate. These OAPs are then implemented as EMPACT<sup>I</sup> projects, with individual member states voluntarily functioning as driver, while Europol provides administrative, logistical and operational support. National EMPACT coordinators oversee the implementation of OAPs at the national level. (Interim) reports and evaluations are produced by the projects' drivers, Europol, the European Commission and COSI.<sup>167</sup>

Spain is the general driver of EMPACT Firearms in EU Policy Cycle 2014-2017, with the UK and the Netherlands functioning as co-drivers. Activities were developed around improving the intelligence picture on illicit firearms trafficking, the introduction of national focal points firearms, regions with specific trafficking problems (e.g. the Balkans and the Middle East and Northern Africa), and firearms ballistics. Also, several operations were set up to tackle specific cross-border problems and networks (e.g. firearms smuggling using fast parcels or vessels, the reactivation of deactivated firearms, and the conversion of alarm pistols).<sup>168</sup>

In contrast to JHA policy, the CFSP is not considered to be shared but as a special competence.<sup>169</sup> It is developed in the Foreign Affairs Council<sup>II</sup> through the inter-governmental unanimous decision-making procedure.<sup>170</sup> The Foreign Affairs Council is composed of member states' foreign affairs ministers and, depending on the agenda, defence or other relevant ministers. Its meetings are chaired by the high representative of the Union for foreign affairs and security policy, assisted by the European External Action Service (EEAS).<sup>171</sup> The EEAS is the EU's diplomatic service, and is entrusted with the implementation of the CFSP. This comprises the external dimensions of counter-terrorism, disarmament, non-proliferation and arms export control.<sup>172</sup> Among other things, the EEAS is involved in drafting and overseeing the implementation of the EU SALW Strategy (see sec. 1.2.2, above).<sup>173</sup> As part of the implementation of this strategy, which identifies the Balkans and South Eastern Europe as regions particularly affected by the excessive accumulation and spread of SALW, the EU provides financial support to SEESAC (see Box 1.4).<sup>174</sup>

I European Multidisciplinary Platform Against Criminal Threats.

II Deliberations here are also prepared by several committees and working groups such as the Working Party on Terrorism (COTER) and the Working Party on the Western Balkans Region (COWEB). European Multidisciplinary Platform Against Criminal Threats.



#### **Box 1.4: South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons**

SEESAC was established in 2002 and functions under the joint mandate of the UN Development Programme and the Regional Cooperation Council (the successor to the Stability Pact for South Eastern Europe). Its aim is to strengthen the capacities of national and regional stakeholders to control and reduce the proliferation and misuse of SALW. By doing so, it contributes to stability, security and development in South Eastern and Eastern Europe.<sup>175</sup>

SEESAC currently focuses on several domains to reduce the proliferation and misuse of SALW: (1) increasing regional cooperation, knowledge exchange and information sharing with a view to enhancing the capacity for evidence-based policymaking; (2) improving physical security and stockpile management through infrastructure security upgrades, weapons surplus reduction and training; (3) enhancing capacity for marking, tracing and record-keeping; and (4) reducing the illicit possession and misuse of firearms through support for awareness-raising and collection campaigns.<sup>176</sup>

Since 2002 the EU has provided financial support to the SEESAC project through a number of Council decisions. A Foreign Affairs Council decision of 19 December 2016 extended this support for three more years.<sup>177</sup>

### **European Commission**

The responsibility of introducing and following up the implementation of legislation to combat (terrorist access to) illicit firearms resides with the European Commission. The Commission is the EU's executive arm – in collaboration with the member states and their administrations – and promotes the general interest of the Union.<sup>178</sup> It is composed of 28 European commissioners, one for every member state, with each holding a specific portfolio. The high representative of the Union for foreign affairs and security policy serves as one of the Commission's vice-presidents. Relevant members in the area of JHA are, among others, the commissioner for migration, home affairs and citizenship and the commissioner for the Security Union.<sup>179</sup> The Commission's tasks are divided among several directorates-general (DGs).<sup>180</sup> Activities relating to (terrorist access to) illicit firearms are mostly situated within the DG Migration and Home Affairs (DG HOME). DG HOME is charged with ensuring EU security consists of services working on cybercrime, police cooperation and information exchange, terrorism and radicalisation, and organised crime

and drugs policy.<sup>181</sup> Within the latter a specific team is dedicated to illicit firearms trafficking. Among other things, this team played an important role in developing the EU Action Plan against Illicit Trafficking in and Use of Firearms and Explosives.<sup>182</sup> It was also highly involved in the 2017 amendment of the 1991 Firearms Directive.<sup>1</sup> From 2013 until recently a Firearms Expert Group was active under the auspices of DG HOME and DG GROW in order to support the preparation of the Commission's legislative and policy initiatives in the fight against illicit firearms trafficking.<sup>183</sup>

### European Parliament

The European Parliament exercises democratic oversight over EU actions. Traditionally, its role was marginalized in the area of JHA, but it has successfully fought for an extension of its competences over a series of treaty negotiations. With the Lisbon Treaty JHA has become a main area of its legislative activity as the European Parliament obtained co-legislative competences in most of this field. This does not apply to the CFSP, where the European Parliament mainly has a consultative role.<sup>184</sup> In most – though not all – JHA issues, the European Commission directs its legislative proposals to both the European Parliament and the Council, where they can be rejected, adapted and/or adopted through an attuned procedure.<sup>185</sup> Selected members of the European Parliament, along with members of the national parliaments, also politically monitor the activities of Europol in the Joint Parliamentary Scrutiny Group for Europol.<sup>186</sup>

#### 1.4.2 EU agencies

Besides its institutions, the EU is composed of several agencies established by the Council for facilitating cooperation and information sharing among member states, including in the area of JHA. The main agencies involved in the EU fight against (terrorist access to) illicit firearms markets are Europol, Eurojust, CEPOL and Frontex.

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<sup>1</sup> The Firearms Directive mainly covers rules for the common legal market for firearms. Therefore, DG Internal Market, Industry, Entrepreneurship and Small Businesses (DG GROW) took the lead in its amendment. DG GROW is also responsible for following up on its implementation.

## Europol

The most prominent agency in this field is Europol, which is the EU's law enforcement agency. Its mission is to support and strengthen action by the competent authorities of EU member states and facilitate their mutual cooperation in preventing and combating serious crime affecting two or more member states, terrorism, and forms of crime that affect a common interest.<sup>187</sup> It also cooperates closely with several non-EU partner states and international organisations such as Interpol (see Box 1.5). Europol is composed of liaison officers delegated from member states' law enforcement agencies (e.g. police, customs), analysts and other experts. It is important to note that Europol has no executive powers. One of its main tasks is to provide operational coordination and support to large-scale operations involving several countries, including by participating in JITs.

Facilitating the exchange of operational and strategic crime-related information at the European level is another key priority. With this in mind, Europol offers several information and intelligence tools. The Secure Information Exchange Network Application (SIENA) constitutes a platform for swift and secure information exchange between member states, liaison officers, analysts, experts and certain third parties. Criminal information and intelligence on all its mandated crime areas, including terrorism, are gathered and exploited in the Europol Information System (EIS). On the basis of this information, Europol provides both intelligence and strategic analysis products, including the annual EU Terrorism Situation and Trend Report (TE-SAT) and EU Serious and Organised Crime Threat Assessment (SOCTA).<sup>188</sup> These analyses rely on a series of data, including information registered in the Europol databases and input from Frontex, Eurojust, member states, third countries, academics and open sources. In certain crime areas, such as cybercrime and illicit drug production, Europol also offers forensic analyses.<sup>189</sup>

Preventing and combating terrorism has been a Europol priority since its official creation.<sup>190</sup> In January 2016 a specialised European Counter-Terrorism Centre (ECTC) was set up to integrate Europol's counter-terrorism efforts.<sup>191</sup> The ECTC's broad scope entails sharing intelligence and expertise on terrorism financing; tackling foreign fighters, online terrorist propaganda and extremism;<sup>1</sup> and facilitating international cooperation among counter-terrorism authorities. Importantly, the ECTC also explicitly focuses on the link between terrorism and illicit firearms trafficking.<sup>192</sup>

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1 Through the EU Internet Referral Unit launched on 1 July 2015 to combat terrorist propaganda and related violent extremist activities on the internet.

### Box 1.5: Interpol Firearms Programme

Beyond the EU framework, the Interpol Firearms Programme plays an important part in tackling (terrorist access to) illicit firearms markets. Interpol considers illicit firearms trafficking to be one of its priorities, while the criminal misuse of firearms is regarded as a threat to global security, peace, stability and development. Firearms are also harmful tools if they end up in the hands of terrorist networks: ‘Many recent global terrorist activities show the use of firearms as a weapon of choice by terrorist groups. It is therefore imperative to identify firearms traffickers in order to stop the firearms supply.’<sup>193</sup>

Interpol therefore aims to use its Firearms Programme to raise awareness of the larger criminal scheme that firearms are potentially part of and encourages firearms investigations to focus on identifying and prosecuting firearms traffickers.<sup>194</sup> In order to support its member countries in such investigations, it provides training, as well as several intelligence and ballistics tools:

- *the Illicit Arms Records and Tracing Management System (iARMS)*: a web-based platform for reporting and querying lost, stolen and trafficked/smuggled firearms, and for submitting and responding to international firearms tracing requests;<sup>195</sup>
- *the Interpol Firearms Reference Table (IFRT)*: an interactive tool for law enforcement officials to obtain or verify details of firearms (make, model, calibre, country of origin, serial number, etc.);<sup>196</sup>
- *the Interpol Ballistic Information Network (IBIN)*: an international ballistics data-sharing network based on IBIS<sup>1</sup> technology enabling Interpol member countries to share and compare digital ballistics images;<sup>197</sup> and
- *the Firearms Recovery Protocol*: a protocol providing guidance to law enforcement authorities on recovering a firearm or expended ammunition cartridge.<sup>198</sup>

Europol has become deeply engaged in the fight against illicit firearms trafficking since it became one of the nine EMPACT priorities under the 2013-2017 EU Policy Cycle (see Box 1.3, above). In 2014 Europol set up the new operational Focal Point Weapons and Explosives – which is today known as the Analysis Project Weapons and Explosives – to support member states in their fight against illicit firearms trafficking. It deals with criminal organisations and individuals involved in the illegal

<sup>1</sup> Integrated Ballistics Identification Systems.

manufacturing, possession and trafficking of small arms, light weapons, ammunition, parts and components, as well as explosives and chemical, biological, radiological and nuclear materials.<sup>199</sup> Apart from eight Europol members, 22 member states and ten third partners are actively involved in the Analysis Project. While illicit firearms trafficking generally affects more than one country, the project's main purpose is to 'connect the dots'. By analysing and linking information provided by member states, the Analysis Project aims to paint the bigger picture and develop transnational investigations. In recent years several successful operations have been set up and executed with the support of the Analysis Project. In January 2017, for example, Europol delivered operational and technical analyses as well as on-the-spot support, among others, during Operation Portu, which was carried out by the Spanish National Police. The operation resulted in the seizure of a huge military firearms depot in Spain.<sup>200</sup> Apart from supporting such investigations, the Analysis Project also adds value by making its expertise available to member states' authorities (e.g. through providing training on how to investigate firearms trafficked on the dark web).<sup>201</sup>

## Eurojust

Eurojust is the EU's judicial cooperation agency. It is composed of a national delegate seconded by each EU member state in accordance with its legal system; such a delegate could be a prosecutor, a judge or a police officer of equivalent competence.<sup>202</sup> Eurojust's core business is to assist member states' competent authorities in dealing with serious cross-border and organised crime, such as terrorism and the arms trade.<sup>203</sup> Its main aim is to stimulate and improve the coordination of judicial investigations and prosecutions involving two or more member states,<sup>1</sup> enhance cooperation among member states' competent authorities, and provide any support to render such investigations and prosecutions more effective (e.g. if home searches or arrests need to be carried out in cross-border investigations).<sup>204</sup> Like Europol, it can pursue these aims by participating in JITs.<sup>205</sup> On the basis of information provided by EU member states, Eurojust also offers assistance and operational and strategic feedback to national authorities. It does so by looking for links in the Eurojust Case Management System.<sup>206</sup>

An example of Eurojust's contribution to the fight against illicit firearms trafficking can be found in a coordinated international operation carried out in September 2017 targeting an organised crime group involved in the production and trafficking

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<sup>1</sup> Eurojust may also assist investigations and prosecutions affecting an EU member state and a non-member state if a cooperation agreement is concluded.

of drugs, firearms trafficking, tobacco smuggling, and luxury vehicle thefts. The operation was led by the Polish Prosecutor's Office and police, and simultaneous actions were carried out by law enforcement agencies and judicial authorities from Germany, the Netherlands and Poland. Both Europol and Eurojust provided support for the operation. Prior to the operation, multiple coordination meetings were held at Europol and Eurojust and on the action day a coordination centre was set up at Eurojust's headquarters. The action resulted in the arrest of 43 individuals and the seizure of firearms.<sup>207</sup>

## CEPOL

The European Union Agency for Law Enforcement Training, or CEPOL (which is also known as the European Police College), is another agency that contributes to cooperation and information sharing in the EU fight against terrorism and firearms trafficking. It does so by bringing together training institutes for law enforcement officials in EU member states and supporting them in providing training on security priorities, law enforcement cooperation and information exchange.<sup>208</sup>

Several of its training programmes are aimed at raising awareness, exchanging best practices and sharing expertise with regard to illicit firearms trafficking. CEPOL also plays an active role in the EMPACT Firearms Programme by facilitating and providing training activities.<sup>209</sup> Some examples of relevant CEPOL courses organised in 2016 and 2017 are:

- a webinar to provide better knowledge of types of firearms trafficking via postal and courier services and fast parcels, and on how to recognise them, to share national experience and good practices, and to introduce the role of Europol into these processes;<sup>210</sup>
- a webinar on the national focal point network on firearms in order to share and exchange good practices, to disseminate a focal point network manual and to encourage participants to establish such a network in their countries;<sup>211</sup>
- a course to enhance police and judicial cooperation with the Western Balkans in order to prevent firearms trafficking (together with Croatia);<sup>212</sup> and
- a webinar to raise awareness and share good practices on the effectiveness of ballistics comparison systems and ballistics intelligence.<sup>213</sup>

## Frontex

At the EU's external borders, and in close cooperation with Europol and Eurojust, the European Border and Coast Guard Agency (also known as Frontex) supports member states to fight organised cross-border crime and terrorism, for example by assisting them in tightening external border controls, detecting potential foreign terrorist fighters and discovering smuggled firearms. It can provide member states with several tools such as strategic and operational risk analyses, an information-exchange framework on external border data (Eurosur), supporting and setting up joint operations, and organising training programmes.<sup>214</sup>

In September 2015, for example, the Greek coastguard was able to intercept a Libya-bound cargo ship suspected of weapons smuggling. On board Greek officials found firearms and boxes containing nearly 500,000 bullets hidden in containers. The interception was made possible by Frontex, which had been monitoring the ship through Eurosur's optical and radar satellite technology for locating vessels suspected of being engaged in cross-border crime. It was able to do so on the basis of intelligence gathered by the agency itself and information provided by member states.<sup>215</sup>





## Chapter 2

# Illicit firearms markets in Europe

In this chapter we will analyse the characteristics of the illicit firearms markets in the European Union. It is important to highlight initially that there is no such thing as *an* illicit firearms market in the EU; in fact, there are *many* illicit firearms markets, each with different characteristics and dynamics. Significant differences in the nature of the various illicit firearms markets can not only be observed between different EU member states, but often also *within* individual member states. As we will demonstrate throughout this chapter, these differences can be attributed to a variety of local elements, such as the existing regulatory framework for legal firearms possession and trade in a specific country or neighbouring countries, the recent history of the country (especially in post-conflict countries), the specific nature of the local criminal underworld, the presence of large diaspora communities from regions from where illicit firearms are sourced, the capacities of law enforcement agencies to intervene, and even geographical elements. The various combinations of these elements together determine the local demand for and supply of illicit firearms and influence the involvement of different types of actors. This in turn shapes the contours of the various illicit firearms markets in the EU and differences in the availability of certain types of firearms on these markets. This can be clearly demonstrated when comparing, for example, the differences in the availability of military-grade assault rifles and their prices across EU member states.

Yet the observed differences among illicit firearms markets across the EU do not imply that there are no connections between the various illicit firearms markets. The easy access to certain firearms in some countries and differences in price between illicit firearm markets strongly contribute to illicit firearms trafficking. In several EU member states, the main sources for firearms on the illicit market are, however, not only located outside the EU, but can also be found in the member states itself (e.g. through theft or embezzlement) or in neighbouring EU member states. A crucial finding of our analysis is that European illicit firearms markets are mainly interlinked through criminal connections. The criminals, terrorists and gun enthusiasts who populate these markets have in recent years directly or indirectly

taken advantage of local and national differences, have exploited legal loopholes, or profited from the lack of cooperation between countries. It is important to stress that these actors have constantly adapted their *modi operandi* in reaction to regional, national, and European policy initiatives and law enforcement operations.

Although the large-scale trafficking of firearms into the EU is exceptional and the market is considered modest in size, it is important to keep in mind that firearms are enablers of various types of criminal – and even terrorist – activities. The presence of illicit firearms markets and the related availability of weapons therefore have far-reaching impacts on society. It is also important to keep in mind that firearms are generally durable goods whose lifecycles may last many decades. The overwhelming majority of firearms currently available on illicit markets in the EU were once legally produced, owned and traded, but have been diverted from the licit market to the illicit market during their lifecycles. The diversion of some of these firearms occurred several decades ago, while others were recently diverted. The continuous ‘ant trade’ of these firearms has resulted in an observed growing availability of certain types of firearms. As we will demonstrate, a common feature of illicit firearms markets in the EU is that they are generally closed markets, driven by criminal demand and with restricted access for people outside criminal networks. Yet this typical feature of European illicit firearms markets seems to have been under pressure in recent years due to a number of recent developments, such as the smuggling of military-grade assault rifles from the Balkans, the reactivation of deactivated firearms and the conversion of blank-firing guns.

In the following sections we will describe the main differences in and similarities of the various illicit firearms markets in the EU. In the first section we will analyse the difficulties in estimating the size of these markets (sec. 2.1). This will be followed by the findings on the demand for illicit firearms (sec. 2.2) and the characteristics of the various supply mechanisms for the illicit firearms markets in the EU (sec. 2.3). In the final section we will present the findings on the dynamics of these markets (sec. 2.4). These findings are primarily based on the comparative analysis of the results of the eight Project SAFTE in-depth country studies and the two neighbourhood analyses, but also on the exploration of the illicit gun markets in the other EU member states and interviews with international and EU actors involved in the fight against (terrorist access to) illicit gun markets in Europe.

## 2.1 Obstacles to estimating the size of illicit firearms markets in Europe

The size of the illicit firearms trade is believed to be lower in Europe than in many other parts of the world.<sup>216</sup> Europol has stated that the market for firearms in the EU remains modest in size,<sup>217</sup> but that the possession of firearms by criminals is rising.<sup>218</sup> It is, however, very difficult to back up these statements with quantitative data. A recent study on the options for combating illicit firearms trafficking in the EU commissioned by the Directorate General Migration and Home Affairs noted:

*“Reliably quantifying the problem of illicit firearms trafficking, and the source and destination of weapons, is intrinsically very difficult. By its very nature, illicit firearms trafficking is an illegal activity carried out by criminals or terrorists which is not captured by official statistics. The true scale of the problem is therefore impossible to quantify.”<sup>219</sup>*

Not surprisingly, a 2015 report on transnational firearms trafficking commissioned by the United Nations Office on Drugs and Crime stated that there are currently no reliable scientific estimates of the overall size of the global illicit trade in firearms, mainly due to a lack of systematic data collection on and monitoring of this security phenomenon.<sup>220</sup> Although the quality of official crime statistics in Europe is often considered less problematic than in other parts of the world, reliably estimating the size of European illicit firearms markets remains a very difficult endeavour, since the illicit trade in firearms is an illegal activity that is not captured by official statistics, while the available statistics are very often not good enough to use as a starting point for credible estimates. In the above-mentioned EU study the number of unregistered firearms in the EU was estimated at between 81,000 and 67 million by using two very different statistical approaches.<sup>1</sup> This very broad range clearly illustrates the problem of realistically estimating the extent of illicit firearms possession and trade in Europe.

Several elements currently obstruct the development of reliable estimates of the size of European illicit firearms markets based on official government statistics. Firstly, we cannot fully rely on these statistics on, for example, seized firearms or registered infringements of countries' firearms legislation. While this type of data

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<sup>1</sup> The first approach involved calculating the average percentage of illicit seizures as a proportion of total firearms for seven EU member states (which amounted to around 1%) and then using this percentage as an indicator for calculating the total EU figure based on the European Commission's estimate of 81 million licit and illicit firearms circulating in the EU. The second approach consisted of deducting the number of officially registered firearms from the existing estimate of total firearms possession in EU member states made by the Gunpolicy-website (and based on data from academic and government sources).

is available in many EU member states, there was general consensus among the interviewed law enforcement officials that these are unreliable indicators of the size of the illicit gun market and should be considered the lower limit of demand on this market. The real numbers of illicit firearms circulating in EU member states are considerably higher, and there will always be a significant 'dark number' of illicitly held firearms due to the clandestine nature of this phenomenon.

Secondly, official statistics on illicit firearms markets are strongly influenced by the priority given to the combating of this security phenomenon by law enforcement agencies. These statistics can therefore largely reflect the actions taken as a result of the priority given to the phenomenon rather than its actual extent. In other words, an increase in the number of seized firearms does not necessarily imply increased illegal possession or trade of firearms, but can also be merely a reflection of increased law enforcement actions to combat these illegal activities.

Thirdly, the data on seized firearms can also include legally held firearms that have been seized for various crimes and misdemeanours, ranging from murders to the illegal carrying of a legally held firearm, the failure to register a firearm or non-compliant storage. In Croatia, for example, only about 20% of seized firearms were seized in a criminal procedure.<sup>221</sup> If we wish to develop a better intelligence picture of the illicit firearms market, it is therefore crucial that data on seized firearms take into account as much as possible the specificities of the context of the seizure. Yet this is very often not possible or not done. In France, for example, the police reported that about 20% of seized firearms were seized in drug-related cases, but due to software limitations it is impossible to further break down the number of seizures by the specific type of crime and offence.<sup>222</sup> Austrian gun crime statistics, in contrast, are exceptionally comprehensive. In Austria the Ministry of the Interior collects and publishes data on 23 distinct types of crimes where a gun was fired, used to threaten someone or illegally carried.<sup>223</sup>

Fourthly, there are important shortcomings in the completeness and quality of the data on firearms seizures in many EU member states, but these states often make extrapolations based on the official statistics of law enforcement agencies. These shortcomings can be the result of poor registration procedures for seized firearms or reported infringements of the firearms legislation (generally due to a lack of firearms expertise of the law enforcement officers involved). In addition, some countries do not have a standardised collecting and reporting system for seized firearms. In Romania, for example, there appears to be no accepted inter-agency method of collecting, categorising and analysing such data. Importantly, this lack of uniform data collection is not only the case among the various agencies, but also within particular agencies. According to the Romanian police, little attention is given to the

systematic collection of gun-related data to support risk analysis because of the relatively low levels of gun crime in Romania, which has resulted in the authorities' not considering the illicit gun market and gun crime a significant security risk.<sup>224</sup>

Fifthly, in many law enforcement investigations that involve firearms but are not focused on illicit firearms trafficking (e.g. drug-trafficking cases or armed robberies), investigating how the suspects acquired their firearm(s) is not a priority. This means that law enforcement agencies often do not investigate the firearms-trafficking structures that underlie and enable other criminal activities. As a direct result, (additional, but unexplored) information on seized firearms that has a great deal of potential value is often not included in the collected data.

Sixthly, relevant data should not only be collected, but also effectively analysed. Law enforcement agencies with specialised firearms experts often do not have analytical procedures that extend beyond the tactical and operational level. Strategic analyses in the framework of developing a broader intelligence picture of the illicit firearms market and its specific dynamics and trends are in reality not a priority in many EU member states. Yet even if all the relevant data are correctly registered and time is invested in analysing this data, the databases involved are generally not designed to be used for analytical purposes.

The combination of several of these six elements usually makes it impossible to credibly and more accurately estimate the size of illicit firearms possession or the illicit firearms trade in most European countries. The problem with quantitative data on seized firearms can be illustrated by a description of the situation in Belgium (see Box 2.1).

The best national estimate for illegal firearms possession that we have encountered during the Project SAFTE research process was made in the Netherlands (see Box 2.2). This is no coincidence. In the past two decades the Dutch government has invested heavily in developing a better intelligence picture of illicit firearms trafficking in the Netherlands. Several studies have been undertaken on firearms-related problems, usually in collaboration with external researchers specialised in the topic. In this way the Dutch government has gathered a substantial amount of information about crimes involving firearms and illicit firearms trafficking. Often the analysis of these phenomena was carried out in the framework of the Dutch 'National Threat Picture' (*Nationaal Dreigingsbeeld*), which has the primary aim of supporting the selection of policy priorities in the national approach to tackling organised crime by law enforcement agencies, justice agencies and other partners. In addition, these threat analyses are meant to signal new developments. Interestingly, these threat analyses are not only used for internal purposes, but have

also resulted in publicly available in-depth studies, including on illicit firearms trafficking.<sup>225</sup>

### **Box 2.1: Difficulties in reliable estimating the size of the illicit firearms market in Belgium**

As in many other EU member states, it is currently impossible in Belgium to accurately estimate the number of illicitly held firearms on the basis of quantitative seizure data. In theory, the Belgian police seize every illicitly held firearm they encounter, and are also required to register information on each seized firearm in the Central Weapons Register (CWR). Yet, when comparing the various sets of official statistics, major discrepancies can be observed. Official police statistics indicate that the Belgian police services recorded almost 27,500 cases of illicit firearms possession between 2011 and 2015, which comes to an annual average of 5,500 recorded cases of illicit firearms possession.

This means that the figure of 5,500 illicitly held firearms can be considered the minimum number of seized firearms. This is firstly because police officers frequently write down only one *procès-verbal* even when one person illicitly owns several firearms. Secondly, previous analyses have indicated that the police do not record all firearms infractions as such (especially when they are detected in relation to crimes such as drug trafficking). Based on this observation, we can expect an annual figure of at least 5,500 seized firearms in the CWR. Yet between 2011 and 2015 this figure was considerably lower (1,780). This implies that, despite the obligation, only a minority of the firearms seized by the police are actually recorded in the CWR. In addition, previous analyses have indicated that these seizure data often contain technical mistakes.

It is clear that this lack of reliable official statistics not only seriously hinders the development of accurate estimates of illicit firearms possession or trade in the country, but also a proper (quantitatively based) analysis of the characteristics and dynamics of the Belgian illicit firearms market.

### Box 2.2: The 2005 estimate of the number of illicit gun owners in the Netherlands

In 2005 a population-specific estimate was made of the number of illegal firearms owners in the Netherlands based on the capture-recapture method. This is a statistical method that originated in the academic field of wildlife sciences, but is increasingly used in the social sciences to estimate the size of hidden or 'hard-to-reach' populations.<sup>226</sup> The method can be used to reliably estimate the number of illegal firearms in a particular country provided that good source data about the number of seized firearms are available. This study estimated the presence of approximately 54,000 illegal gun owners in the Netherlands between 2001 and 2003, including 21,800 illegal gun owners in the criminal drugs-trade business and 12,000 illegal gun owners involved in armed robberies.<sup>1</sup> A great deal of additional information on these various types of illegal gun owners is available, including the types of firearms in their possession.

One of the positive by-products of this proactive research-supported policy approach is that – compared to other EU member states – the Netherlands has a relatively well-functioning database of seized firearms. This proactive research approach is supported by the availability in the Netherlands of access to potentially very valuable sources of information such as completed police investigations and (internal) analyses carried out by investigative agencies; this access is guaranteed by law for the purposes of academic research. In addition, a large number of court rulings are included in the available data (all cases with a minimum sentence of four years of imprisonment). It is clear that such a proactive research-based policy approach, which is supported by relatively reliable and detailed quantitative data and by a high level of access to court rulings and investigation reports, provides ample opportunities for

<sup>1</sup> The 2005 capture-recapture estimate included people who were apprehended at least once in the period 2001-2003 for the illegal possession of firearms, and who belonged to one or more specific categories of criminal groups (those who are connected to the illegal drug-trafficking world, who were suspected of carrying out armed robberies and who were born in the Dutch Antilles). Taken together, the groups selected were involved in around 75% of the registered firearms offences in the Netherlands. There were 2,093 relevant suspects between 2001 and 2003; of these, 1,977 were apprehended once for a weapons-related offence, 105 were apprehended twice, eight three times, two suspects were apprehended four times and one suspect five times. Based on the analysis, it was estimated that these three groups together total at least 40,533 people who possess firearms, including both those who had been apprehended and an estimated figure for those who had not been apprehended. Given that these three groups represent 75% of the total number of registered firearms offences, the total estimate of illegal gun owners is approximately 54,000 people.

further developing a good and detailed intelligence picture of the characteristics, actors and dynamics of the illicit gun market in the Netherlands.

Yet even in the Netherlands the investigation of illicit firearms acquisition is not always given enough priority in the daily operations of local police agencies. This is mainly due to the limited size of the criminal illicit firearms market in the country compared to, for example, large-scale drug trafficking, and the view that firearms trafficking is a supplementary source of income for criminal groups that primarily focus on other illicit markets. It is therefore often assumed that firearms trafficking is automatically dealt with when other crimes are investigated. In addition, not enough investments have been made in maintaining and improving specialised firearms expertise within the relevant law enforcement agencies. Police firearms specialists currently have a primarily technical function: they are attached to forensics teams and focus mainly on examining seized firearms and properly describing them. Unfortunately, most of these specialists have little access to relevant investigation information, have excessive workloads (which involve correcting reports drawn up by law enforcement officers who have seized firearms but lack specialised knowledge about them), and have to work with record-keeping systems that do not support them sufficiently in their work. These problems have resulted in a decrease in the completeness and reliability of the collected data on seized firearms in recent years.<sup>227</sup>

Despite these problems of reliable data, we can conclude that in seven of the eight SAFTE country studies illegal firearms possession is lower than legal registered firearms possession. The only exception is Croatia, where the high level of illegal firearms possession is directly connected to weapons left over from the Homeland War in the early 1990s.

## **2.2 Demand for illicit firearms from criminals and gun enthusiasts**

In this section we will analyse the demand for illicit firearms from criminals and gun enthusiasts. An in-depth analysis of terrorist demand for and acquisition of firearms on the illicit firearms market will be given in Chapter 3 of this report.

### **2.2.1 Criminals**

Criminals are generally considered to be the most important drivers of European illicit firearms markets. It is important to keep in mind that the criminal demand



for firearms originates from many different types of criminals such as international drug traffickers, street drug dealers, armed robbers, urban youth gangs, thieves, members of organised motorcycle gangs, human traffickers, people involved in prostitution, etc. Our analysis demonstrates that different types of criminals are not only characterised by the possession and use of different types of firearms, but also by different acquisition patterns (see sec. 2.4).

Criminals' prime motivation for acquiring, possessing and using firearms is of an instrumental nature: many criminals perceive firearms as instruments that assist – and are sometimes crucial – in the carrying out of criminal activities, both as offensive tools (the threat of violence) and as defensive ones (providing protection). Another important reason for firearms possession among criminals is the status provided by the possession of (certain types of) guns. Especially the possession of top-brand firearms (such as Glock pistols) or military-grade firearms (such as Kalashnikov-type assault rifles) elevates criminals' status, since possessing such a weapon implies that the owner is engaged in serious criminal activities and has extensive criminal connections.

A symbiotic relationship seems to exist between criminal demand and firearms availability, which implies the existence of different types of illicit firearms markets among countries with very different criminal configurations. This can be illustrated by comparing criminal demand for firearms and the arsenals of criminals in the UK and Italy. Despite the presence of a fragmented firearms market in the UK, an estimated 750 organised crime groups and urban street gangs are 'involved with guns' in the country. Because of the 'patchy supply' of firearms, these groups are forced to buy what is on offer.<sup>228</sup> These criminals therefore generally possess firearms that are considered to be of a lower quality, such as converted handguns or antique guns. This is in strong contrast to the situation in Italy, where most organised crime groups can relatively easily access a wide range of firearms, with a general preference for pistols and AK-47 pattern assault rifles. While in the past some weapons exchanges have taken place between Italian organised crime groups, these groups currently acquire their own weapons, often with the assistance of partners from outside the country, and rely on their own arsenals, which usually contain a variety of firearms, including military-grade assault rifles and sometimes even rocket-propelled grenades. Yet not all Italian organised crime groups have such a wide variety of firearms at their disposal. Some, for example, also use converted firearms, and during periods of shortage some groups have also relied on Second World War-era firearms and even modified toy guns.

An important factor affecting the existence and nature of the illicit gun markets in EU member states is the presence of illicit drug trafficking in a particular country.

The Netherlands and Belgium are considered key entry points for the trafficking of hard drugs such as cocaine into Europe and the most important manufacturing sites of cannabis, amphetamine and ecstasy. According to the Belgian police, criminals involved in the wholesale production or large-scale trafficking of drugs are often armed with firearms, mainly (easier to conceal) handguns.<sup>229</sup> Dutch research has found that drug-trafficking criminals perpetrate 40% of firearms crimes. Yet important differences in firearms possession and use can be observed within the drug-related world between members of organised crime groups involved in the production and trafficking of hard drugs, people involved in the production of cannabis and its distribution through coffee shops, street dealers, and hard drugs addicts (see sec. 2.4, below).<sup>230</sup>

Another important type of criminal activity affecting illicit firearms market in Europe involves organised motorcycle gangs (OMG). Europol recently stated that the number of OMG in Europe has doubled since 2005. Because of their involvement in numerous criminal activities – such as kidnappings, human and drug trafficking, extortion, and money laundering – and convictions for assault and (attempted) murders, these OMG are considered a national threat and a national policing priority in 17 EU member states.<sup>231</sup> A number of OMG are also very active in several of the countries studied in Project SAFTE, such as Denmark, Belgium and the Netherlands. Several Dutch and Belgian OMG, for example, have set up local chapters especially in the – strategically important – border area between their countries. These OMG are often suspected of drugs production and trafficking. They are also notorious for their use of extreme violence, which is often combined with the possession of firearms. Although this violence is in general primarily directed against rival gangs, they are also believed to have used their reputation for extremely violent behaviour to boost their general status in the criminal world. Not surprisingly, during police investigations into these OMG Dutch and Belgian law enforcement forces have seized a wide variety of firearms, including handguns, sub-machine guns, assault rifles and hunting rifles (some with sawn-off barrels). Hand grenades and rocket launchers have also been seized from OMG. This clearly shows that they have better acquisition networks and wider access to firearms and other types of weapons than most other types of criminals or criminal groups in these countries. OMG use firearms not only for instrumental reasons, but also as a form of merchandise. In the Netherlands, members of OMG, for example, have been convicted in at least two cases of firearms trafficking since 2012.<sup>232</sup> According to Europol, the main driver for OMG to expand is the desire to increase their role in particular criminal markets by opening chapters in strategic locations, for instance along weapons-trafficking routes. It is important to highlight that, given Project SAFTE's focus on terrorist access to firearms, OMG are known to specifically recruit

members of prison gangs, right-wing extremist groups, the hooligan scene, and the military in order to draw on their specialist knowledge and skills.<sup>233</sup>

### 2.2.2 Gun enthusiasts

In several of the EU member states included in this study, a significant proportion of the illicitly possessed firearms are in the hands of private citizens who have no criminal or terrorist motives. These are individuals who solely possess firearms without the necessary permits. In some cases, for example in Belgium, this illicit possession is a direct result of changes in legislation. A similar situation can be observed in France, where undeclared hunting and other firearms are inherited from generation to generation and constitute a significant share of illicit firearms possession. In addition, a number of 'compulsive collectors' have accumulated large illegal firearms caches.<sup>234</sup>

It is important to keep in mind that gun enthusiasts who own illegal guns but have no criminal or terrorist connections have different security implications than those who do have such connections. In France, official press releases and media articles frequently report on seizures of several dozen weapons, which sometimes also include prohibited items such as rocket launchers and mortars, from these types of gun enthusiasts.<sup>235</sup> Our analyses have further indicated that in Denmark some gun enthusiasts even organise informal garage sales of unregistered weapons. Although these weapons are generally only sold to other gun enthusiasts without criminal intent, the items sold sometimes include military-grade weapons such as hand grenades and mortar shells.<sup>236</sup>

In several country studies the interviewed national key actors stressed the role of arms fairs in illicit firearms trafficking. For example, in 2015 Italian police uncovered an arms-trafficking ring that stole firearms from a military stockpile in Croatia and sold them at an arms fair for collectors in Slovenia,<sup>237</sup> while in France a number of arms fair sellers have been caught displaying prohibited Category A firearms, including magazines and hand grenades.<sup>238</sup> In Belgium, arms fairs also have a bad reputation among specialised law enforcement agencies because of identified trafficking cases.<sup>239</sup>

## 2.3 Supply mechanisms for illicit gun markets

Our comparative analyses of the SAFTE country studies clearly demonstrate that firearms enter illicit firearms markets in various ways in the EU. Yet a number of supply mechanisms can be identified as the main mechanisms: cross-border smuggling, diversion through thefts, the conversion of replicas, and the reactivation of deactivated firearms.

Our analysis demonstrates that each of the various supply mechanisms is characterised by its own dynamics and presents specific policy and law enforcement challenges. In the following sub-sections we will describe the main characteristics and dynamics of each supply mechanism and illustrate these analyses with examples.

### 2.3.1 Illicit production

According to the EU Firearms Directive, producing and assembling firearms without the proper national authorisations are illegal.<sup>1</sup> In general the illicit production of firearms is not an important supply mechanism for illicit firearms markets in the EU. Seizure data from the Netherlands, for example, indicate that around 5% of the firearms seized never had a legal status and were thus illegally manufactured.<sup>240</sup> In none of the SAFTE country studies was the illicit production of firearms mentioned as a major supply mechanism. Yet this does not mean there are no problems with this type of production. In this section we will describe three main methods of illicit production and their prevalence in the EU: illicit craft production, the illicit assembly of firearms from components and 3D printing.

#### Illicit craft production

Croatia has a reputation as a significant illicit-firearms-producing country among the law enforcement agencies of various EU member states. This illicit production is generally a legacy of the firearms production activities during the wars that ravaged the country in the 1990s. This can clearly be illustrated by the recent conviction of several members of a Croatian family for producing illicit firearms. The family was involved in repairing and producing firearms for several decades. During

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<sup>1</sup> Article 1 of the EU Firearms Directive (as amended in 2017) defines ‘illicit manufacturing’ as ‘the manufacturing or assembly of firearms, their essential components and ammunition: (a) from any essential component of such firearms illicitly trafficked; (b) without an authorisation issued in accordance with Article 4 by a competent authority of the Member State where the manufacture or assembly takes place; or (c) without marking firearms at the time of manufacture in accordance with Article 4’.

the wars in the Balkans a family member started to produce a sub-machine gun called an 'Agram' to fulfil the domestic need for firearms. This gun was later improved and sold as the 'Agram 2000', based on the Beretta Model 12. After the war the family was not given a manufacturing licence, but continued to produce weapons. Police investigations were carried out after several murders were committed with Agram guns and the illegal firearms factory was closed.<sup>241</sup> The findings of the SAFTE country study on Croatia further indicated that this was one of the major illicit firearms producers in the country, but a few smaller firearms factories were also active during the war. Although these factories were closed, some of the weapons they produced can still be encountered on the illicit gun market.<sup>242</sup> In recent years law enforcement agencies from various EU member states have seized 'R9-ARMS CORP USA' sub-machine guns in the criminal underworld, even though there is no such company in the United States. These firearms were first seized in the Netherlands in 2012. Since 2014 fake R9 Arms sub-machine guns have also been seized in France and through a Dutch link in Germany, Belgium and the UK. French and Dutch law enforcement agencies believe that these firearms were produced in Croatia.<sup>243</sup>

However, in most EU member states, illicit production is not a significant source of supply to the illicit firearms market. In Romania, for example, only a small number of cases were discovered in the period 2010-2016. Illicit production in the country is believed to be connected to private artisanal workshops of profit-driven individuals with firearms expertise.<sup>244</sup> In other EU member states, illicitly produced firearms are encountered more regularly. In the Netherlands, for example, several dozen of these firearms are encountered annually and seem to be largely the products of 'cottage industries' abroad. In some cases there are indications of the production of these weapons in illegal industrial workshops. In the 1980s 'brand replicas' of Belgian handguns, for example, regularly appeared in the Netherlands. Brand replicas are firearms that are illegally produced and imitate real existing models of firearms of various well-known brands. In this case the handguns were identical to some of the models legally produced and sold by Belgian firearms producer FN Herstal, but without serial numbers or proof marks. Police investigations revealed that a number of employees had stolen firearms components from the FN Herstal factory in order to assemble them at home and then sell them on the illicit firearms market.<sup>245</sup> In the past, cheap Bulgarian hand-made weapons have also been discovered on the illicit gun markets in countries such as Greece, Spain and the Netherlands.<sup>246</sup>

Fake Intratec TEC-9 sub-machine guns are another previously unknown 'brand replica' that have been seized in significant numbers from criminal groups across the EU, most notably in Italy and the UK. These 9 mm sub-machine guns, which

have been observed in at least two different sized variations, are deceptively marked 'Intratec TEC9'. Given that these guns only bear a cursory resemblance to the original model, this marking is believed to be merely a marketing trick to increase the weapon's reputation and street value. The brand replica appears to have been assembled from several components of the Zagi M91 sub-machine gun (a 'modernised' copy of the British 9 mm STEN gun) that was produced in Croatia during the Balkan wars. This suggests that the fake Intratec TEC-9 guns are produced by individuals who were previously involved in the production of M91 guns, or at least have access to surplus components.<sup>247</sup>

### Illicit assembly of firearms components

People wanting firearms have exploited differences in national firearms legislation on firearms components by ordering components online from countries with less legal restrictions and typically having them shipped to them by regular mail or courier services. According to law enforcement officials, the lower weight of these components makes them harder to detect than complete firearms and they are often shipped in packages that contain old electronics material to decrease the risk of detection.<sup>248</sup>

Dutch law enforcement agencies noted that local criminals have been experimenting with new trafficking methods, including the online ordering of firearms components. This type of trafficking has increased considerably since 2012 and it is believed that both high-level and petty criminals use this method. This type of trafficking is attractive because the components can be acquired cheaply and with relatively little risk of detection, and assembling them into a firearm does not require much expertise.<sup>249</sup>

An important source country for these components is the United States. Several cases of the trafficking of components from the United States to EU member states have been detected in recent years.<sup>250</sup> US firearms dealers are no longer allowed to send firearms components to international addresses, but several ways to circumvent this restriction have also been detected.<sup>251</sup> It is also important to note that some of these components can be legally bought in other EU member states. French law enforcement officials, for example, noted that it is possible to purchase the slide for a Glock pistol in Austria, its receiver in Luxembourg and the barrel in the United States.<sup>252</sup>

### 3D printing

Europol has warned that technological progress will make 3D printing widely available in the future, offering new opportunities for illicit firearms production and trade. However, in the short term it is not considered likely to grow into an important source of weapons because of the technical complexity involved in this type of printing and the availability of high-quality firearms that can be acquired for lower prices on the illicit firearms market.<sup>253</sup> Experts have pointed to the low strength of materials that 3D printers are able to generate (e.g. plastic barrels).<sup>254</sup> Not surprisingly, cases of 3D-printed firearms have not been observed in the eight SAFTE country studies.

It is important to keep in mind, however, that 3D printing has some important advantages to offer, especially for terrorists planning an attack, since they only need to use 3D-printed firearms once. Existing 3D-printed firearms have proved to be able to fire up to 14 rounds, which is often enough for an attacker wishing to carry out a terrorist attack. In addition, 3D-printed guns are difficult to control and almost impossible to trace or detect, since the only component made from metal is the firing pin.<sup>255</sup> Firearms made from plastic are difficult to detect by airport security systems.

#### 2.3.2 Domestic procurement through diversion

##### Historical legacies

The main source of firearms on the illicit firearms market in some EU member states is historical legacies, especially in post-conflict situations. In Croatia, for example, most illegally held firearms initially ended up in civilian hands during the Homeland War, mainly for self-protection purposes. Similarly, in Northern Ireland, the relatively high level of illicitly held firearms can be directly attributed to the 'The Troubles' in previous decades. One of the consequences of these historical legacies is the presence of rather large and diverse pools of firearms that can be diverted into the criminal world.

Available historical legacy weapons do not only date back to armed conflicts in the recent past, but also much further back. Due to their durability, many types of firearms remain operable for a very long time. The security risks associated with these weapons thus remain for many decades. This underlines the importance of the implementation of well-planned, effective programmes to deal with surplus weapons. In several EU member states, for example, criminals still use firearms

from the Second World War. Until the 1980s mafia groups in Italy, for example, regularly used firearms that were left behind by US soldiers at the end of the Second World War. Today, weapons left behind after the war still make up a significant share of the illicit firearms in countries such as France<sup>256</sup> and Denmark.<sup>257</sup>

In Belgium, there is consensus among the judicial and police services that the largest group of illegal firearms owners are people without any connections to criminal or terrorist networks who purchased their firearms legally in the past, but no longer meet the conditions for their legal possession. The presence of such a large group of illicit firearms owners is mainly the result of the severe tightening of the Weapons Act in 2006, through which many hunting and shooting weapons that could previously be freely bought on the mere presentation of a valid identity card became subject to licensing requirements. Many firearms owners failed to comply with the new rules, but continued to illegally own their firearms. However, a number of them have also illicitly sold on their weapons, and in this way (an unknown number of) firearms have found their way onto the illicit firearms market and thus have possibly ended up in the hands of criminals.<sup>258</sup>

### Theft

In several EU member states, theft is currently considered a primary source of firearms that end up on the illicit firearms market. In Italy, for example, thefts are one of most important ways through which organised crime groups obtain firearms. Although a significant number of them are 'fake thefts' used to embezzle firearms, real thefts have also fuelled the Italian illicit firearms market. Seized firearms from organised crime groups also include firearms that were stolen from private citizens, armouries or private security guards. Interestingly, it was mentioned during our study that stealing a firearm from a private security guard is sometimes a way of testing the courage of people wanting to join organised crime groups.<sup>259</sup>

Information on the number and details of stolen firearms is not always publicly available. Table 2.1 gives an overview of the collected data on the number of stolen firearms in the SAFTE country studies. It is clear that significant differences can be observed in the number of stolen firearms in various countries: while in the Netherlands only about 300 firearms and in the UK fewer than 700 firearms are stolen annually, this number exceeds 10,000 in France. This difference can partially be attributed to differences in population size between these countries, but also to differences in the level of (generally legal) firearms possession: while 16% of households in France are believed to own a firearm, this figure is only 6% in the UK and 5% in the Netherlands. Furthermore, given that the types of firearms that can be



legally possessed in these countries also differ strongly (mainly handguns for sports shooting in the Netherlands and mainly shotguns for hunting in France and the UK),<sup>260</sup> we can also assume that the types of firearms stolen in these countries can differ significantly.

**Table 2.1: Number of stolen firearms and sites of thefts in the eight SAFTE country studies**

Country (year)	Total number of stolen firearms	Sites of thefts
Belgium (2015)	Minimum 827 <sup>1</sup>	Legal gun owners, manufacturers, arms dealers, state stockpiles, destruction sites
Croatia	Unknown	State stockpiles
Denmark (2012-2016)	More than 1,000	Legal gun owners, shooting clubs, civilian militias
France (2015)	10,572	Legal gun owners, arms dealers, arms fairs
Italy	Unknown	Legal gun owners, manufacturers, arms dealers, state stockpiles, private security guards
The Netherlands (2014)	300	Legal gun owners, arms dealers, shooting clubs
Romania	Unknown	Legal gun owners, state stockpiles
UK (2015-2016)	692	Legal gun owners, state stockpiles

Most of the SAFTE country studies indicated that the majority of thefts occur in the private homes of gun owners. These gun theft statistics, however, need to be interpreted with caution, given that some recorded thefts are in reality cases of embezzlement, whereby legal gun owners officially declare a firearm stolen in order to keep them illegally. This type of embezzlement is believed to be especially popular after the adoption of new regulations aimed at restricting legal access to certain types of firearms.<sup>261</sup> Besides thefts from legal gun owners, thefts have also been observed from facilities connected to the legal firearms market (e.g. gun stores, shooting ranges and production sites) or government stockpiles (armed forces, law enforcement agencies and weapons destruction sites).

<sup>1</sup> There were 827 recorded cases of firearms thefts in Belgium in 2015, but since a recorded theft refers to at least one stolen firearm but possibly more, the total number of stolen firearms is in reality higher.

Our analysis strongly suggests that the *modi operandi* of firearms thefts differ significantly depending on the location. On the one hand, there are thefts from private homes, which are generally random thefts that involve small quantities of weapons stolen at one specific time by thieves not necessarily looking for firearms, but for valuable goods in general. In these cases the thieves found the firearms by accident and either kept the stolen firearms themselves or sold them to intermediaries who were known to buy and sell firearms. On the other hand, there are thefts from other locations (especially gun stores and government stockpiles), which are generally more organised operations with the aim of stealing large quantities or specific types of firearms. Despite this general distinction, it is important to highlight that a number of thefts from private homes have also been organised with foreknowledge and are aimed at acquiring specific types or large quantities of firearms. Firearms collectors, who often own large quantities of sometimes very sophisticated (and expensive) firearms, are often the targets of these types of targeted thefts. In June 2011 in France, for example, well-informed thieves stole a crate containing more than 80 kg of firearms and one filled with ammunition from a professional sports shooter.<sup>262</sup> Similar thefts of firearms safes have been observed in Germany, for example.<sup>263</sup> Security guards or civilian militias have also been the target of specific thefts, given that they are sometimes allowed to possess military-grade firearms.

In the following sub-sections we will analyse the different types of firearms thefts from facilities connected to the legal firearms market and from government stockpiles.

#### ***Thefts from facilities connected to the legal firearms market***

In recent years firearms factories have been the target of organised thefts. In Belgium, firearms producer FN Herstal, for example, has been the victim of thefts that involved its own personnel stealing, among other things, sub-machine guns.<sup>264</sup> In 2016 two employees from an arms factory in the Stara Zagora region in Bulgaria were arrested as part of a larger trafficking network.<sup>265</sup> In the past, firearms factories have also been the target of thefts in Italy.<sup>266</sup> The presence of large-scale legal manufacturing of firearms in a country provides potential for diversion into the illegal gun market (but does not automatically imply that it occurs). In Croatia, for example, there were no known disappearances of firearms from the manufacturing and storage facilities of firearms producer HS Product in the last 17 years. This example underlines the importance of the development and implementation of high-quality security standards to regulate the manufacturing, marking and monitoring process of these firearms.

Thefts from gun stores, arms fairs and shooting clubs have also been identified in several EU member states. In France, for example, thefts from gun stores occur relatively frequently, but an exact figure for the number of thefts and the numbers and types of stolen firearms is not available. According to French law enforcement agencies, there are frequent reports of local criminals stealing some of the firearms on display at the more than 300 arms fairs that are annually organised in France. In addition, there have also been cases of the theft of firearms (including AK-74 assault rifles, PPSH41 sub-machine guns, Famas rifles, and pistols) that were improperly stored by movie companies.<sup>267</sup> In Denmark, shooting clubs generally hold large firearms stocks, since two-thirds of the current 75,000 members of Danish sports shooting clubs are not allowed to take firearms home. In addition, members of shooting clubs are not subject to prior background checks because of the 'freedom of association' principle in Danish law. This means that criminals can join sports shooting clubs in Denmark and therefore have rather easy access to places where they can learn how to handle a firearm and improve their shooting skills. In recent years Danish police intelligence has found that criminals have become more skilful at handling weapons in the past few years, and the police believe that this is partly the result of easy access to shooting clubs. However, this situation also enables criminals to gain information about a shooting club's security arrangements, such as the location of storage rooms and surveillance cameras, which makes it easier to steal firearms from these clubs in Denmark.<sup>268</sup>

In most of the analysed country studies thefts from government stockpiles were believed to be quite limited. In Romania, for example, only one case of firearms theft from the stockpiles of the country's armed forces has been documented in recent years (the theft of 62 firearms, including a machine gun and 20 military-grade assault rifles, in 2009).<sup>269</sup> In Croatia, however, especially smaller state stockpiles – for example, in local police stations and lower-level military units – have less stringent security measures and several of them have experienced thefts in recent years. Besides handguns, these thefts have also included machine guns. In Italy, corrupt officials are also considered as significant actors in the illicit supply of firearms by stealing firearms from official stockpiles and selling them to organised crime groups.<sup>270</sup> In 2017, for example, Italian authorities discovered the theft of several types of firearms, including various types of military-grade assault rifles, at an army base in Padova in which several employees were involved.<sup>271</sup> In France, a number of law enforcement officers have been caught hiring out service weapons to local armed robbers.<sup>272</sup> Although the theft or loss of firearms from armed forces' stockpiles has not been identified as a significant source for the illegal firearms market in the UK, a number of recent high-profile cases have drawn attention to the potential risk of military personnel stealing firearms and ammunition and selling automatic weapons. In 2016, for example, a Royal Marines reservist was caught in a

sting operation attempting to sell a C8 automatic assault rifle, a semi-automatic SIG Sauer P226 handgun, thousands of rounds of 5.56 mm and 9 mm ammunition, and hand grenades that he had stolen from a military base.<sup>273</sup> Thefts of firearms and/or ammunition from state stockpiles have also been recorded in recent years in other EU member states, for example Estonia,<sup>274</sup> Portugal<sup>275</sup> and Slovakia.<sup>276</sup>

Firearms **destruction sites** in the EU are also believed to have been the target of thefts. In October 2016 the director of the Belgian Proof House was arrested on suspicion of firearms trafficking. The police believed that he exploited the lack of a reliable inventory system at the Proof House to embezzle 260 firearms that were supposed to be destroyed.<sup>277</sup> In Italy, firearms destruction sites were also explicitly mentioned as an important security risk.<sup>278</sup>

Interestingly, thefts have also occurred among members of civilian **militias**. The Danish Home Guard ('Hjemmeværnet'), for example, is a volunteer military organisation that aims to contribute to the defence and protection of the country by providing a credible and flexible capability to train military volunteer forces. Men and women from the age of 18 can apply for membership of the Home Guard, and a military background is unnecessary. In October 2014 the Danish Home Guard had 46,651 members.<sup>279</sup> About one-tenth of these members (4,328) have a weapon stored at home, and these weapons have also been the target of thefts. The perpetrator of the terrorist attack on the Krudttønden Café in Copenhagen in February 2015, for example, specifically (and successfully) targeted a Home Guard member and stole his automatic assault rifle (see sec. 3.6, below). After this terrorist attack the Home Guard weapons were temporarily stored in a central storage facility and the procedures for storing the weapons at home were made stricter (now each home-stored weapon requires a chamber lock that can only be unlocked with a key or code, and any attempt to remove the lock without the key will make the weapon inoperable).<sup>280</sup>

### Embezzlement

Individuals have diverted firearms from the licit to the illicit sphere through various types of embezzlement. In Belgium, for example, many gun owners have falsely reported a firearm as 'stolen' or 'lost' to the police, especially in the period after the tightening of the country's 2006 Weapons Act. In addition, cases of embezzlement have also been observed that involved the use of forged import licences enabling a number of criminals to acquire hundreds of firearms directly from a legal gun manufacturer, or involved authorised arms dealers who staged false legal exports or domestic sales that allowed them to sell the weapons illicitly to criminals.<sup>281</sup>

Various embezzlement methods have been observed in Italy. Criminal groups frequently obtain firearms from the legal market by using so-called 'straw purchasers'. This mainly involves legal gun owners who acquire firearms with the necessary permits from legal arms dealers on behalf of the criminal groups. Once they have acquired these firearms they usually erase the serial numbers and then report the firearms as stolen or lost. According to some estimates, almost 70% of the thefts of legally owned firearms held by private citizens in Campania had been faked. Since these straw purchasers can only be used once and for only one firearm without arousing suspicion, organised crime groups tend to rely on more organised supply mechanisms to acquire their firearms arsenals. Yet fake thefts like these are considered an important method for Italian organised crime groups to obtain firearms, especially 'clean' firearms that can be used for, for example, homicides. Such fake thefts have not been limited to private citizens, but also involve authorised gun shops. Interestingly, the Italian police stated that until the 1990s a number of 'Cosa Nostra gun shops' were active in Sicily. These gun shops were managed by frontmen who sometimes faked a theft and transferred the 'stolen' weapons to the criminal group they were associated with. This practice has been halted due to a better screening of (potential) arms dealers and tightened controls on gun stores.<sup>282</sup>

In recent years a number of corrupt authorised arms dealers have been caught illegally selling firearms in the UK. In 2014, for example, an authorised arms dealer from Norfolk was arrested for illegally selling at least 26 firearms to a person who was later investigated in an alleged assault case, while in 2017 the police found ten sawn-off shotguns in the vehicle of a registered arms dealer from Birmingham.

In the Netherlands, few cases of firearms embezzlement have come to light. Yet firearms that have been embezzled in neighbouring countries have ended up on the illicit firearms market and in criminal hands in the Netherlands. Between 2003 and 2008, for example, the Dutch police seized 203 Glock pistols with erased serial numbers that originated from a licensed German firearms dealer. His modus operandi involved creating a paper reality in which he made it appear that he had converted 9 mm Glock pistols into 3 mm M20 pistols (which use air pressure to fire a cartridge) that can be legally sold without the buyer having a firearms licence. In his gun register he recorded that these weapons had been converted, but in reality he sold them, and these live-firing weapons ended up in the criminal underworld. In total, this licensed arms dealer embezzled more than 4,500 firearms between 2001 and 2006.<sup>283</sup>

### Conversion of non-lethal-purposed imitation firearms

Non-lethal-purposed imitation firearms such as blank-firing guns (alarm weapons), gas pistols and trauma guns can be used in their original state to perpetrate certain crimes, since often criminals only use firearms to threaten victims or rivals. Yet a significant number of the non-lethal firearms that are available on illicit firearms markets in Europe can easily be converted to fire live ammunition. Since the registration of these non-lethal firearms is only required in about half of all EU member states,<sup>284</sup> it is impossible to estimate the number of these firearms that are currently owned in the EU. The share of non-lethal-purposed imitation firearms that can easily be converted is even more difficult to determine.<sup>285</sup>

The SAFTE country studies indicate that converted blank-firing guns are widely available on the illicit gun markets in several EU member states. Since the end of the 1990s the trade in blank firers has attracted a lot of law enforcement attention in the Netherlands, which has resulted in several targeted investigations. Data until 2012 indicate that between 100 and 275 converted firearms were seized each year.<sup>286</sup> A strong increase in the availability of converted replicas has also been observed in several other EU member states since the early 2000s. In this period the converted blank firers were often originally produced in Italy. Especially converted Tanfoglio blank firers (in particular the GT28 model) were often found among criminals. Of the 1,276 blank firers that were seized in the Netherlands between 2002 and 2006, 1,229 were converted firearms and 758 were Tanfoglio guns.<sup>287</sup> Research into the trafficking of the converted blank firers to the Netherlands has demonstrated that many of them were converted in workshops in Portugal.<sup>288</sup> These converted firearms were especially popular among ethnic Antillean street gangs in the Netherlands.<sup>289</sup> In reaction to the observed ease with which these firearms could be converted and ended up in the hands of criminals across Europe, the Italian manufacturer stopped the production of the GT28.

Besides the Tanfoglio guns, the other converted alarm weapons that were mainly being seized in Europe prior to 2010 were manufactured in Germany (Umarex and Rohm), Italy (BBM) and Russia (Baikal).<sup>290</sup> In the UK, for example, the smuggling of converted blank-firing guns mainly involved Baikal pistols that were converted in Lithuania and then smuggled into the UK by Lithuanian criminal gangs. This reached its peak in 2005-2009, and it is believed that this trafficking method was successfully blocked in 2009-2010 after UK-Lithuanian cooperation. In recent years, however, new smuggling cases of converted Baikal pistols from Lithuania were uncovered by law enforcement agencies.<sup>291</sup>

Converted Turkish-made blank-firing guns have also recently been a particular security concern. Since 2010 Turkish-made guns (especially Ekol and Zoraki brands) seem to have become the most prevalent converted blank-firing guns in the EU.<sup>292</sup> In France, for example, 41 of the 72 seized blank-firing firearms examined by the gendarmerie's IRCGN between November 2015 and October 2016 were of Turkish origin,<sup>293</sup> while in Sweden converted Turkish-made blank firers were used in about 11% of all gun crimes in recent years. A similar picture has emerged from other EU member states. These Turkish-made replicas are believed to be especially attractive for criminals because they are near replicas of real firearms, while some models can very easily be converted and are readily available.<sup>1</sup> In addition, they are cheap, small in size and weight, and have superior structural strength.<sup>294</sup> In recent years forensic agencies have even identified Turkish-made blank-firing handguns that were converted into fully automatic weapons.<sup>295</sup>

Given that only basic engineering skills and tools are needed to convert some of these non-lethal firearms, those doing the conversions are often not members of organised crime groups, but operate independently.<sup>296</sup> The conversion of these blank-firing guns takes place in a range of countries across the EU. In some cases the owners of these converted replicas have converted the weapons themselves (e.g. with the assistance of online training videos) after purchasing the weapons abroad or on the internet. Sometimes the conversion occurs on a larger scale. In France, for example, clandestine conversion workshops are regularly dismantled,<sup>297</sup> while in the Netherlands three criminal groups are believed to have bought hundreds of Turkish-made alarm pistols online from Bulgaria and converted them in the Netherlands before selling them locally.<sup>298</sup> Converting these firearms in the destination country can be attractive for traffickers because of lower smuggling risks.<sup>299</sup> In other cases the conversion of these replicas is done abroad before they are trafficked into the destination countries. In countries such as Albania, Kosovo and Macedonia, conversion workshops exist that are often managed by organised crime groups.<sup>300</sup>

Interestingly, in several countries, such as Belgium, original and converted blank firers are mainly encountered among drug-related criminals and petty offenders.<sup>301</sup> Yet converted blank firers have also been used in more serious criminal activities.<sup>302</sup> In Italy, for example, a number of organised crime groups have even used modified toy guns.<sup>303</sup> There are some indications that the availability of converted replicas is on the rise. While the availability of these firearms remained quite stable in

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1 According to a recent Small Arms Survey study, readily convertible Turkish alarm pistols have also been identified as a problem in Turkey itself, leading to stricter regulations. However, until recently, these stricter rules did not apply to alarm pistols exported from Turkey (Florquin, N. & King, B. (2018), *From legal to lethal: Converted firearms in Europe*, Geneva: Small Arms Survey).

countries that have had a significant problem with these firearms for many years, for example the Netherlands,<sup>304</sup> their increased availability can be observed in a number of other countries, such as Denmark.<sup>305</sup> According to a recent Small Arms Survey study, the phenomenon of converted firearms may be more apparent in EU member states with more restrictive gun laws, but converted non-lethal firearms are attractive alternatives to real firearms across Europe because they are easily accessible and cheap.<sup>306</sup>

The availability of converted replicas on illicit gun markets is clearly not limited to Western and Northern European countries. Publicly available data in Romania clearly demonstrate that the type of firearms most commonly found and seized by the police are easily convertible blank-firing firearms, especially Turkish-manufactured blank firers. Not surprisingly, the most frequently found blank firers are also the most prone to conversion (Ekol Voltran and Atak Zoraki). The conversion methods identified in Romania are the same as those found in other parts of Europe. Criminal cases involving the use of converted blank-firing guns have been encountered in Romania since 2010. These guns are mainly used by criminals for protection, or to threaten victims or members of rival crime groups. In recent years the use of these firearms has been observed in various parts of the country and in various criminal contexts (such as the illicit drug trade, extortion or gangs).<sup>307</sup>

The relatively easy availability of (converted) blank firers in Romania is directly connected to the situation in Bulgaria. Most of the blank firers that are illicitly owned or available on the illicit market in Romania are trafficked from Bulgaria. Easily convertible blank firers can be bought legally in Bulgaria. Bulgaria allows the buying of non-lethal firearms directly from a shop without any obligation other than entering the buyer's personal data in the shop's register, submitting a request for a permit to the Bulgarian authorities and declaring the firearms to the Bulgarian police within seven days of the date of acquisition. These Turkish-made blank firers on sale in Bulgaria are attractive weapons for criminals in Romania because they are cheap (about €70 for a new blank firer), look like real live-firing guns and can easily be converted. Interestingly, some conversions observed in Romania can also be reversed very easily, making it very difficult to prove earlier conversion. This is an important advantage for criminals in Romania who are in possession of these guns, since Romania has strict rules and heavy penalties for the illicit possession of live-firing firearms: once firearms have been used, criminals can easily convert them back to blank firers and thus reduce the risk of heavy penalties.<sup>308</sup>

Besides those already mentioned, EU member states in which significant numbers of converted blank-firing firearms have been seized in recent years include Bulgaria,<sup>309</sup> Germany,<sup>310</sup> Latvia,<sup>311</sup> Lithuania,<sup>312</sup> Luxembourg<sup>313</sup> and Sweden.<sup>314</sup> Interestingly,



the presence of converted blank-firing guns can also be observed in countries such as Croatia where a broad range of firearms are readily available, including military-grade assault rifles.<sup>315</sup> Converted blank-firing guns are also readily available in Libya and Ukraine, where one can observe the widespread proliferation of assault rifles. Because of their very low prices, these blank firers are popular on the illicit gun market.<sup>316</sup> In addition, 25,000 Turkish-made blank firers (mainly Ekol Tuna guns) have recently been seized at the port of Kismayo in Somalia, and these weapons have been circulating across the African continent in countries such as Burkina Faso, the Central African Republic, Chad, Ghana, Kenya, Mauritania and Niger.<sup>317</sup>

The proliferation of easily converted blank-firing guns in the EU is clearly linked to inconsistencies in national legislation dealing with such guns across EU member states. Because there are no common technical guidelines, differences exist in national authorities' assessment of the 'convertibility' of such guns. Also, there are great differences in registration and licensing requirements among member states.<sup>318</sup> In an attempt to close these loopholes, the EU amended the EU Firearms Directive by stating that member states need to take measures to ensure that non-lethal-purposed imitation firearms are not capable of being converted to live-firing firearms and that firearms that can be converted need to be classified as real firearms.<sup>319</sup> In the coming months the European Commission will adopt technical specifications that determine whether conversion is possible.

In recent years several law enforcement operations have also been set up to tackle the trafficking of converted blank-firing guns. Operation Bosphorus, developed under the EMPACT Firearms Operational Action Plan 2015 targeting Turkish-made blank-firing handguns that were being trafficked into the EU via Bulgaria, was the first known Europe-wide joint law enforcement operation to deal with this security phenomenon. With operational and analytical support from Europol and coordinated by Romania, a series of international police actions were undertaken in ten EU member states. During this operation 245 people were arrested across the EU and 556 blank-firing handguns (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 were seized.<sup>320</sup>

### Reactivation of firearms modified not to fire live ammunition

The reactivation of deactivated handguns and automatic firearms can be considered one of the most important ways in which firearms have ended up on illicit gun markets in Europe in recent years. Until recently the EU Firearms Directive stated that firearms that *"have been rendered permanently unfit for use by deactivation,*

ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way” did not fall under the definition of ‘firearms’ and were therefore not part of the scope of the directive. This means that, until recently, deactivated firearms could be bought legally without an authorisation and often even without any form of registration in most EU member states. Excluding deactivated firearms from the scope of the directive was motivated by the belief that deactivated firearms can no longer be fired and therefore do not pose a security risk. The problem was, however, that not all EU member states implemented effective national procedures to deactivate firearms. Although the European Commission stated in 2008 that it would issue ‘common guidelines on deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable’, this did not happen until late 2015, in the aftermath of the Paris terrorist attacks (see sec. 1.3.2, above).

The Small Arms Survey has identified the reactivation of three main types of firearms that have been modified so as to be unable to fire live ammunition:

- *deactivated firearms*: real firearms that were rendered permanently unfit for use;
- *acoustic expansion weapons*: real firearms that were modified to be unable to fire a solid projectile; and
- *Flobert conversions*: real firearms modified to ‘Flobert’ calibres (4 mm and 6 mm).<sup>321</sup>

Reactivated firearms have been seized in Europe for decades. In the early 1970s, for example, West German police began seizing reactivated surplus police service pistols that were recently sold in deactivated form to civilians. Confronted with the frequent use of reactivated MAC-10 sub-machine guns and other firearms in gun crime and the existence of large conversion workshops inside the country in the 1990s, the UK was one of the first EU member states to recognise reactivation as a significant security threat.<sup>322</sup>

Since 2014 Europol has observed a significant increase in the supply of poorly deactivated and reactivated firearms to criminals in Europe.<sup>323</sup> Reactivated firearms were often surplus weapons from the European armed forces or law enforcement agencies. When the firearms arsenals of these units were being modernised, many of the surplus weapons were sold legally as decommissioned ‘decorative firearms’ or converted into alarm weapons.<sup>324</sup> In recent years European law enforcement agencies have seized large numbers of reactivated weapons that were legally sold in Slovakia as acoustic or expansion firearms. Traffickers across the EU have exploited similar

gaps in deactivation standards in several EU member states (see examples in Box 2.3). When confronted with this practice, most of the countries cited in these examples have taken measures to address this security issue. It is important to highlight, however, that ingenious individuals who have enough time and the right tools can even reactivate firearms that were deactivated according to reputedly stringent standards. In 2013, for example, three people were killed in France with a Romanian AIM AK-type rifle that had previously been deactivated in Germany (a country known for the high standards of its deactivation procedures).<sup>325</sup>

### Box 2.3: Examples of reactivated firearms across the EU

In April 2008 a Swedish student was murdered in the Paris region with a reactivated Walther P22 pistol that was legally sold as a deactivated firearm in Austria. The gun was traced to a gun shop named Waffenturk. Investigation revealed that this gun shop sold easily convertible Walther and Norinco pistols. It is believed that the company had bought – primarily from Czech surplus stocks – as many as 2,900 firearms, including some 300 automatic weapons.<sup>326</sup>

In the Netherlands, reactivated firearms have been seized that were previously decommissioned pistols from the armed forces or law enforcement agencies of Denmark, the former East Germany, Finland, Hungary, Russia and Sweden.<sup>327</sup> In recent years, however, the main concern has been the illegal flow to the Netherlands of Slovakian reactivated firearms, especially CZ vz.58 assault rifles (see sec. 330: below).<sup>328</sup>

Reactivated firearms also constitute a significant share of the firearms available on the illicit market in Belgium. In 2011, for example, various reactivated firearms were seized during an operation targeting a trafficking network in Brussels, including an Uzi machine pistol that had once belonged to the former Belgian gendarmerie, but which had been deactivated and sold to an authorised firearms collector.<sup>329</sup>

In 2014 a Marseille-based retiree was sentenced to four years in jail for buying 132 deactivated handguns (including 75 Glock pistols) from a shop in Barcelona and reactivating them at his home by replacing the barrels with barrels purchased online from the United States. These reactivated handguns were later sold to criminally connected individuals.<sup>330</sup>

### ***Reactivated firearms from Slovakia***

Most of the reactivated firearms that have been encountered in the EU in recent years in the hands of criminals were legally sold in Slovakia. For years Slovakian 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 Slovakian armed forces.<sup>331</sup> According to Slovak legislation at that time, producers were only obliged to deactivate and modify firearms so that they would be able to fire only non-lethal ammunition. Because of the vague definition used in Slovakian legislation, some producers only installed several pins in the gun barrel, which meant that it was very easy to reactivate them.<sup>332</sup>

Deactivated firearms and acoustic expansion weapons were sold through approximately 15 retail gun stores in Slovakia, the most notorious being AFG Security, which also sold firearms online.<sup>333</sup> It was, however, common knowledge among gun enthusiasts and in the criminal world that many of these firearms could fairly easily be (illegally) reactivated. Criminals from across the EU were aware of this opportunity and some of them trafficked large numbers of these weapons to other EU member states, often with the specific aim of reactivating them and then selling them on illicit gun markets across the EU. Since the acquisition or possession of these weapons did not have to be registered, it was difficult to keep track of them. The Slovak police are therefore unable to state how many of these firearms are currently in circulation in Slovakia and how many have been sold abroad.<sup>334</sup> According to intelligence sources, AFG Security sent more than 4,000 packages to 24 EU member states between January 2013 and November 2014 (including more than 740 to France). It is unclear, however, how many firearms were sent in these packages.<sup>335</sup>

In September 2013 the Slovakian police warned Europol about the ease with which these deactivated weapons could be reactivated. In the same time period the national police forces of various EU member states first started to observe the availability of these types of reactivated firearms in the illicit market in their countries.<sup>336</sup> In the Netherlands, for example, Slovakian reactivated firearms first appeared on the illicit gun market in 2013.<sup>337</sup> In subsequent years these deactivated Slovakian firearms were transferred in increasing numbers to other EU member states. A large proportion of the 115 firearms that the Swedish customs authorities seized in 2014, for example, were deactivated firearms that had been bought over the internet from Slovakia,<sup>338</sup> while approximately 200 reactivated firearms have been seized in the Netherlands since 2012.<sup>339</sup> In the first half of 2016 the Dutch police seized such weapons almost on a weekly basis. Based on sales data in Slovakia and the illicit business activities of identified Dutch traffickers, the Dutch police assume

that hundreds and perhaps even more than a thousand of these firearms have been trafficked from Slovakia to the Netherlands and some of these guns have been used to commit murders there.<sup>340</sup> In Germany, the Federal Criminal Police Office had 33 open investigations into illegal firearms customers in 2016.<sup>341</sup> Some of the reactivation workshops that have been discovered across the EU in recent years were clearly functioning on a large scale and at the international level. In February 2016, for example, a workshop specialising in reactivating Slovakian-origin firearms was dismantled in Luxembourg. During the operation 546 firearms were seized and 70 people were arrested. The police believe this workshop had sold reactivated firearms to at least 900 customers across the EU. These customers included both criminals and gun enthusiasts.<sup>342</sup>

Interestingly, the reactivation of (Slovakian) deactivated firearms is not considered an important supply mechanism for all the countries included in the SAFTE country studies. Although Europol has established that some deactivated firearms were sold to people from Romania,<sup>343</sup> cases of reactivated firearms have not been identified in the country and key actors there are not much concerned about this supply mechanism. This finding suggests that local demand is a crucial element in determining the characteristics and dynamics of domestic illicit gun markets: although these (easy-to-reactivate) deactivated firearms were also available to criminals in Romania, most of them did not feel the need to acquire them, since converted blank firers fulfil their specific needs and these weapons are already easily and cheaply available in the country.

Evidence suggests that the trafficking and use of deactivated firearms and acoustic expansion weapons also involve organised crime groups (see Box 2.4). In the UK, for example, such firearms have been used in serious crimes such as murder.<sup>344</sup> As we shall discuss in detail in Chapter 3, several reactivated firearms have also ended up in the hands of terrorists and have been used in several terror attacks in the EU in recent years.

After the January 2015 terrorist attacks in Paris, the Slovakian government restricted the sale of these weapons. The new rules stipulated that modifying the gun barrel was no longer sufficient to legally deactivate a firearm.<sup>345</sup> In the immediate aftermath of the Paris attacks in November 2015 the EU imposed a common EU deactivation procedure and amended the rules on deactivated firearms and acoustic expansion weapons. Notwithstanding the entry into force of this new EU regulation, French law enforcement officials have observed that reactivated firearms originating from Slovakia were still entering France.<sup>346</sup>

#### **Box 2.4: Examples of trafficking cases involving reactivated firearms from Slovakia**

In 2014 Swedish police discovered that a member of a Swedish criminal group visited Slovakia and bought 230 deactivated firearms (including 100 Skorpion vz.61 machine pistols). After being reactivated, these firearms were intended for local sale. It is important to highlight that this trafficking scheme was discovered following the arrest of two drug dealers in Stockholm who were in possession of 15 kg of hashish and components of a Glock pistol that was legally bought in Slovakia.<sup>347</sup> This reaffirms the existing connections between firearms and drug trafficking, but also illustrates the benefits and importance of follow-up investigations on the firearms seized during police operations that are initially focused on other types of criminal activities.

In August 2015 the UK National Crime Agency (NCA) and the Kent Police intercepted 22 vz.58 assault rifles, nine Skorpion sub-machine guns, two silencers, 58 magazines, and 1,500 rounds of ammunition coming from Slovakia. The NCA called this the 'largest seizure of automatic weapons ever made on the UK mainland'.<sup>348</sup> These firearms were purchased for between £120 and £320 each from AFG Security in Slovakia and were smuggled from France to the UK on board a pleasure craft. The police believe that the gang intended to use them to achieve a higher status in the criminal community. The weapons could have been sold in the UK for £4,000 each.<sup>349</sup>

In 2015 two members of the Cosa Nostra were caught in a trafficking ring in which they bought 151 deactivated firearms (86 sub-machine guns, 45 rifles, 17 pistols and three revolvers) online from AFG Security in Slovakia, reactivated them in Catania (after importing the weapons via Austria) and tried to send them to Malta. Yet the prosecutor suspected that these weapons were not destined for the illicit market in Malta, but the criminal market in Egypt.<sup>350</sup> This example suggests that when organised crime groups are involved, large quantities of reactivated firearms are trafficked, and that these weapons are not necessarily destined for the local market.

Recently the Polish police uncovered a Polish criminal group (composed of ten people, including at least two Dutch nationals) that bought large quantities of deactivated firearms in Slovakia and smuggled them in cars to Poland, where the weapons were reactivated and sold to individual customers in Poland, the Netherlands and possibly also other EU member states. According to the police, the Polish gang leader had learned how to reactivate these weapons from an acquaintance in the Czech Republic. In total the group is

suspected of reactivating an estimated 1,500 firearms.<sup>351</sup> This example clearly illustrates the extent of trafficking schemes involving deactivated firearms from Slovakia.

Sometimes these weapons were sold on the dark web. In 2015, for example, German police arrested a university student in Schweinfurt who had been reactivating Slovakian deactivated firearms in his basement workshop and then reselling them for ten times the original price, including to customers abroad (e.g. in the UK). In 2016 he was sentenced to four years and three months in prison.<sup>352</sup>

### ***Involvement of local handymen***

The reactivation process 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. In the UK, these handymen have been profiled as ‘middle-aged or elderly white males with an interest in firearms and with basic engineering skills’. While many of them are ‘gun enthusiasts’ who do not have direct connections to criminal networks, some are known by a ‘distributor’ who has criminal connections.<sup>353</sup>

In Belgium, two types of handymen were identified as being involved in reactivating and self-assembling weapons, with each type seeming to supply their own market segment. The first type comprises gun enthusiasts who reactivate firearms for themselves or to sell them to people who have no criminal or terrorist intentions. Secondly, a limited number of handymen in Belgium mainly assemble or reactivate firearms directly for the criminal world. Having such a handyman in their network can have important consequences for certain criminal milieus in terms of obtaining weapons. A notorious example of such a handyman working for the criminal underworld was Nordine Amrani, the perpetrator of the fatal 2011 public mass shooting at the Liège Christmas fair. During a search of his premises in October 2007 the police had discovered a dozen firearms (including an AK-47 assault rifle, an FN FAL assault rifle, an MP40 machine pistol and a rocket launcher) and around 9,500 firearms parts.<sup>354</sup>

In recent years the police seized some exceptionally large arsenals of reactivated and deactivated firearms from gun enthusiasts in the UK<sup>355</sup> and Belgium (with some seizures of more than 250 firearms).<sup>356</sup> In Italy, gun enthusiasts are also believed to have made use of their firearms expertise to alter or reactivate firearms. A number

of 'arms collectors', for example, have been caught in Italy buying deactivated firearms, reactivating them and then selling them to others. Although the number of reactivated firearms available on the illicit market is rather limited compared to firearms coming from other sources, Italy is considered a good location for the reactivation of firearms due to the legal firearms industry in the country and the local expertise that accompanies the presence of this industry. Amateur gunsmiths offer their expertise and skills in workshops or their private residences. These gunsmiths are generally not connected to the world of organised crime, but often remain in the sphere of micro-criminality. They are considered as trustworthy men who work quite cheaply. According to Italian prosecutors several craft workshops also convert toy firearms into live-firing firearms. Italian key actors stated that the main areas for reactivation are in Calabria, Sicily, and the area around Naples.<sup>357</sup> In France, law enforcement agencies have also discovered sizeable reactivation workshops. In 2007, for example, a workshop was closed that was reactivating and selling 15-20 Eastern European firearms per week.<sup>358</sup>

The largest seizure of firearms in a law enforcement operation targeting the reactivation of firearms in recent years occurred in Spain in January 2017, when the Spanish police seized over 10,000 assault rifles, anti-aircraft machine guns, 400 shells and hand grenades, pistols, revolvers, and parts to reactivate weapons. This enormous seizure was the result of Europol-assisted Operation Portu, which targeted the owner of a shop selling militaria suspected of selling deactivated firearms that did not comply with the existing deactivation procedures in Spain and other European countries. The weapons were legally acquired, but some were believed to have also been reactivated. The arrested individuals were also suspected of selling essential parts and components used to reactivate deactivated firearms. During the operation an illegal workshop was also dismantled that was used to repair and reactivate firearms. The suspects were found in possession of stamps and other items used to forge certificates of reactivation.<sup>359</sup>

### ***Potential role of the legal firearms sector***

It is clear that the 'handymen' who assemble or reactivate firearms depend to a large degree on the legal firearms market for buying deactivated firearms and the necessary firearms components. Interestingly, assembling and reactivating firearms for the illicit market is a phenomenon that 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 specific firearms-related expertise. In Belgium, for example, considerable knowledge about firearms is present, partly due to its history as a firearms-producing country. Unsurprisingly, some of the handymen that have been arrested and convicted in recent years were former FN Herstal employees who



used their professional know-how to reactivate legally purchased deactivated firearms in order to sell them on to the criminal world.<sup>360</sup>

Such a connection between the reactivation of firearms by ill-intentioned individuals and the legal firearms sector can also be observed in the 2016 sentencing of a 39-year old German national for illegally reactivating military-grade firearms that he legally acquired in Slovakia. In 2013 he started acquiring large quantities of firearms (in total 36 Skorpion sub-machine guns and two Kalashnikov-type assault rifles) from AFG Security in Slovakia. Since he feared the company was under surveillance, he decided not to order the weapons online, but instead drove to the store and paid for them in cash. In order to reactivate the firearms he obtained raw tubes for the new barrels in Ferlach,<sup>361</sup> an Austrian village with a very long and well-known gun production history starting in the 16th century and still home to more than a dozen master gun makers who annually produce about 500 specifically ordered guns.<sup>362</sup> Interestingly, the convicted man was already known to law enforcement agencies, because he had been part of a weapons deal with a former leader of Hoffmann, a German right-wing extremist paramilitary sports group, in the late 1990s. The police seized about ten sub-machine guns and made five other arrests at the time of this individual's arrest, and the man was sentenced to four years in prison.<sup>363</sup>

Sometimes the individuals involved in illegally reactivating and selling these firearms are authorised arms dealers. This was, for example, the case in Operation Portu in Spain. The Finnish authorities have also noted the involvement of gunsmiths in reactivating firearms smuggled from Germany, Austria and the Czech Republic.<sup>364</sup>

### ***Exploiting a new loophole: Flobert firearms***

With the closing of the loophole represented by inadequately deactivated firearms through the above-mentioned EU regulation on deactivation procedures, a new loophole has been identified that traffickers could potentially exploit: converting firearms to Flobert firearms (an unregulated calibre), which means that they can be sold without restriction, but can easily be altered to fire more powerful ammunition.<sup>365</sup> Flobert guns have limited fire power (up to 7.5 joule) and use rim-fire ammunition of a small calibre (generally 6 mm or 4 mm M20). These firearms can be bought legally without an authorisation in several EU member states. French law enforcement agencies explicitly expressed concern over the recent appearance of firearms that are modified to fire 6 mm Flobert ammunition, especially in Slovakia.<sup>366</sup>

Europol believes that the circulation of altered Flobert firearms will become a significant security problem in the coming years.<sup>367</sup> While the new EU Firearms

Directive amendments clearly target deactivated firearms and acoustic expansion weapons, they do not seem to apply to firearms that are modified to shoot Flobert ammunition.<sup>368</sup> A number of gun stores seem to have shifted their focus away from acoustic firearms to Flobert firearms. With the new EU deactivation procedures (see sec. 1.3.2, above), arms dealers who own large numbers of firearms that were deactivated according to older standards now generally have two options if they wish to keep selling them legally to people without authorisations: either deactivate them again, but this time according to the new EU procedures, or convert them into Flobert guns. Many of these arms dealers will probably choose the second option because the firearms will be worth more.<sup>369</sup> In this way some arms dealers seem to be opening up a new legal market, but with significant risks of spillover to the illicit market: since these weapons can easily be converted to fire more powerful ammunition, they are much in demand among criminals and other people who do not fulfil the necessary conditions to acquire Category B firearms, which are subject to authorisation according to the EU Firearms Directive. An added value is that the sales of these Flobert firearms do not need to be registered with the police.

A Europol analysis of the share of firearms sold shows an important shift from acoustic firearms to Flobert firearms.<sup>370</sup> These Flobert firearms have been transferred from the country of sale to other EU member states, where they have ended up in the hands of criminals. The first Flobert pistols from Slovakia were encountered in the Netherlands in the first months of 2016.<sup>371</sup> A Flobert firearm was apparently also used in the public mass shooting in Munich (Germany) in July 2016 during which ten people (including the perpetrator) were killed and 35 others were injured.<sup>372</sup> The 17-year old perpetrator acquired the pistol and hundreds of rounds of ammunition through the dark web for around €4,500 from a German national who used the dark web to contact buyers before meeting them in person for the actual transaction.<sup>373</sup>

The example of the increased sales of Flobert firearms is illustrative of how criminals are constantly looking for legislative loopholes and reinforces the need for a more harmonised EU legislative framework and a good intelligence picture of the illicit gun markets that allows for the rapid identification of new supply sources.

### 2.3.3 Cross-border smuggling

The cross-border smuggling of firearms is generally considered to be the most important supply mechanism for illicit firearms markets in the EU. The freedom of movement and the lack of customs controls at national borders within the EU have significantly facilitated the activities of illegal firearms traffickers: 'once a firearm

has been smuggled into the EU, it can reach its European country of destination relatively easily'.<sup>374</sup> Europol has noted that illicit firearms trafficking takes place on a small scale in Europe with weapons that are intended for either personal use or to meet specific orders.<sup>375</sup> The cross-border smuggling of firearms is generally considered an 'ant trade' in which small quantities of firearms are smuggled, but the constant flow of these numerous small shipments over time results in the accumulation of significant numbers of illicitly held firearms. A recent analysis of open-source data on firearms seizures in the EU indicates that the overwhelming majority of offenders are involved in small-scale trafficking (one firearm) or medium-scale trafficking (between two and nine firearms).<sup>376</sup>

Large-scale trafficking into the EU is quite exceptional. In 2013, for example, two French legionnaires from the Aubagne regiment who had personal connections in the Balkans were found guilty of smuggling 14 Skorpion vz.61 sub-machine guns, 24 magazines and ammunition from Croatia.<sup>377</sup> According to some reports, a number of high-level Italian organised crime groups are increasingly involved in the 'wholesale sector of international arms trafficking'.<sup>378</sup> In Germany, seizures of more than ten firearms have also occurred, but this is quite exceptional.<sup>379</sup> Based on the numerous interviews undertaken with specialised law enforcement agencies during the Project SAFTE research process, we believe that the large-scale firearms trafficking cases that have been discovered in the EU in general relate to trafficking from or through the territory of the EU, but destined for non-EU countries.

The source countries of the firearms smuggled into the EU tend to change, with supply depending heavily on what is easily available and cheap in certain regions. In the 2000s the smuggling of firearms for the criminal market mainly took place within the borders of the EU, while today the main source countries for firearms smuggled into the EU are generally situated in the Western Balkans. Following the armed conflict in the region in the 1990s, a large quantity of firearms and ammunition has remained beyond the control of national and local authorities.<sup>380</sup> According to Europol:

*"The Western Balkans are expected to remain a key source of heavy firearms trafficked into the EU, due to the large illicit stockpiles in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, the Kosovo region, Montenegro and Serbia."*<sup>381</sup>

However, it is necessary to nuance the often-painted picture of the Western Balkans as the prime source of international firearms trafficking to the EU. In Finland, for example, an estimated 60-70% of illicit firearms are believed to be the result of cross-border trafficking, but only 10% of these firearms were smuggled directly

from non-EU member states, and this usually involved people without criminal motives who returned from holiday with an illegal firearm.<sup>382</sup> Our comparative analysis suggests that the nature of international firearms trafficking differs significantly across the EU as a result of, among other things, local demand, geographical elements and the lack of harmonised national legislative frameworks. Countries that border on countries with less restrictive firearms legislation, for example, are often confronted with the trafficking of weapons and/or components that are legally bought in the neighbouring country but illegally imported into the destination country. This can be clearly observed with regard to the illicit gun markets in Romania (see sec. 2.3.2, above) and Denmark. The lack of harmonised firearms legislation and/or the ineffective implementation of existing legislation across the EU can thus be considered as an important impetus for international firearms trafficking.

In the following sections we will analyse the key elements of cross-border smuggling of firearms to the EU. Given the different dynamics of both types of trafficking, we will distinguish between intra-EU trafficking and cross-border smuggling from outside the EU. In the final sections we will also analyse the potential future sources of firearms smuggling to the EU and the role of the internet in this regard.

### Intra-EU trafficking

The intra-EU trafficking of firearms is closely connected to differences in legislation: 'legislative discrepancies between EU Member States are key facilitating factors for the intra-EU trafficking'.<sup>383</sup> Currently, intra-EU trafficking of firearms mainly consists of deactivated, acoustic, converted, blank-firing, replica and Flobert firearms.<sup>384</sup> In recent years a number of criminals and gun enthusiasts in Europe have clearly taken advantage of a lack of harmonisation in national firearms legislations in the EU by legally buying firearms and/or components in countries with less restrictive firearms regulations and smuggling them into countries with more restrictive regulations. Denmark, for example, is often considered to have one of the strictest firearms legislation systems in Europe, which, among other things, also requires a licence for the acquisition of gas pistols, alarm weapons and deactivated weapons. While the main method of trafficking illicit firearms into Denmark involves firearms coming from the Western Balkans, a significant flow into the country of legally acquired blank firers can also be observed coming from neighbouring countries where these weapons can easily be acquired legally.<sup>385</sup>

Another example is Belgium, which can be considered as a source country for antique firearms that have entered the illicit firearms market in other EU member

states between 2007 and 2013. Until the abolition of the HFD list (the list of antique firearms for which no licence was required) in 2013, several types of antique firearms could legally be purchased without a licence in Belgium, while an authorisation was required in other EU member states. Many foreign nationals were aware of this possibility and travelled to Belgium to buy these firearms and then took them back to their own countries. Especially antique Nagant revolvers were very popular among criminals because large supplies of ammunition were still available for this gun.<sup>386</sup> French law enforcement agencies have also expressed their concern over the smuggling of sports-shooting ammunition from Belgium to France (in France, individuals can legally acquire a maximum of 1,000 rounds per year, but in Belgium there is no restriction on the quantity of ammunition one can legally buy).<sup>387</sup>

In addition to the exploitation of differences in legislation, it is important to highlight that firearms also circulate between criminal groups and are sometimes thus also smuggled from other EU member states. Belgian police, for example, believe that a significant number of firearms have been circulating in the European criminal underworld for quite some time before entering the country.<sup>388</sup>

### Cross-border smuggling of firearms from outside the EU

The firearms that are currently being smuggled into EU member states come primarily from the Western Balkans. Not surprisingly, the cross-border smuggling of firearms from this region is considered the main supply mechanism in most of the Project SAFTE country studies. It is reported, for example, that in 2012 approximately 90% of the firearms illegally circulating in Rome originated from the Balkans.<sup>389</sup> Yet firearms and firearms components are also trafficked into the EU from countries such as the United States<sup>390</sup> or Switzerland.<sup>391</sup> In the UK, for example, the source country for over half of all firearms seized at the country's border entry points is the United States. Many of these firearms can be traced back to so-called 'straw purchases' or online purchases.<sup>392</sup>

The firearms that are being smuggled from the Western Balkans into the EU generally have long histories behind them. They were often surplus weapons, firearms originating from plundered weapons storage facilities, or weapons that in one way or another ended up in the hands of a wide range of non-state actors during the conflict in the former Yugoslavia in the 1990s.<sup>393</sup> While a significant number of the firearms seized can be traced back to their production and their first legal transfer(s), these weapons usually disappeared from the radar during the wars in region in the 1990s. It is, however, often unclear at what specific point the smuggled firearms that are now available on European illicit firearms markets first entered the EU. An

analysis of the firearms that were produced in the Western Balkans and seized in France indicates that these weapons were often produced long before the conflicts in the region. In the overwhelming majority of cases it is impossible to determine whether they were smuggled into France recently or several decades ago.<sup>394</sup>

The smuggled firearms are mainly transported by road from the Western Balkans to EU member states. They can be hidden in various compartments of several types of vehicles. Given the close connections between firearms smuggling and the smuggling of other types of products, consolidated routes and criminal networks are used for multiple trafficking activities.<sup>395</sup> Firearms are generally smuggled via the same routes used for smuggling drugs. According to law enforcement agencies, two main routes are used for smuggling firearms from the Western Balkans to Western Europe: the southern route via Italy or Austria and the northern route via Hungary. Smuggling gangs currently seem to prefer the latter route.<sup>396</sup> In some cases firearms are trafficked from the Western Balkans to Western and Northern Europe where the weapons were subsequently traded for drugs, which were then smuggled back to the Western Balkans and sold on the local market there.<sup>397</sup>

Although the cross-border smuggling of firearms from the Western Balkans usually takes place by road, some firearms are also smuggled by sea. A significant number of firearms that are trafficked to Italy, for example, are transported by sea from the Western Balkans to the eastern coast of Italy. As a result of increased controls in the larger ports, the trafficking of firearms on larger cargo ships has given way to the use of speedboats in recent years. The use of small, fast boats to smuggle firearms from the Western Balkans to Italy is not a new phenomenon. During the 1990s seaborne smuggling routes traditionally used to traffic drugs and cigarettes were also being used for trafficking migrants and firearms. According to the Italian police, a new strategy involves the use of sealed 'torpedoes' (sealed containers) that are towed by speedboats. These torpedoes are unhooked near the Italian coast and later retrieved by the intended recipient.<sup>398</sup> Smuggling by ship has also been observed in other countries. The Belgian police, for example, are convinced that arms smuggling is taking place through the port of Antwerp, but these weapons are believed not to be primarily intended for the Belgian illicit market. In contrast to Italy, Belgium is considered more as a transit country for organised smuggling via ships.<sup>399</sup>

### Profile of smuggling networks

Project FIRE, which focused on illicit firearms trafficking routes and actors in the EU, quantitatively analysed open sources on firearms seizures and found that offenders in such seizures were predominantly men, most often belonging to the 20-24 age

group. In addition, these analyses indicated that the average number of actors involved in firearms seizures was 2.4. Interestingly, less than 3% of the observed trafficking cases involved more than ten individuals, and these cases were often connected to drug trafficking. The Project FIRE analyses further demonstrated that the actors involved came from Southern Europe.<sup>400</sup> Our observation of significant differences in illicit firearms markets across the EU, however, implies we need to interpret these general findings from Project FIRE carefully. In the limited number of observed large-scale trafficking cases in Project FIRE, for example, there was peak of 40-44-year-old individuals, which is believed to be connected to the seniority and criminal professionalization required for such large-scale trafficking.<sup>401</sup>

Several interviewed key actors stressed the difficulties they face in profiling the criminal groups and networks behind the various smuggling schemes. The lack of reliable and detailed data on the profile of the criminal groups involved in cross-border firearms trafficking is an important challenge for law enforcement agencies. In some EU member states some research has been done on the profile of firearms smuggling groups, and this research suggests that such groups often have a limited number of 'members' who work together for only a short time in a flexible structure.<sup>402</sup> A 2002 study on the illicit firearms market in the Netherlands came to the conclusion that importers of firearms were mainly Dutch nationals and people from Turkey or the former Yugoslavia. These importers were connected to larger organised crime groups and either directly delivered weapons to their own criminal networks in the Netherlands or sold the firearms to intermediaries.<sup>403</sup> In the Netherlands, police recently stated that the large-scale smuggling of firearms is carried out by a rather small group of criminals who have often been active for many years and know each other either directly or indirectly. These firearms traffickers often possess large and diverse firearms arsenals. For the trafficking of these weapons they often rely on their families or communities abroad, for example in Poland, Croatia, Slovakia and (to a lesser degree) the Antilles.<sup>404</sup> It is currently unclear if these research findings from the Netherlands are also valid for other EU member states. According to interviewed Belgian law enforcement agencies, for example, firearms smugglers generally are not part of large-scale and structured criminal organisations, but are people who are in contact with others who have some kind of links to firearms and take advantage of the opportunities that arise.<sup>405</sup>

A commonality found among the interviewed key actors across the EU is that firearms smuggling is often not these networks' core activity and is a supplementary rather than a primary source of income for the criminal groups involved. Europol, for example, noted that most groups enter the weapons-trafficking business through other criminal activity, which may offer contacts, knowledge of existing routes and infrastructure related to the smuggling of weapons.<sup>406</sup>

Several interviewed key actors have also stated that often a connection exists between smuggling networks and the source country of the smuggled firearms. The observation that firearms originating from the Balkans are not often used in criminal shootings in Denmark, while these weapons make up the majority of firearms used in such shootings in Sweden, for example, can be explained by differences in the local gun markets and the actors involved. Due to the much larger diaspora community from the Western Balkans in Sweden, the cross-border smuggling of weapons from this region through the use of personal connections is much more common in Sweden than in Denmark.<sup>407</sup>

Some of the smuggling of firearms is not intended for the criminal market, but consists of individuals who smuggle firearms in a much less organised way. It usually involves individuals ('self-shoppers') who travel to countries abroad with less restrictive firearms regulations to buy firearms or replica firearms there and bring them back to their own country without obtaining the necessary import and/or possession permits. A notorious UK smuggling case indicates that the activities of such self-shoppers are not necessarily limited to small quantities of firearms. In 2010 a US national illegally imported at least 79 firearms into the UK. During eight separate trips to the United States he used a North Carolina conceal-and-carry firearms licence to acquire these firearms from different gun stores and smuggled them into the UK in his luggage.<sup>408</sup>

The firearms context in neighbouring countries can also be a crucial aspect of the illicit firearms market in the EU. As mentioned earlier, the main source country of illicit firearms smuggling to Romania is Bulgaria.<sup>1</sup> These firearms are mainly smuggled across the border in buses or private vehicles through the Varna-Vama Veche, Ruse-Giurgiu, Silistra, Calafat, and Corabia border crossings. Generally this involves the smuggling of small quantities of firearms. Most of the firearms smuggled into Romania are destined for the local market, but in some cases Romania is also used as a transit country for the smuggling of Turkish-made blank firers from Bulgaria to Western European countries. An analysis of court rulings suggests that three types of smugglers can be identified in Romania: (1) first-time offenders who usually state that they were not aware they had to declare the gun they legally bought in Bulgaria to the Romania police; (2) repeat offenders who usually smuggle blank firers with the explicit aim of selling them to others, sometimes criminal customers; and (3) members of organised crime groups for whom smuggling is a secondary activity.

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1 The smuggling of firearms to Romania does not only originate from Bulgaria: smuggled firearms from Western and Southern European countries have also been observed. The modus operandi for this smuggling is similar to that used from Bulgaria, but the border crossings used are different (Bors, Nadlag and Cenad). While the route from Bulgaria is mainly used for trafficking blank firers, it is believed that the routes from Western and Southern European countries are mainly used for the smuggling of long-barrelled rifles.



Self-shoppers are clearly the main smugglers of firearms into Romania. Organised crime groups are generally not that interested in smuggling blank firers into Romania because of the low profit margins.<sup>409</sup>

Not only criminal gangs and self-shoppers are involved in the cross-border smuggling of firearms. In the UK a corrupt registered firearms dealer was caught by the police who between 2009 and 2015 imported hundreds of antique firearms that he legally acquired in the United States. These weapons were illegally transferred to a local criminal group through a mutual acquaintance (who was a legal gun owner). This was possible because of a loophole in the Firearms Act regulatory regime: a firearms certificate is not required for antique firearms, and arms dealers do not have to record details of these sales. The arms dealer is also believed to have produced tens of thousands of rounds of ammunition that were supplied to the criminal group with the antique firearms. This criminal group then sold the weapons to other criminals. These illegal transactions had serious consequences: NABIS experts linked ammunition recovered from at least 90 crime scenes to the ammunition found at the arms dealer's house.<sup>410</sup>

### Potential source regions of firearms smuggling to the EU

Europol believes that the violent conflicts on the periphery of Europe will lead to an increase in the availability of firearms on the illicit market in Europe.<sup>411</sup> Europol and several national law enforcement agencies involved in the fight against illicit firearms trafficking perceive especially the current illicit firearms proliferation in Ukraine as a significant security threat for the EU. In addition, Europol stated in 2015 that firearms originating from the conflicts in Libya, Syria and Mali were already available on the European black market and warned that these countries may emerge as important sources of illegal firearms trafficked to the EU.<sup>412</sup> Several interviewed key actors have also pointed to a number of other countries, such as Turkey (due to the fragile situation in some of its neighbouring countries, Turkey's porous borders and the observed smuggling of other goods through the country), as possible transit countries for illicit firearms trafficking.<sup>413</sup> The Dutch and Danish police also expect increased smuggling to the country from Russia, partly as a result of the planned decommissioning of 4 million Kalashnikov assault rifles.<sup>414</sup> Transnistria, which is home to large Russian army stockpiles, has also been identified as a potential source of future firearms smuggling.<sup>415</sup>

In response to this threat some initiatives were recently developed with Ukraine and a number of countries in the Middle East and Northern Africa region. In the following sections we will describe the main dynamics of the proliferation of illicit

firearms in Ukraine and across Northern Africa, based on the neighbourhood analysis of these regions as part of Project SAFTE.

### ***Ukraine***

Europol has repeatedly expressed its concerns that Ukraine will become an important source of weapons for illicit markets in the EU. National key actors interviewed during the Project SAFTE research process also perceived this threat, with several referring to its imminent nature.

Ukraine has significant problem with illicit firearms circulating in the country. According to some observers, up to 5 million firearms are currently illegally held in Ukraine. Although it is impossible to credibly estimate the current number of illegally held firearms in Ukraine, experts agree that it is very high and significantly surpasses the number of legally held firearms in the country. The barrier for access to firearms in Ukraine is low. The predominant types of firearms on the illicit market in the country include pistols (the most common types are Makarov and Tokarev pistols) and AK-pattern assault rifles (in particular the AK-47, AKM, AKMS and AK-74U variants). A number of historical elements have contributed to the proliferation of firearms in Ukraine, for example the various armed conflicts in the country in the 20th century and the fact that during the dismantling of the Warsaw Pact, Soviet troops deployed in Eastern Europe left 2.5 million tons of conventional munitions and more than 7 million rifles, pistols, mortars and machine guns in Ukraine.<sup>416</sup>

Criminal activities and the recent outbreaks of armed violence in the country have significantly exacerbated Ukraine's already tenuous state control over firearms and further increased the opportunities for illicit firearms trafficking. In recent decades a significant number of firearms stored in state stockpiles have been diverted through theft and embezzlement by state officials into the hands of various types of non-state actors. It is likely that politically motivated (international) arms transfers have also taken place since the outbreak of the most recent armed violence in the country. Other sources of illicit firearms proliferation include weapons smuggled into Ukraine from post-conflict countries in its neighbourhood and the craft production and conversion of firearms in illegal workshops across the country.

Most of the firearms trafficking in Ukraine currently takes place within its borders and especially involves arms transfers from and to the so-called 'Anti-Terrorist Operation' zone (i.e. the Donetsk and Luhansk regions under the control of Russian military forces and pro-Russian separatists). Research into trafficking actors in Ukraine undertaken as part of Project SAFTE suggests that most arms-trafficking

networks are not hierarchically structured, but highly flexible, loosely and horizontally structured networks of individuals who are connected through personal networks and familial or other social ties, and who have access to firearms.<sup>417</sup>

So far the number of cases of weapons smuggling from Ukraine into the EU observed by Europol is quite limited.<sup>418</sup> The Europol AP Weapons and Explosives, however, stresses the importance of keeping a close eye on developments in the country, since the proliferation of illicit arms there entails potentially significant security risks for the EU. In order to avoid a new Western Balkans scenario in Ukraine, Europol has stressed the importance of EU member states actively engaging with Europol as soon as possible and carrying out joint law enforcement operations.<sup>419</sup> National law enforcement agencies of various EU member states fear that Ukraine will become an important source of especially Kalashnikov-type assault rifles and possibly also other types of military-grade equipment. During a Europol-supported joint law enforcement operation on the Ukrainian-Moldovan border in April 2017, 578 firearms, 776 rounds of ammunitions, five pieces of explosives and even a package of radioactive material were seized.<sup>420</sup> Although this operation only lasted a month, it clearly shows the potential for the smuggling of firearms from Ukraine. In light of the increased terrorist threat in the EU, the fact that Ukrainian authorities have seized a wide range of weapons in recent years from firearms to anti-tank weapons, heavy anti-personnel weapons and explosives<sup>421</sup> is very worrying.

Interestingly, cases of firearms smuggling from Ukraine have not been observed in recent years in neighbouring Romania. This can be explained by the fact that Romania does not provide a worthwhile illicit market for military-grade firearms. Firearms originating from Ukraine will probably mainly be destined for the illicit gun markets in Western European countries and smuggled along existing trafficking routes for other products.<sup>422</sup>

### ***Northern Africa***

In recent years the civilian possession of firearms has increased strongly in several Northern African countries, mainly as a direct result of the volatile political and security situation in these countries. The most important stimulus for this recent proliferation of firearms is the fall of the Libyan dictator Muammar Qaddafi in 2011 and its aftermath: 'From a virtually non-existent domestic market in Libya, the revolution and its aftermath paved the way for a large illicit trade in firearms to emerge in Northern Africa, with Libya as the epicentre'.<sup>423</sup> According to some sources more than a million tons of weapons were looted after Qaddafi fell. Despite the observation of increased proliferation, it is currently impossible to reliably estimate the number of firearms that entered into circulation during and after the Libyan civil

war. What we do know is that firearms have been diverted into illicit possession in Libya in different ways. This occurred firstly through the looting of the stockpiles of the Libyan armed forces. According to the UN, in 2011 Qaddafi's army had 250,000-700,000 weapons, 70-80% of which were assault rifles. The second way was through battlefield recoveries of weapons. The various armed conflicts and violent clashes in the country in recent years have resulted in numerous firearms switching sides. A third way is by the (state-sponsored) arming of proxies involved in these conflicts. It is important to highlight that the UN Panel of Experts believes that significant amounts of the small arms and light weapons that have been transferred to the Libyan authorities under the current UN arms embargo's notification process have in fact ended up in the hands of armed non-state actors. A fourth method was by the increased cross-border smuggling of weapons and the emergence of a vast regional black market in firearms. This significant increase in arms smuggling in the region was largely facilitated by the decreased formal and informal control of contraband flows, the emergence of armed groups as dominant actors in trafficking networks, and the cross-border connections of actors fleeing post-Qaddafi Libya.<sup>424</sup>

Not all neighbouring countries were victims of this increased firearms trafficking of firearms coming from Libya to the same extent. Trafficking into the neighbouring Tunisia, for example, was and still is relatively limited. This was mainly the result of a lower level of demand (because of the lower levels of criminal and political violence in the country) and the Tunisian authorities' successful attempts to prevent trafficking by tightening the country's historical 'open door' policy towards Libya. The Project SAFTE analysis of the proliferation of firearms across Northern Africa concludes that

*Weapons' circulation patterns vary widely across countries, mainly due to the varied nature of the monopoly of force held by governments in the region. On the one hand, one finds effective government monopolies of force that are intent on fighting terrorist cells in urban or remote areas of the region (i.e. in Algeria, Morocco and Tunisia); while, on the other hand, one finds a situation like that in Libya, where force is scattered among different actors (city states, militias, tribal coalitions, jihadist groups, etc.) and where legality is virtually absent and political legitimacy is also territorially disrupted. Finally, Egypt lies somewhere between these two extremes, with a military regime fighting in an actual war zone (i.e. the Sinai Peninsula), but also facing urban terrorist attacks.<sup>425</sup>*

Confronted with the proliferation of firearms from Libya to other parts of the broader region, the international community has attempted to combat the proliferation of weapons from post-Qaddafi Libya, but these efforts were primarily

focused on certain types of weapons such as chemical weapons and MANPADS, and the proliferation of firearms has received much less attention from the international community. To reduce the significant illicit possession of firearms in the country, Libyan authorities implemented several voluntary firearms surrender programmes in the aftermath of 2011. Yet these initiatives had limited results and soon firearms were being smuggled across the Libyan border and were fuelling conflicts in neighbouring countries. These armed conflicts have in turn contributed to the creation of a vast illicit firearms market across the region through the circulation of these weapons across conflict zones, state-sponsored supplies to proxies or strategic caches of arms stored in anticipation of conflict. It is important to stress that, despite the important Libyan sources, the strongly increased proliferation of firearms in the Sahel is also the result of factors related to the internal situations in these countries, such as the security crises in Mali and the weak control over national stockpiles in Côte d'Ivoire and the Central African Republic.<sup>426</sup>

Although the armed conflicts in Libya are considered to be a key driver of the weapons proliferation in the region, decreased trafficking from Libya to other countries in the region has been observed in recent years. To a certain extent this is believed to be the result of the relative success of a number of international initiatives to tackle arms trafficking, such as the French-led Operation Barkhane and G5 Sahel initiatives to strengthen cross-border patrolling. At the same time the increased domestic demand as a result of the intensification of armed conflict in the country has boosted transfers of weapons into Libya. Consequently, an increase in illicit firearms possession could recently be observed in Libya.<sup>427</sup> It is important to stress that according to the UN Panel of Experts 'the materiel entering Libya has been of an increasingly sophisticated nature'.<sup>428</sup>

Despite the large numbers of people being smuggled from Northern Africa to the EU via what is currently known as the central Mediterranean route, significant transfers of firearms from Northern Africa into the EU have not been detected so far. It is believed that this type of firearms trafficking is too risky, given that coastguards and other law enforcement agencies often intercept migrant boats. Yet in the absence of an effective and efficient firearms and ammunition management system in Northern Africa, the risk of firearms diversion remains very worrying for national and international security agencies.<sup>429</sup>

### The internet

The role of the internet in facilitating the trade in and illicit possession of firearms, firearms components, and ammunition has received increased policy and law

enforcement attention in recent years. According to Europol, illicit commodities are increasingly being traded online either via dedicated criminal online marketplaces or by exploiting otherwise-legal online platforms. These commodities include a wide array of products such as different types of drugs, stolen goods, specimens of endangered species, hormonal substances and firearms. This trade offers the opportunity to potentially reach a large number of customers and is expected to continue to increase in the coming years.<sup>430</sup> This is also the expectation with regard to firearms trading on the internet. Both individual criminals and organised crime groups illegally obtain firearms through various online platforms, and this is expected to expand further over the coming years.<sup>431</sup> In the Netherlands, for example, law enforcement agencies observed that since 2012 Dutch criminals have increasingly ordered firearms online and had them delivered by postal and courier services.<sup>432</sup> Online platforms are therefore considered to be 'key platforms for the exchange of information between firearms enthusiasts and key facilitators for the illegal trade in firearms',<sup>433</sup> and Europol recently warned that the potential easy availability of firearms and explosives on the dark web is a worrying trend, given the number of recent terrorist attacks.<sup>434</sup>

When analysing online illicit firearms trafficking, one needs to distinguish between the surface web and the dark web. Although most attention in recent years has been given to the dark web,<sup>1</sup> some observers believe that the surface web is more active with regard to illegal arms sales than the dark web.<sup>435</sup> One of the findings of the in-depth SAFTE country study on France, for example, is the presence of numerous posts offering firearms for sale on online market platforms.<sup>436</sup> According to Europol, there seem to be differences in what is being sold on the surface web and the dark web:

*There is a shift from sales on the surface web to sales on the Darknet, typically when the status of a product or substance changes from being legal to illegal. For example, the sales of gun parts or de-activated firearms is legal in certain jurisdictions and therefore available on the surface web, but when the gun is assembled or re-activated it is illegal and will be sold on the Darknet.<sup>437</sup>*

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1 The dark web is an anonymous part of the deep web, which is the part of the world wide web not indexed by search engines. Access to the dark web requires specific software such as TOR (The Onion Router), I2P (Invisible Internet Project) and Freenet. Importantly, the layered encryption system of these software packages enables users to hide their IP addresses while browsing the dark web. This means that the identities and locations of dark web users remain anonymous and cannot be tracked, which allows these users to communicate and share files confidentially. Hence criminals can also use the dark web to trade in illicit commodities that are paid for in cryptocurrencies such as Bitcoins, while they can conceal their identities.

It is clear that these hidden and obscure parts of the internet can be both an enabler for the trafficking of firearms that are already on the illicit gun market and a potential source for diversion from the legal sources.<sup>438</sup> While the exact scale of criminal transactions on the dark web can currently not be estimated,<sup>439</sup> it has been increasingly considered an important source for all kind of illicit commodities, including firearms that can be acquired through encrypted market places.<sup>440</sup> According to Europol, only a few markets openly list weapons as a commodity category for items sold on their sites, and even for these markets weapons typically account for less than 1.5% of their total listings. Yet, given the magnitude of the dark web listings, this still amounts to a large potential number of weapons that are believed to be available online. On AlphaBay,<sup>ii</sup> for example, this represented well over 5,000 listings.<sup>441</sup>

Until recently, research on the availability of firearms and related products on the dark web was rather scarce and the evidence largely anecdotal. A number of recent studies have shed more light on the nature of illicit firearms trafficking on the dark web. Project FIRE, for example, analysed 651 unique dark web offerings of firearms, ammunition and/or components. In total these offerings accounted for 1,740 firearms, 61,619 rounds of ammunition and 37 firearms components. The overwhelming majority of these listed firearms were handguns (mainly pistols), while military-grade firearms accounted for only a very small share of the offerings. Interestingly, the main offerings destined for European markets originated from within Europe, but significant numbers of firearms were also available from the United States.<sup>442</sup>

In July 2017 RAND Europe published a study on the availability of firearms, ammunition and explosives on the dark web with the aim of filling the gap in knowledge by using primary data<sup>iii</sup> to analyse the size, scope and value of the arms trade on the dark web.<sup>443</sup> Compared to other products, only low volumes of firearms are currently being offered and sold on cryptomarkets. The estimated value of the dark web trade in firearms is therefore considered rather marginal compared to the trade in drugs. Similar to the findings of Project FIRE, pistols (86%) were the most

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I There are currently two types of marketplaces on the dark web: cryptomarkets and vendor stores. Cryptomarkets are online marketplaces bringing together multiple sellers ('vendors') and buyers. They are managed by administrators in return for a commission on sales and are thus similar to legal online marketplaces such as eBay. Cryptomarkets generally provide different types of commodities or services and have pre-defined product categories. Most of them tend to specialise in illegal drugs. Vendor shops, on the other hand, are set up by a vendor to host direct sales to customers for that vendor alone. These vendor shops tend to specialise in specific products or services and therefore have fewer listings.

II Law enforcement action in the United States, Canada and Thailand shut down a large dark web market in 2017.

III These data were obtained by using a software tool specifically designed to collect data from product listings on cryptomarkets on the dark web. Data collection took place on 19-25 September 2016.

commonly sold firearm type on cryptomarkets, followed by rifles (10%) and sub-machine guns (6%). Interestingly, nearly 60% of the listed sub-machine guns were replicas (compared 17% and 9% of the pistols and rifles, respectively). It is unclear how many of the listed firearms were converted replicas or deactivated or reactivated firearms. The analysis in this study indicates that a wide range of the most common makes and models of firearms are available on the dark web. Ammunition is generally sold together with a firearm. The relative market share for firearms components seems rather small, which suggests that most customers on the dark web are interested in acquiring fully assembled and functioning firearms instead of assembling them themselves. On cryptomarkets digital products such as manuals on how to manufacture firearms (and explosives) and 3D models that enable the home-based printing of firearms and their components are also being sold.<sup>444</sup> Given that the dark web provides sellers with opportunities to sell their illicit goods to a wide geographical range of customers, it is no surprise that the trade in firearms on the dark web is international rather than domestic. The recent RAND study indicates that the United States can be considered the most important source for the firearms that are listed and sold, but a significant number of listings come from vendors in European countries. While the majority of dark web listings of firearms appear to be available for worldwide shipping, Europe is not only an important source region, but is also considered a key recipient of these firearms.<sup>445</sup>

Recently national police forces from various EU member states have arrested dark web firearms dealers in several operations. In December 2016, for example, the Slovenian National Police arrested two Slovenian nationals on the suspicion of selling lethal weapons and explosives on the dark web and then posting them to buyers throughout Europe. During the house searches a large quantity of weapons were seized, including automatic and semi-automatic firearms, hand grenades, and ammunition.<sup>446</sup> While the people selling these firearms on the dark web can sometimes not have criminal affiliations, another example indicates that firearms sellers are sometimes also involved in other criminal activities. In April 2017 the Slovakian authorities, with the support of Europol, arrested a Slovak national who had been trading firearms, ammunition and drugs on the internet. In one of the locations they searched the police discovered and seized five firearms, around 600 rounds of ammunition, an indoor cannabis plantation and a Bitcoin wallet worth €203,000.<sup>447</sup>

For the delivery of physical goods – such as firearms, components and ammunition – to customers, vendors generally rely on postal and courier services.<sup>448</sup> The increased availability of illegal online sales of firearms ‘has resulted in a significant increase in the use of parcel [courier] and postal services to traffic firearms and firearm components’.<sup>449</sup> This reliance on postal and courier services, however, entails a number of risks, mainly connected to interceptions by handlers such as



postal workers or customs agents. The postal delivery of firearms can be considered to be particularly risky, since they are not packed in small, lightweight packages such as, for example, drugs deliveries. Some vendors have mitigated these risks in various ways, for example by selecting delivery drop-off locations at a distance from their homes or workplaces.<sup>450</sup> Other vendors avoid postal packages and prefer to physically hand over the firearms, especially when dealing with domestic transactions. The vendor who sold the Glock pistol and ammunition to the perpetrator of the 2017 Munich mall shooting, for example, stated that he used the dark web to contact buyers before meeting them in person to make transactions.<sup>451</sup>

Little is known about the online buyers of firearms. According to Danish police investigations, illegal firearms trafficking on the dark web is primarily conducted by gun enthusiasts who have no real criminal intent. The police believe that experienced criminals are more risk averse and therefore avoid using the dark web to access firearms, while less experienced criminals and gun enthusiasts are less risk averse.<sup>452</sup> An interesting development has been identified in the Netherlands, where the police have observed that the internet is no longer primarily used by young individuals and lower-level criminals, but that in recent years more serious criminals have also acquired firearms online.<sup>453</sup>

Many law enforcement agencies consider the monitoring of online illicit firearms markets to be very difficult. Especially the combination of the degree of anonymity and the relative ease of (geographical) access makes the dark web an attractive option for individuals without connections in the criminal underworld.<sup>454</sup> Law enforcement agencies fear that this new trend will provide people who have no criminal connections with ample opportunities to acquire weapons. Some of these agencies have also emphasised that this will also hinder the effective detection of this type of trafficking, since buyers and sellers will have to physically move around much less.<sup>455</sup> Yet the rise of scamming and increased policing of the dark web have generated doubt about the viability of using the dark web as a long-term and reliable source for the acquisition of firearms and ammunition.<sup>456</sup> In addition, one still needs a certain degree of IT knowledge to access the dark web.

## 2.4 Dynamics of illicit firearms markets

In most EU member states there is no reliable and detailed intelligence picture of people selling firearms on the illicit market. There also seem to be significant differences in this regard across the EU. While organised crime groups are believed to play a crucial role in the illicit distribution of firearms in Italy,<sup>457</sup> the Belgian police noted that a distinction can be drawn between people for whom selling a firearm or

a small amount of firearms on the illicit market is a once-off activity, and people who are more actively involved in firearms trafficking and primarily sell firearms to criminals.<sup>458</sup> In the Netherlands, more research has been undertaken into the profile of these actors. This research has demonstrated that they are virtually always men, most of whom were born in the Netherlands and have Dutch nationality, and they tend to have criminal records, often involving a relatively large number of firearms offences.<sup>459</sup> Police investigations have further suggested that the local sellers of firearms smuggled into the Netherlands are often members of the traveller community, members of outlawed motorcycle groups, criminal groups of an Antillian or former Yugoslavian background, and criminal youth gangs. Not surprisingly, these various criminal groups that are selling firearms are generally also believed to be involved in other criminal activities.<sup>460</sup>

Supplying the domestic illicit firearms market is not believed to be very lucrative in the EU and is therefore considered to serve more as an organisational means of structuring criminal activities and increasing the power of individual criminals or larger criminal networks. In the following sections we will describe four key elements of the dynamics of the illicit firearms markets across the EU: (1) the traditionally closed nature of these markets; (2) the recent increase in the availability of military-grade firearms; (3) the cyclical nature of demand and supply; and (4) the significant price differences for illicit firearms between and within EU members states.

#### 2.4.1 Traditional closed market

The SAFTE country studies have demonstrated that illicit firearms markets in Europe are generally closed markets in which having the right connections and being trustworthy are crucial factors. It is believed that most firearms transactions take place in a wide variety of settings, but mostly happen face to face. It was repeatedly stressed that firearms acquisition on the criminal market is generally only possible for trusted contacts in the broader criminal world. If buyer and seller do not know each other, a certain degree of assurance provided by intermediaries is generally required. Illicit gun markets in Europe are 'closed markets' in which firearms – especially more sophisticated firearms – are only available to individuals with the right (criminal) connections and reputations. As a result, not every person and not even every criminal find it easy to acquire a firearm. Ballistics analyses in Denmark, for example, have demonstrated that often the same weapons are used in multiple shootings and various crimes, which suggests that the size of the illicit firearms market is rather modest in that country.<sup>461</sup>

Earlier research on the illicit gun market in the Netherlands has clearly demonstrated that the owners of illegally held lethal-purpose firearms are mainly criminals who 'have outgrown the level of petty criminal'.<sup>462</sup> Because of their wide-ranging network of contacts and their reputation in the criminal world, it is generally rather easy for them to obtain good-quality firearms. Lower-ranking (often younger) criminals do not have the same criminal connections and therefore find that their access is limited to blank-firing guns or even fake guns.<sup>463</sup> Similar results have been found in studies on the UK's illicit gun market. Access to certain types of firearms differs according to an individual's position in the criminal hierarchy: while semi-automatic or reactivated ex-military firearms are restricted to older and more senior members of organised crime groups, young gang members and urban street gangs usually only have access to cheaper firearms such as converted pistols and antique handguns.<sup>464</sup>

Even in EU member states with high levels of illicit firearms possession, the closed nature of the illicit market can be a barrier to illicit firearms trafficking. In Croatia, for example, illegal firearms can be purchased on the illegal market at relatively low prices and thus offer potential for international trafficking, but the opportunities to purchase large quantities of these firearms at once seem rather limited. A high level of illegal firearms possession in a country therefore does not automatically imply that there is a significant and dynamic illicit gun market in that country.

The differences in access to illicit firearms based on position in the criminal hierarchy and the criminal environment that the potential buyer belongs to is also clearly illustrated in the country study on Belgium. While criminals involved in the wholesale production or large-scale trafficking of drugs are often armed with firearms, this is much less likely among smaller street dealers. In addition, alarm weapons (sometimes converted) can most often be found among the latter category of drugs criminals, while military-grade assault rifles and sub-machine guns are more common among the former category. A similar observation was made with regard to the firearms used by armed robbers and members of urban street gangs in Belgium. These criminals tend not to possess firearms and those that do often only have alarm weapons or other replica guns. They are generally young, inexperienced criminals who often lack the criminal connections to obtain lethal-purpose firearms. Robbers in Belgium often do not use military-grade assault rifles, partly because of a lack of access to these types of weapons, and partly because they are often not considered worth having, because armed robbers tend to use their weapon mainly as a scarce tactic. Armed robbers who do use such weapons are usually higher-level criminals who are involved in robberies of heavily secured targets.<sup>465</sup>

This suggests differences in the importance of the firearms acquisition patterns of lower-level criminals (more often the conversion of legally acquired replicas) and

higher-level criminals (more often smuggled firearms that originate from post-conflict zones). It is important to note, however, that a number of recent robberies of less heavily secured targets with military-grade firearms suggest that this 'traditional' distinction in firearms possession and usage between criminals at different levels of criminal hierarchies seems to be changing.<sup>466</sup> In addition, the closed character of illicit gun markets is believed to have eroded slightly in recent years due to the emergence of the internet, where suppliers and buyers who do not know each other can contact one another (see sec. 2.3.3, above).

#### 2.4.2 Increased availability of military-grade firearms

Although it is difficult to estimate the size of illicit firearms markets in Europe because of the above-mentioned difficulties, there are certain indications that the number of firearms available on the illicit market is currently increasing. Firstly, specialised law enforcement agencies in many EU member states have observed the increased availability of converted blank firers and (reactivated) military-grade firearms. Secondly, the available quantitative data in some countries also suggest the increasing availability of different types of firearms. In France, for example, the number of stolen firearms strongly outnumbered the number of seized firearms. This implies a growing pool of illicit firearms, especially when considering the significant (but undetermined) flows of firearms entering the country illicitly.<sup>467</sup> Thirdly, criminals can lease firearms in a number of larger European cities, such as Rome.<sup>468</sup> The Dutch National Threat Assessment 2017, for example, states that 'firearms are more frequently leased, particularly by street gangs'.<sup>469</sup> Law enforcement agencies in the Netherlands also noted that they believe WhatsApp and other easy-to-use messaging systems have apparently become a flexible middle layer of firearms broking in some cases: within the larger network of Dutch-Antillean criminal groups, for example, requests for firearms are circulated via mobile-phone messaging.<sup>470</sup>

In 2010 Europol warned that criminals' use of 'heavy firearms' such as assault rifles was on the rise.<sup>471</sup> The increased availability of military-grade assault rifles can be linked to the increased cross-border smuggling of legacy weapons from armed conflicts in the Western Balkans and the recent increase in the trafficking of deactivated firearms and acoustic expansion weapons that can easily be reactivated (see secs. 2.3.2 and 2.3.3, above). This increased availability of military-grade firearms has contributed to an arms race between criminal groups and the gradual trickling down of the use of firearms in general and military-grade firearms in particular to lower segments of the criminal hierarchy in several Western European countries. Law enforcement agencies in Belgium, for example, have stated that in 2010 a new wave of young criminals appeared on the Brussels crime scene who seem to have

easy access to assault rifles. This new generation of criminals were generally not really organised and worked together in only a loosely connected way. Their choice of targets and *modi operandi* were often characterised by a high degree of impulsiveness. This contributed to extremely violent behaviour and the casual discharge of their weapons.<sup>472</sup>

Notwithstanding the increased availability of military-grade assault rifles, most of the firearms that are currently available on the illicit firearms markets are still handguns. Military-grade assault rifles are available in several of the analysed countries, but often their possession is limited to the world of heavy banditry. Even in EU member states where a significant number of military-grade firearms are reputed to be available on the illicit firearms market, these types of firearms only constitute a small proportion of the firearms that are available on this market. In France, for example, customs officials have reported that the most commonly encountered firearms are single-shot hunting shotguns, semi-automatic hunting rifles, pistols and revolvers. Only 9% and 5% of the firearms seized by customs and the police or gendarmerie, respectively, consisted of Category A weapons.<sup>473</sup>

The increased availability of military-grade firearms and its societal impact can be clearly illustrated by the situation in the Netherlands. Even though the illegal possession of firearms mainly involves pistols and converted gas and alarm pistols, Dutch police have stated that automatic assault rifles have become more readily available in recent years and have been observed among a wider range of customers. Between 2001 and 2010 the share of automatic firearms seized annually in the whole of the Netherlands was on average 4% of all seized lethal firearms, numbering about 50 per year. More recent data are unavailable, but in October 2015 the chief commissioner who acts as the spokesperson on firearms stated that in 2013 around 170 and in 2014 over 200 'heavy weapons' were seized. In recent years not only has the number of seized automatic firearms increased, but also the number of incidents involving these weapons. Before 2012 such incidents were highly exceptional and generally linked to internationally linked criminal networks. At the end of 2012, however, this situation changed following a series of murders with automatic weapons, mainly related to rivalries in the cocaine wholesale business.<sup>474</sup> Between 2012 and 2015 the number of liquidations (murders) of rival criminals and attempted liquidation increased. Most of these liquidations occurred in public in the daytime and involved the use of multiple automatic firearms. In recent years a number of criminals and criminal groups have even specialised in liquidations with automatic firearms. This increase in liquidations is explained by the Dutch police as an arms race among criminal groups and 'target hardening' in which criminals have started protecting themselves better against liquidation (e.g. by wearing bulletproof vests or driving in armoured vehicles), which implies the need for better

firepower for a successful liquidation.<sup>475</sup> Increased firearms possession and use have also trickled down from the drugs trade to other criminal spheres. Dutch police have also observed that since 2012 armed robbers have also increasingly used assault rifles instead of handguns.<sup>476</sup> The increased use of firearms in the criminal world has resulted in an increased number of murder investigations (first mainly in Amsterdam, but later elsewhere in the country) and an increase in the number of search warrants related to the possession of automatic firearms, which in turn led to the seizing of an increasing number of such firearms. In the larger cities of Amsterdam and Rotterdam, for example, the number of seized automatic firearms increased from 10-20 per year in 2012-2013 to 30-40 per year in 2014-2015.<sup>477</sup> This example not only illustrates the increased possession and use of military-grade firearms in the Netherlands, but also that this can lead to greater awareness of the problem. The resulting higher number of investigations into these weapons also leads to an increase in the number of seizures.

Interestingly, the increased availability of cheap and powerful firearms from the Western Balkans has also created demand for these weapons. Already in the 1990s the easy availability of assault rifles in neighbouring Balkan countries as a result of the armed conflicts in the region not only created an appetite among Italian mafia groups for such weapons, which they had not previously possessed in significant quantities, but also increased the possibility of actually acquiring them. This availability resulted in a substantial increase in the size of the arsenals of mafia groups in Italy. Interestingly, it is believed that this situation also allowed some 'Ndrangheta families who were living in the Western Balkans to become firearms brokers, arranging transfers of weapons that originated in Eastern Europe to the organised crime scene in Italy.<sup>478</sup> It is important to stress that this recent increased availability of military-grade firearms is not limited to assault rifles and sub-machine guns. In several EU member states the possession of weapons such as hand grenades and rocket launchers has been observed among criminal groups. In the woods north of Stockholm, for example, Swedish police recently found a loaded rocket launcher that was believed to be part of the arsenal of a criminal group.<sup>479</sup>

### 2.4.3 Cyclical nature of supply and demand

A 2010 UK parliamentary committee stated that 'replica, converted and deactivated firearms have emerged as a major source of illegal guns, perhaps owing to the difficulties that criminals now experience in acquiring genuine lethal firearms'.<sup>480</sup> Interestingly, the emergence of converted blank firers was also observed early on in the Netherlands. It could be argued that this early identification of 'new firearms' on the illicit gun market can be connected to the proactive firearms approach of the

Dutch and British law enforcement agencies. Another argument, however, is that the relative small size of their illicit firearms market and resulting 'patchy supply' of firearms have forced criminals to look for alternative sources of firearms. This led them to less suitable firearms such as replicas and deactivated firearms, but over time it was discovered that some of these weapons could easily be converted or reactivated. This quickly became known in the criminal underworld, where especially lower-ranking criminals have used this supply mechanism.

It is important to keep the cyclical nature of supply and demand in mind when analysing the dynamics of illicit firearms markets across the EU: when a particular type of firearm is targeted by law enforcement agencies, its availability can decrease, which generally increases its price and forces criminals to use other types of firearms that are cheaper and more readily available. This cyclical process can be clearly illustrated by the evolution of the availability of certain types of firearms in the UK (see Box 2.5).

**Box 2.5: Changing availability of various types of firearms in the UK (2005–2017)**<sup>481</sup>

Between 2005 and 2009 significant numbers of converted Baikal pistols were illegally transferred from Lithuania to the UK. This blank-firing pistol was believed to cost around £10 in Lithuania. These replicas were converted and fitted with silencers and sold to Lithuanian gangs for £300. After being trafficked to the UK they were sold for about £1,500. Targeted interventions by police forces in London and Greater Manchester and cooperation with Lithuanian authorities stopped the supply of these weapons in 2009.

In the following years another source emerged: between 2009 and 2011 significant numbers of Glock pistols were illegally imported into the UK from the United States. Focused law enforcement operations largely stopped this supply mechanism, but soon two new sources emerged.

Since 2013 'antique' firearms, such as late-19th-century French-made Saint-Etienne army revolvers, have become increasingly popular among low-end urban street gangs. Although the ammunition for antique firearms is considered obsolete, many of them can be adapted to fire modern ammunition. Since 2015 NABIS has identified the availability of reactivated Czech-produced Skorpion vz.61 sub-machine guns sourced from Germany and Slovakia.

#### 2.4.4 Prices

An important indicator of differences in the availability of certain types of firearms on the illicit markets is the price of these weapons. Table 2.2 lists some of the prices that have been identified during the SAFTE country studies. However, information on reported prices for different types of firearms on illicit markets needs to be interpreted very carefully. Previous research has demonstrated that the price of firearms on the UK illicit firearms market is influenced by several factors such as the type of firearm, regional levels of supply and demand, whether or not the firearm was previously used, the buyer's contacts, the urgency of the acquisition for the buyer and the availability of ammunition for the weapon.<sup>482</sup> Additional caution is needed when interpreting the data in Table 2.2, because these are national prices, are often based on a small number of cases, are recorded at different times, significant geographical differences can exist (even within countries) and prices depend heavily on the specific context in which firearms transactions take place. While prices for AK-pattern assault rifles tend to oscillate between €1,000 and €2,500 in France, for example, some sources point to very low prices in certain cities (e.g. €300-500 in parts of Marseille) or on online platforms.

It is also important to keep in mind that several external factors can also temporarily influence prices on the illicit firearms market. The opening up of a new supply chain in a country, for example, can seriously impact prices. This was recently the case in the Netherlands, where a temporary over-supply in the market was observed by police forces when Skorpion vz.61 machine pistols were being offered in sets of ten and for a lower price than previously seen.<sup>483</sup> On the other hand, much higher prices for illicit firearms were observed in Brussels in the aftermath of terrorist attacks in March 2016. The prices for Kalashnikov-type assault rifles, for example, seemed to have tripled. The Brussels Federal Judiciary Police have observed a decrease in firearms-trafficking cases in Brussels after the attacks, and this is believed to be a result of the increased focus of law enforcement agencies on the terrorism and terrorist-related activities in the region. It seems that firearms traffickers have become aware of the perceived increased risk of getting caught and the heavier penalties if there is a link with terrorist networks, which has in turn contributed to moving some of their trafficking activities (probably temporarily) to other Belgian cities and the connected price increases.<sup>484</sup>



**Table 2.2: Prices for various types of firearms on the illicit market in different countries (in euros)**

	Belgium (2017)	Croatia	Denmark	France	Italy (Rome) (2012)	The Netherlands (2017)
Handgun	500-1,000	100-500	2,000-2,700	1,000-3,000	500-1,700	1,000-2,000
Glock pistol	1,000-2,000					3,000
Rifle					2,000	
Sub-machine gun				1,000-3,000	1,000-3,000	
Converted blank firer	Max. 400			300-550		300-500
12 gauge shotgun				300-1,000		
Military-grade assault rifle	2,000-2,500	100-500		1,000-2,500		1,500-4,500

Notwithstanding the above-mentioned limitations, two important conclusions can be drawn from Table 2.2. Firstly, the table clearly indicates that strong price differences exist among EU member states. While a military-grade assault rifle costs between €100 and €500 in Croatia, the price increases to more than €1,000 in France, more than €2,000 in Belgium and £4,000 in the UK. To a certain extent these price differences can explain the trafficking routes that have been observed earlier, but they also imply that there is no such thing as *the* illicit firearms market in the EU. It is clear that the EU has many different illicit firearms markets, each with its own specific characteristics and dynamics. Secondly, despite these significant price differences among EU member states, we can observe a similar price hierarchy within individual countries. The most expensive firearms on the illicit firearms market are generally military-grade firearms such as assault rifles, while the cheapest firearms are generally converted replicas. This implies that, despite the differences in national or regional markets, some common elements can be observed.

Interestingly, the increased availability of certain types of firearms has not necessarily led to price changes. In the Netherlands, for example, the increased availability of automatic assault rifles has not been accompanied by lower prices. Interviews with law enforcement officials have demonstrated that the prices of various types

of firearms have not significantly changed in recent years. This suggests that the market for automatic firearms in the Netherlands has grown in scale since 2012 due to increasing demand for and supply of these weapons.<sup>485</sup> According to the Dutch police, the observation that automatic firearms are generally not much more expensive than pistols suggests a relatively large supply of automatic firearms.<sup>486</sup>

Firearms are sometimes also exchanged for drugs and other goods on Europe's illicit firearms markets. In Italy, for example, firearms stolen from armed forces stockpiles have been used to pay for drugs sold by organised crime groups who dominate the wholesale drugs trade. Another interesting observation is that Italian organised crime groups have demanded drugs and firearms from criminal organisations from the Balkans in exchange for the use of 'their' territory for human trafficking. Sometimes firearms are also given as gifts to criminal business partners: Albanian organised crime groups, for example, have been known to leave the firearms they used when they smuggled drugs into Italy with their Italian counterparts.<sup>487</sup> These examples clearly illustrate the interlinking of illicit firearms trafficking with other types of illicit trafficking.

# Chapter 3

## Terrorist access to firearms

In recent years terrorists have carried out a series of high-profile attacks with firearms in the EU, while several other terrorist plots involving the use of firearms have been foiled. These incidents clearly indicate that, despite the existing legislation at the EU and national levels, terrorist networks are able to obtain firearms through criminal networks and illicit firearms markets in the EU. Not surprisingly, the 2015 European Agenda on Security highlighted the need to restrict terrorist networks' ability to access firearms. A crucial first step in restricting this access is that of understanding it. The European Commission has therefore noted that it is essential to build a better intelligence picture on which to base efforts to deal with the threat of terrorist access to firearms.<sup>488</sup>

In the previous chapter of this report we analysed the characteristics of illicit firearms market across the EU. This has provided us with a better understanding of the dynamics of these markets. In this chapter we will focus specifically on terrorist access to firearms. In the first section we will present an overview of the wide range of firearms that have been used by and seized from terrorist actors in the EU. In the second section we will show that terrorists often have a preference for military-grade firearms, but that access to these firearms is very often restricted across the EU. In the third section we will highlight general differences in acquisition patterns among different types of terrorist actors. In the fourth section we will analyse the specific dynamics of terrorist access to criminal gun markets. The fifth section gives an overview of the different supply chains for criminal firearms markets that have been used by terrorists in the EU. In the sixth section we will describe the ways in which terrorists directly diverted firearms from legal sources. In the final section we will examine the international firearms connections that link terrorists and their networks.

The analysis in this chapter is primarily based on the findings of the SAFTE country studies. Some of these studies found that the number of recent terrorist attacks in general and terrorist attacks using firearms in the countries under study in particular are quite limited. Romania, Croatia and Italy, for example, have experienced no

terrorist attacks in recent years. Other countries have experienced a limited number of terrorist attacks, with the occasional use of firearms. Interestingly, in the Netherlands two terrorist attacks actually took place in recent decades (the murders of politician Pim Fortuyn in 2002 and filmmaker Theo Van Gogh in 2004), but national law enforcement agencies suspect that at least 15 persons had been planning terrorist attacks with firearms. Three SAFTE countries (Belgium, France and the UK) have witnessed several terrorist attacks with firearms in recent years. Yet the situation in each of these countries is quite different. In Belgium, for example, the recent attacks with firearms are all linked to Islamic extremists, while the SAFTE country study on France indicates that a wide range of perpetrators have carried out terror attacks with firearms in the country, from jihadi groups to Corsican nationalist groups and Basque separatists: 'firearms have ... been a recurring tool used by a variety of perpetrators of acts that aimed at causing maximal civilian casualties or disrupting symbols of the French state'.<sup>489</sup> In the UK the (frequent) use of firearms by terrorists mainly relates to separatist violence in Northern Ireland, while jihadi attacks with firearms have been very rare. The SAFTE country studies therefore focus on very different situations with regard to terrorism in general and firearms-related terrorism in particular.

### 3.1 Terrorists' use of firearms in the EU

In 2013 Europol noted the increased use of firearms by terrorists and violent extremists and stated that this modus operandi appears to be emerging across a range of ideologies.<sup>490</sup> In subsequent years this trend has not diminished and firearms have become the most prevalent type of weaponry used by terrorists.<sup>491</sup> In 2015 Europol recorded 57 terrorist incidents in which firearms were used.<sup>492</sup> Using a different methodology, the Global Terrorism Database<sup>493</sup> has recorded 98 separate terrorist attacks that involve the use of a firearm in the EU between 2012 and 2016. A number of these attacks have received a great deal of international media attention, for example the Toulouse-Montauban attacks in 2012, the attack on the Jewish Museum in Brussels in 2014, and the attacks in Paris and Copenhagen in 2015. Because of the very high number of casualties in some of these incidents, most of the focus has been on jihadi attacks. In the November 2015 Paris attacks, for example, 130 people were killed and more than 400 were wounded.<sup>494</sup> Data from the Global Terrorism Database, however, suggest that 46 of the 98 recorded attacks took place in Northern Ireland and Ireland and were linked to separatist violence. Several separatist attacks using firearms have also been recorded in Corsica between 2012 and 2016. In addition, numerous right-wing and left-wing attacks with firearms have been recorded in recent years. It is important to keep in mind that firearms have not only been used as the primary tools of violence, but in some attacks mainly as a facilitating

tool: while the perpetrator of the 2016 Berlin Christmas market attack used a truck to kill 11 people and injure 56 others, he first used a pistol to kill the truck driver and steal his truck a couple of hours prior to the market attack. These examples clearly illustrate the need to restrict terrorist access to firearms.

The use of firearms to commit terrorist attacks is not a new phenomenon in the EU. From a historical perspective, separatist terrorist groups such as ETA and the Provisional Irish Republican Army (IRA) and other Republican groups in Northern Ireland have relied heavily on firearms to carry out their activities and attacks. In the last two decades ETA announced a ceasefire on several occasions and has stated that it would disarm. Europol stated in 2016 that a significant amount of weapons and explosives that belonged to ETA were seized in Spain, but also warned that ETA continued to use France and neighbouring countries for hiding operatives and weaponry.<sup>495</sup> Since the signing of the Good Friday Peace Agreement in April 1998, most terrorist paramilitary organisations in Northern Ireland have decommissioned their firearms and explosives. The Provisional IRA, for example, decommissioned its weapons in late 2005 following the announcement that it would end its armed campaign. According to some estimates, the IRA decommissioned approximately 90 handguns, 1,000 rifles (mainly Kalashnikov-type assault rifles) and 20-30 heavy machine guns in 2005.<sup>496</sup> The Independent International Commission on Decommissioning oversaw the decommissioning process. It stated in its final report that 'very large quantities of arms which the representative has informed us includes all the arms in the IRA's possession' were decommissioned and that these arms included 'a full range of ammunition, rifles, machine guns, mortars, missiles, handguns, explosives, explosive substances and other arms, including all the categories described in the estimates provided by the security forces'.<sup>497</sup> Despite this official declaration, it is assumed that some elements in the Provisional IRA and other paramilitary organisations retained some of their weapons. According to Europol, dissident Republican groups in Northern Ireland still have access to range of firearms.<sup>498</sup> The 46 recent terror attacks with firearms that have been recorded in the Global Terrorism Database support this statement.<sup>499</sup> Although the modi operandi of dissident Republican groups vary across the various groups, Europol has confirmed that many of their attacks still involve firearms.<sup>500</sup>

The historical terrorist use of firearms is not limited to separatist groups. In the fairly recent past groups with a wide range of terrorist ideologies have carried out terror attacks with firearms in Europe. In April 1981, for example, an Armenian gunman shot a Turkish Embassy labour attaché in his apartment building in Copenhagen in an attack for which the Armenian Secret Army for the Liberation of Armenia and Justice Commandos of the Armenian Genocide claimed responsibility.<sup>501</sup> Firearms have also been seized among jihadi terrorist networks in the past. In

2001, for example, a couple of days after the 11 September 2001 attacks in the United States, Belgian law enforcement agencies seized an Uzi machine pistol from a man connected to al-Qaeda who was planning a suicide attack on a US military base in Belgium.<sup>502</sup>

Europol has recently warned of the significant future security threat posed by foreign terrorist fighters (FTFs) returning to Europe from conflict-affected countries like Syria and Iraq because these people

*have received prolonged ideological indoctrination, military training in the use of weapons and explosives, or have gained combat experience during their stay in a conflict region. They may also have established links to other FTFs abroad and become part of capable transnational networks. These returning fighters will have increased proficiency in terms of carrying out attacks, either under direction or independently.*<sup>503</sup>

The Danish Police Intelligence Service has stated that returned foreign fighters constitute the most dangerous terrorist threat to Denmark. Although it said that other perpetrators are likely to carry out small-scale terrorist attacks in Denmark, returned foreign fighters are considered more likely to be involved in a major planned attack.<sup>504</sup> In the UK, several law enforcement officials also noted the potential risk of foreign fighters returning to the UK and using the skills they had acquired to carry out terrorist attacks.<sup>505</sup> A related observation has been made in Belgium, the European country with the highest number of foreign terrorist fighters per capita, where law enforcement agencies fear that some of the returning fighters will use their contacts in Syria or Iraq to import weapons in order to use them in attacks, sell them on the European illicit firearms market, or build up a weapons arsenal themselves in order to supply radical networks.<sup>506</sup>

### **3.2 The acquisition of firearms: preference versus availability**

In recent years a wide range of firearms have been seized following successful, failed or foiled terrorist attacks in the EU. In addition, law enforcement agencies across the EU have seized firearms from extremists in various kinds of operations. Our analysis of the firearms seized in the eight SAFTE country studies clearly indicates that terrorists use a wide range of firearms. These firearms include various models and brands of pistols and revolvers, but also various types of military-grade firearms such as assault rifles – especially Kalashnikov-type patterns and CZ vz.58 assault rifles – and sub-machine guns. Interestingly, firearms that are not very

suitable to most terror attacks – for example, shotguns, riot guns, and even replica firearms and pellet guns – have also been seized from terrorist networks. The research findings further suggest that terrorist groups' firearms often circulate among all the members of a particular group and are regularly moved from place to place.<sup>507</sup> Terrorist groups usually do not store their firearms in their immediate proximity, but keep them hidden in safe houses until they are used in an attack.<sup>508</sup> Most of the weapons of Republican terrorist groups in Northern Ireland, for example, are believed to have been stored in Ireland because of the lower police and army presence there. These arms depots were often very well hidden. The weapons stored in Northern Ireland itself were usually smaller stocks that were meant for immediate use by members of these groups.<sup>509</sup> This is similar to the way in which mafia groups in Italy manage weapons caches; for example, in Sicily and Calabria caches are generally located in rural areas and usually well hidden, for example in underground caches.<sup>510</sup>

It would be incorrect to assume that the observed wide range of seized firearms from terrorist networks implies that all terrorist actors have access to such wide-ranging arsenals. The observed presence of less-suitable firearms such as imitation guns or shotguns among terrorist networks actually suggests the opposite: not all terrorists have access to a wide range of firearms and many need to make do with the ones they are able to acquire. There frequently seems to be a significant difference between the firearms that terrorist actors want and those they have access to. This is not surprising, since these actors very often need to rely on the availability of firearms on local criminal black markets.

A comparison of the most commonly observed calibres between terrorism-related ballistic analyses and the total number ballistic analyses in France in 2016, for example, demonstrates that these calibres differ only partially. This clearly suggests that terrorist actors rely heavily on firearms and ammunition that are locally available.<sup>511</sup> Yet there seems to be a significant over-representation of military-grade assault rifles in the types of firearms terrorist actors possess and use, which suggests that, if they are available on these markets, terrorists seem to prefer military-grade firearms, especially when planning more sophisticated attacks. Ballistics analyses from France indicate that terrorists more often possess Kalashnikov-type firearms than local criminals do. For example, 7.62 x 39 mm ammunition is found in slightly higher percentages in terrorist-related cases. We have also observed that in all the recent high-profile terrorist attacks using firearms in the EU, the perpetrators used or tried to use automatic firearms, often in combination with handguns. In addition, an overview of the 52 firearms retrieved or seized in relation to eight terrorism cases in France from the period 2012-2016 indicates that 40% of these firearms were automatic rifles.<sup>512</sup>

As we have seen in the previous chapter, illicit firearms markets in the EU are traditionally closed markets that only those with the right connections and reputations can access. Although this closed character of illicit gun markets is believed to have eroded slightly in recent years, more sophisticated firearms such as military-grade assault rifles and sub-machine guns are frequently only accessible to a limited number of criminals, even in countries with relatively high levels of illicit firearms proliferation. This implies that only terrorists with the right criminal connections can acquire such weapons on the illicit firearms market. If these military-grade firearms are not available on the criminal market or if they do not have the right criminal connections, terrorists will need to take what is on offer or find a way to circumvent this market and divert the weapons themselves from the legal sphere. An example of the latter option is the targeted theft of the M95 rifle that was used in the attack on the Krudttønnen Café in Copenhagen. The perpetrator clearly had a preference for such a military-grade firearm, which are not commonly observed on the Danish illicit firearms market, since he already had two (old) pistols in his possession. Interestingly, during the attack the perpetrator used the semi-automatic function of the rifle for more precise shooting.<sup>513</sup>

Potential terrorists who do not have access to an extended criminal network will find it very difficult to acquire good firearms. Terrorists' acquisition of firearms on the illicit market involves taking significant risks and is expensive, especially in countries where there is limited availability of illicit firearms.<sup>514</sup> We believe this could be one of the many reasons why certain EU member states are more prone to terrorist attacks with firearms than others. Because of the limited availability of firearms in the UK, for example, attempts to obtain such weapons not only take time and planning, but also significantly increase the likelihood of a terrorist being detected. The UK's proactive 'investigate the gun' approach provides a very high 'barrier to entry' for perpetrators of terror attacks in terms of the weapons they use. They are therefore forced to carry out more spontaneous attacks that involve readily available instruments such as vehicles or knives.<sup>515</sup> Interestingly in this regard, in October 2016 the UK's most senior counter-terrorism police officer stated that 'half of the terrorist plots that have been disrupted in recent years have involved terrorist plotters who tried to get hold of guns'.<sup>516</sup> One of these foiled plots was the plan of radicalised British citizens to carry out a drive-by shooting of police or soldiers in London in the name of ISIS. The police foiled the plot in 2014 shortly after one of the would-be terrorists was able to acquire a converted Baikal blank-firing pistol and a magazine containing six rounds of ammunition from a low-level criminal source who attended the same Muslim Cultural Heritage Centre.<sup>517</sup>

The example above clearly illustrates the risks of detection that terrorist networks face when they attempt to acquire firearms in a local context of limited firearms



availability and constant law enforcement monitoring of this market, but also suggests that in the UK the only types of firearms that are available to terrorists with limited criminal connections are low-quality weapons such as converted blank firers. A similar lesson can also be deduced from the terrorist murder of UK soldier Lee Rigby in London in 2013. While the perpetrators used a meat cleaver to commit this murder, one of them was also armed with an unloaded 90-year old KNIL 9.4 mm revolver.<sup>518</sup> Although we have to be careful when drawing general conclusions from such a limited sample, both cases involve firearms that are more readily available to urban street gangs in the UK (antique and converted handguns) and not the automatic military-grade firearms and real semi-automatic handguns used in the terrorist attacks in France.

### 3.3 Differences in acquisition methods among different types of terrorist actors

The findings from the SAFTE country studies indicate that clear distinctions can be identified in the possession and use of firearms among different types of terrorist networks in the EU. In the following paragraphs we will discuss the acquisition, possession and use of firearms by the ‘more traditional’ separatist terrorist groups, religiously-inspired groups, right-wing groups and left-wing extremist groups. According to Europol, single-issue groups, who mainly focus on environmental issues and animal rights, remain currently largely peaceful and act within the law.<sup>1</sup>

#### 3.3.1 Separatist groups

When ‘The Troubles’ began in Northern Ireland the late 1960s Republican terrorist paramilitary organisations were generally badly armed. They mainly relied on old firearms from previous campaigns, often stolen from arms depots of the British and Irish armed forces.<sup>519</sup> But over the years these groups grew in size and reorganised themselves, which made it easier to acquire firearms. In the following decades they would rely heavily on foreign sources of firearms, especially from the United States and Libya.<sup>520</sup> These (international) arms transfers were clearly politically motivated. Firearms transfers from the United States to Republican groups started in the early 1970s and were often sponsored and organised by members of Irish-American communities who supported the political goals of these groups. The state-sponsored arms transfers from Libya started in the same period. In addition to Libya and the

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<sup>1</sup> The only ‘single issue’ attack with a firearm identified in the Project SAFTE country studies was when an environmental murdered Dutch politician Pim Fortuyn in May 2002.

United States, firearms have also been trafficked to the IRA from a number of European countries with the assistance of professional arms smugglers.<sup>521</sup>

An interesting observation is the significant differences in firearms acquisition between the Republican and Loyalist groups fighting each other in Northern Ireland: while the Republican groups relied heavily on weapons illegally imported from abroad, the Loyalist forces relied on locally sourced weapons and in particular on stolen, illegally produced and reactivated firearms.<sup>522</sup> This illustrates that even in the same region, different types of terrorist actors can have significantly different firearms acquisition patterns as a result of the broader societal context in which they operate.

A significant number of the 'legacy weapons' from the Troubles continue to be used in Northern Ireland and the Republic of Ireland today, especially by successor and splinter organisations of the terrorist groups involved in the Troubles,<sup>523</sup> but some have also spilled over to the criminal underworld and have been circulating in the illicit sphere for several decades. The Police Service of Northern Ireland, for example, also frequently seizes Kalashnikov-type assault rifles and sub-machine guns, while these firearms are very rarely found in other parts of the UK. Because of the Troubles, military-grade firearms are not only more readily available to terrorists in Northern Ireland, but also to criminals.<sup>524</sup>

In contrast to the IRA, the Basque separatist group Euskadi Ta Askatasuna (ETA)<sup>1</sup> clearly favoured local sources of firearms supplies. Initially this group relied heavily on weapons that it stole from security forces stockpiles. Another important source of ETA firearms was the theft of approximately 400 handguns and 60,000 rounds of ammunition from an authorised French arms dealer in 2006. Interestingly, ETA members also produced several hundred homemade sub-machine guns in the 1980s and 1990s. These firearms were modelled on the Israeli Uzi machine pistol and were usually marked with 'ETA' on the right side of the receiver, as well as 'RTS' or 'ARS' fire selector markings.<sup>525</sup>

Separatist terrorist groups in Corsica have also traditionally used firearms as one of their preferred weapons. The **Front de Libération Nationale Corse (FLNC)** relied on both local and international supply mechanisms to acquire its firearms. The local sourcing of firearms mainly involved thefts from security forces stockpiles,

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<sup>1</sup> ETA is no longer considered a significant security threat. In 2011 the group declared the end of its armed struggle and began disarming in 2016. While ETA carried out most of its violent attacks in Spain, it was also active in France, where it maintained numerous arms caches. In April 2017, for example, it surrendered eight arms caches containing 3.5 tonnes of arms, ammunition and other materiel to the French authorities within the framework of its disarmament process.

while the group's use of international supply mechanisms is indicated by the presence of weapons in its arsenals that are very unlikely to be locally sourced, such as Uzi sub-machine guns, Steyr AUG rifles, M16 rifles and rocket launchers. Unfortunately, only anecdotal information is available on the criminal networks used to acquire these diverse firearms. The violent activities of the FLNC, which mainly targeted symbols of the French state, have diminished over the years and in 2016 the group announced the end of its armed campaign.<sup>526</sup>

### 3.3.2 Religiously-inspired groups

The recent high-profile terror attacks by religiously-inspired groups in the EU have highlighted that these perpetrators are able to acquire automatic firearms and handguns. An overview of the firearms used in such attacks indicates that the perpetrators generally use semi-automatic pistols, military-grade rifles or a combination of both types of firearms in their attacks (see Table 3.1).

Our analysis demonstrates that in their search for firearms these networks tend to rely on members with criminal pasts who use their connections in the criminal underworld. According to the Dutch national coordinator for counter-terrorism and security, 'criminals and terrorists are increasingly working together. This means jihadists can acquire weapons more quickly'.<sup>527</sup> Terrorist networks with criminal connections to firearms have also been observed in Denmark. In April 2016, for example, the Danish police arrested four men suspected of having joined ISIS with the intention of committing acts of terror. During this investigation the police discovered weapons and ammunition in one of several raided properties that were linked to one of Copenhagen's criminal gangs. Also the perpetrator of the double attack on the Krudttønden Café and the synagogue in Copenhagen in February 2015 used to be part of the criminal underworld: 'el-Hussein was trained in criminal gangs in Copenhagen, not on the battlefields in Syria.'<sup>528</sup> Similar observations have been made in Belgium, France and the UK. In section 3.4 of this report we will discuss in more detail the dynamics of terrorist access to criminal gun markets in Europe.

**Table 3.1: Overview of firearms used by perpetrators of selected religiously terrorist attacks in the eight SAFTE country studies**

Attack	Firearms used by perpetrators
Assassination of politician (Hilversum – May 2002)	Star Firestar M43 pistol
Assassination of filmmaker (Amsterdam – November 2004)	HS 2000 pistol
Attack on soldiers and Jewish school (Toulouse-Montauban – March 2012)	Colt .45 semi-automatic pistol Uzi machine pistol
Attack on Jewish Museum (Brussels – May 2014)	Zastava M70 rifle
Attack on Charlie Hebdo (Paris – January 2015)	Two Zastava M70 AB2 rifles
Attack on Hypercacher (Paris – January 2015)	Two vz.58 rifles Two Tokarev TT33 pistols
Gunfight with police (Verviers – January 2015)	Zastava M70 AB2 rifle FEG S90 rifle WIESA rifle BUL M-5 pistol CZ M88A pistol Tanfoglio 9 mm Parabellum pistol Hammerless Velo-Dog revolver
Attack cultural centre and synagogue (Copenhagen – February 2015)	M95 rifle Walther 7.65 mm pistol Polish-made 9mm pistol
Attack on terraces and Bataclan (Paris – November 2015)	Four Zastava M70 rifle Bulgarian AKS47 rifle Chinese Norinco 56-1 rifle
Gunfight with police (Vorst – March 2016)	Kalashnikov type rifles
Bastille day attack (Nice – July 2016)	7.65 Browning pistol

An analysis of the different types of firearms seized in cases related to religiously-inspired terrorism in the eight SAFTE country studies indicates a large variety of supply mechanisms. Many of these firearms ended up on the criminal market as a result of cross-border smuggling, often originating from the Western Balkans. The frequent possession and use of Zastava M70 assault rifles, that were diverted during the Yugoslav wars in the 1990s, are clear examples of this supply mechanism. Among the seized firearms we have, however, also observed reactivated firearms, converted blank firers and stolen firearms that ended up in terrorist hands through the criminal market. Because these terrorist networks rely on their criminal connections to acquire firearms, it is not surprising to find that to a large extent terrorist firearms arsenals reflect the specific dynamics of the local criminal firearms market.

A small number of members of religiously-inspired terrorist networks in Europe have, however, also acquired firearms by diverting them from the legal firearms sphere directly, for example the targeted theft of the M95 rifle by the perpetrator of the Copenhagen attacks in 2015. Not surprisingly, cases where such terrorist actors legally own firearms are exceptionally rare in the EU.

Importantly, religiously-inspired terrorist networks that are active today in Europe are much less hierarchically structured than the more 'traditional' separatist terror groups. These differences in organisation pose specific problems for law enforcement attempts to stop these networks from acquiring firearms. The key actors interviewed in the UK stressed this: while Republican and Loyalist terrorist groups in Northern Ireland were organised in a way that allowed law enforcement agencies to infiltrate them, which enhanced the identification of firearms acquisition patterns, this is much more difficult in the case of small cells of jihadi terrorists.<sup>529</sup>

### 3.3.3 Right-wing groups

In recent years several right-wing attacks with firearms have been observed in various EU member states. In February 2018, for example, a gunman shot six African migrants from his car with his legally owned Glock pistol in a racially motivated rampage shooting<sup>1</sup> in the town of Macerata in Italy.<sup>530</sup> Following the January 2015 terrorist attacks in Paris, right-wing extremists have shot at mosques in France,<sup>531</sup> while the Ministry of the Interior recorded 3,533 attacks on refugees and refugee shelters in Germany in 2016, resulting in 560 injuries.<sup>532</sup> However, in the majority of EU member states the imminent security threat from right-wing terror attacks is considered to be low, mainly because the local right-wing extremism scene is fragmented and lacks consistent leadership and organisation. Yet in a number of EU member states right-wing extremists have recently become more violent and increased their activities to a level that has caused concern to the authorities. Loosely coordinated networks or individuals not necessarily linked to known right-wing extremist groups have generally committed violent right-wing attacks in recent years.<sup>533</sup> In a 2014 report the Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution) stated there were approximately 21,000 people 'with right-wing extremist potential' in Germany and half of them were 'violence-orientated'.<sup>534</sup>

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1 After the shooting the perpetrator, who had the Italian flag draped over his shoulders, shouted 'Long live Italy'; and the police discovered a copy of *Mein Kampf* and other fascist objects in his house. The perpetrator, who ran for local elections as a candidate for the Lega Nord, also had a tattoo above his eyebrow of a swastika-like symbol and was believed to have ties with neo-fascist political parties such as Forza Nuova and CasaPound.

According to Europol, a number of right-wing extremist groups across Europe have access to weapons, including firearms.<sup>535</sup> This has been confirmed by official German Ministry of the Interior statistics showing that 811 weapons were seized from right-wing extremists in 2009-2010, including handguns, rifles and military-grade firearms.<sup>536</sup> Of the recorded 3,533 attacks on refugees and refugee shelters in Germany in 2016, 79 attacks involved firearms, including 'pistols, semi-automatic weapons and blank-firing guns'.<sup>537</sup> In addition, right-wing training camps have also been organised in some EU member states, such as France and the UK, and in some of these camps firearms training was given. Recently, Germany's GSG 9 counter-terror force coordinated a law enforcement operation that targeted a criminal organisation accused of setting up paramilitary training camps in forests in Thuringia. During this operation 'numerous guns' were seized from a member of the Reichsbürger movement, who was a legal gun owner.<sup>538</sup> Illicit firearms possession has also been observed among extreme right-wing politicians in several EU member states in recent years. Between 2007 and 2011, for example, in three separate operations German police seized handguns, an assault rifle, a sub-machine gun, 400 rounds of ammunition and a large collection of materials for making pipe bombs from three members of the National Democratic Party.<sup>539</sup> In Greece, law enforcement agencies raided offices of the ultra-nationalist extreme-right wing Golden Dawn political party and a number of residences of party members in 2013. In the house of Golden Dawn's founder and leader police found three unregistered firearms (a pistol, revolver and shotgun), while a service pistol, a replica gun and ammunition were found in one of other raided houses.<sup>540</sup>

Individuals rather than terrorist groups seem to have undertaken many of the right-wing attacks in the EU in recent years. Yet there are some exceptions. Between 2001 and 2011, for example, 13 right-wing groups were investigated under German laws prohibiting the creation of a terrorist organisation.<sup>541</sup> A notorious exception is right-wing extremist group Bloed, Bodem, Eer en Trouw (BBET), a Belgian splinter group of the international right-wing extremist group Blood & Honour. In 2014 several BBET members were convicted of membership of a terrorist organisation, planning a terrorist attack in 2006 and illegal firearms possession. The leader of BBET was a professional soldier who had been recruiting people with right-wing extremist ideas, often in the army barracks or units where he worked. He also organised paramilitary exercises and firearms training, some of which took place on army property without the knowledge of his superiors. Following his arrest and the arrest of 16 others, more than 400 weapons, including assault rifles, pistols, riot guns, firearms components, ammunition and silencers, were seized from various addresses. Most of the firearms originated from Eastern Europe, but it remains unclear how the members of this group acquired their weapons. Interestingly, the

police investigation into BBET suggested that its members were illicitly trafficking firearms to fund their terrorist activities.<sup>542</sup>

Members of Belgian right-wing extremist groups often include people who are or were members of the Belgian armed forces. Given their professional activities, these persons have access to a wide range of weapons and know how to use and maintain firearms. The Belgian military intelligence service is therefore closely monitoring around fifty Belgian soldiers with extremist (mainly right-wing or Islamist) views.<sup>543</sup> In other EU member states, members of the armed forces have also been accused of right-wing extremist views. In 2017, for example, state prosecutors in the German city of Tübingen began an investigation into whether right-wing extremist behaviour occurred among Germany's Special Force Commando, the nation's elite troops.<sup>544</sup> Earlier that year the German authorities had also arrested a German army lieutenant suspected of planning a terrorist attack. The man had been posing as a Syrian refugee and had planted a loaded 70-year-old collectors' 'French Unique' pistol in a Vienna airport restroom.<sup>545</sup>

### 3.3.4 Left-wing groups

In its Terrorism Situation and Trend report Europol recorded 27 attacks by left-wing and anarchist terrorist groups in the EU in 2016. Attacks of this kind are currently limited to three EU member states: Italy, Greece and Spain. According to Europol, over the past two decades anarchist terrorist groups in these three countries have developed similar characteristics, used the same *modi operandi* and endorsed similar agendas.<sup>546</sup>

In several EU member states left-wing groups have possessed or even used firearms in violent attacks in the past, but today most of these groups no longer possess them. According to the Belgian police, for example, members of left-wing extremists groups potentially have access to firearms through their contacts with serious criminals, but they apparently prefer not to acquire them and choose to use a *modus operandi* that involves arson, letter bombs, sabotage and intimidation.<sup>547</sup> In the past, Germany has also been the scene of left-wing acts of violence involving firearms. While these traditional groups no longer resort to violence, an interesting connection between gun crime and left-wing extremists has recently been observed in Germany. In June 2016 three masked gunmen used a rocket launcher and an automatic rifle to ambush and rob an armoured truck carrying money in Cremlingen in Lower Saxony. DNA analysis confirmed that the three gunmen were former

members of Rote Armee Fraktion (RAF),<sup>1</sup> a German left-wing terrorist organisation founded in 1970 and responsible for a series of bombings, high-profile kidnappings, bank robberies, and shoot-outs with police in the 1970s and 1980s. The police have attributed at least nine robberies with a similar modus operandi since 2011 to these three men. It is believed that these armed robberies were no longer politically motivated, but were carried out purely for financial gain (approximately €400,000 was stolen).<sup>548</sup>

Some left-wing extremist groups still have access to firearms and are willing to use them to achieve their political goals. For example, Europol has repeatedly warned that Greek left-wing groups possess weapons, including firearms,<sup>549</sup> and used their firearms in violent attacks. In 2013 the Militant Peoples Revolutionary Forces claimed responsibility for a drive-by shooting of two members of the Golden Dawn party near party offices. During the shooting a 9 mm Tokarev-type semi-automatic pistol was used. The Greek counter-terrorism agency believes that this shooting was in retaliation for a Golden Dawn supporter's stabbing of an anti-fascist musician earlier that year.<sup>550</sup> Interestingly, ballistics analyses have further indicated that the January 2017 shooting at the party offices of the socialist party PASOK in Athens was carried out with the same Kalashnikov AK47 rifle that had been used in two previous shootings (at the Mexican Embassy in Athens in July 2016 and the PASOK party offices in May 2014). A left-wing group called Revolutionary Self-Defence claimed these shootings.<sup>551</sup> More research is needed to further explore the firearms acquisition patterns of left-wing groups.

### 3.3.5 Firearms linkages among different types of terrorist networks

In the findings of the SAFTE country studies no direct linkages have been observed among different types of terrorist networks. Therefore we have no credible indications of significant firearms-related linkages among the various types of terrorist networks. Only two indirect linkages have been observed.

Police investigations into the supply chain of the firearms used in the jihadi attack on the Hypercacher supermarket in Paris in January 2015 demonstrated that a known militant right-wing extremist activated three of the perpetrator's guns (see sec. 3.5, below), but it remains unclear if that person directly supplied these firearms to the perpetrator and, if he did, if this was done in the knowledge that they would be used in a terrorist attack.

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<sup>1</sup> The RAF was also known as the Baader-Meinhof-Group.



In May 2002 an environmental activist shot and killed politician Pim Fortuyn nine days before the Dutch parliamentary elections. The perpetrator, who had no criminal antecedents, used a Star Firestar M-43 semi-automatic 9 mm single-action pistol loaded with seven bullets, and later stated that he had bought the firearm for self-defence in a bar close to his place of work a few years earlier. During the trial a ballistics expert noted that the pistol, which is considered a low-quality gun, was probably not acquired through his activists network, but was more likely to have come from sources linked to ETA. According to some reports, the firearm was part of a shipment that was smuggled from Spain to Belgium and intended for the illicit firearms market. Interestingly, the firearm had traces of DNA on it that could link it to a robbery committed earlier,<sup>552</sup> which indicates its previous circulation and use in the criminal underworld. This implies that, if ETA had previously owned the gun, the connection between the Basque separatist group and the environmental activist in the Netherlands was very indirect and passed through the criminal illicit market.

### 3.4 Access to criminal markets

Europol has warned that terrorist networks often use criminal networks to obtain items such as weapons and to fund their operations.<sup>553</sup> The concept of a crime-terror nexus is not new and has been the topic of much scholarly debate. In 2016 the International Centre for the Study of Radicalisation and Political Violence (ICSR) stated that the current terrorist wave in Europe consists of a *new* crime-terror nexus, which does not entail the convergence of criminals and terrorists as organisations (i.e. there is no operational merging), but chiefly the convergence of their social networks and environments. A specific aspect of this nexus is that many contemporary jihadi terrorists have a criminal past, having been involved, for example, in armed robberies or drugs dealing. The boundaries between terrorist and criminal networks therefore seem to be becoming more blurred. According to the ICSR, one of the most disturbing aspects of the new crime-terror nexus is that terrorists with criminal antecedents have acquired various skills through their criminal pasts that can be used in the planning and execution of successful terrorist attacks. Thus the merging of the criminal and terrorist milieus can significantly increase the capacity of terrorist networks. One of these skills terrorists with a criminal past may have acquired is that of being able to acquire weapons more easily.<sup>554</sup>

The existing connections between criminal and jihadi terrorist networks for the purposes of acquiring firearms do not imply the existence of illicit arms dealers who exclusively supply firearms to terrorist networks. Arms dealers of this kind have not been observed in the SAFTE country studies. This is not surprising.

Although there is still an important lacuna in research on the specific profiles of the arms dealers operating on illicit gun markets across the EU, existing research indicates that illicit arms dealing is not really a lucrative form of business. These dealers are generally not specialised only in arms trafficking, but combine it as a secondary activity to their other core criminal activities. Several of the interviewed law enforcement officials believe that the criminal gun dealers who sell firearms to terrorists are frequently not aware of the buyers' terrorist intentions. In Belgium, for example, the two people who were convicted of supplying Kalashnikov magazines to the El Bakraoui brothers were acquitted of participating in terrorist activities because it could not be proved that they were aware of the brothers' terrorist intentions.<sup>555</sup>

The authorities have noted several barriers to criminals' actively and knowingly participating in terrorist activities. Firstly, some kind of 'code of honour' exists among criminals in terms of which they do not get involved in random attacks on innocent victims. Secondly, criminals prefer to operate in the shadows, while a terrorist attack and supplying firearms to terrorist networks attract too much unwanted attention from law enforcement services. The illegal trade in firearms is not very lucrative and therefore not considered worth the risk, especially since the legal penalty for the illegal sale of firearms is increased if it takes place in a terrorist context. On the other hand, it has been stated that, despite these barriers, it is also not always easy to refuse to participate in certain business deals, because all kinds of pressure can be brought to bear to force the sale of weapons.<sup>556</sup>

While most of the recent attention on the possible crime-terror nexus in general and the transfer of criminal skills in particular is focused on jihadi terror networks, it should be kept in mind that it is not limited to such networks. In Denmark, for example, some criminal groups, especially organised motorcycle gangs, have used the ideological elements of right-wing political environments to legitimise their criminal acts. Europol also noted that these gangs are known to specifically recruit members from right-wing extremist groups because of their 'specialist knowledge and skills'.<sup>557</sup> Criminal connections were also used to obtain internationally sourced firearms for the FNLC, while the IRA has also used criminal firearms traffickers to smuggle weapons for it. Another aspect of the nexus between organised crime and terrorism in terms of the supply and use of illegal firearms in Northern Ireland can still be observed today. For example, a dozen Kalashnikov-type assault rifles that were recently used in firearms offences in Northern Ireland have been identified as part of shipments that arrived from Libya in the 1970s. The current firearms-related crime-terror nexus can especially be linked to drug trafficking. Firearms are often being smuggled into Northern Ireland along established routes for smuggling drugs.<sup>558</sup>

### 3.4.1 Use of pre-existing criminal connections

Some of the perpetrators of recent terror attacks not only had criminal antecedents, but also very specific antecedents that involved the possession or use of firearms. For example, the perpetrator of the double terror attack on the Krudttønden Café and the synagogue in Copenhagen in February 2015 was a 22-year man who joined a well-known Copenhagen youth gang when he was a teenager. He was twice sentenced for violence, possession of an illegal weapon, and an indiscriminate knife attack on a man on a suburban train in Copenhagen.<sup>559</sup> While the firearms that he used in the February 2015 terrorist attacks was stolen in a targeted theft (see sec. 3.6, below), the precise supply chain of the two pistols that he used in the synagogue attack remains unclear. Given that both pistols – a Polish-made pistol and a German-made Walther 7.65 mm – were manufactured in the first half of the 20th century, it is believed that these guns were unregistered weapons that were stolen from a private home or storage system and were never reported as stolen to the police. These types of old firearms are relatively easy for members of street gangs to access on the illicit firearms market.

It seems that jihadi terrorist actors who acquire firearms on the illicit market mostly do this locally. This is the direct result of the observation that many of them rely on their pre-existing connections. When terrorist actors want to acquire a firearm, they will not do so directly, since this increases the risk of being detected. Instead, they will frequently rely on connections they have had for many years, often pre-dating their radicalisation. The perpetrator of the Toulouse-Montauban attacks in 2012, for example, was involved in drug trafficking<sup>l</sup>, organised crime and other fraudulent activities for a considerable period, and had spent time in prison.<sup>560</sup> The origins of two of the seven firearms that he used during these attacks have been traced and clearly indicate firearms acquisition through his pre-existing criminal connections (see Box 3.1). Also the perpetrator of the Jewish Museum attack in Brussels in 2014, Mehdi Nemmouche, is believed to have acquired his firearms from a pre-existing criminal connection: French police arrested a criminal with whom Nemmouche had spent several years in prison on suspicion that he had sold Nemmouche the firearms he used in the attack.<sup>561</sup>

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<sup>l</sup> He is believed to have been a 'go fast' driver for an organised crime group smuggling cocaine between Spain and France.

**Box 3.1: Firearms acquisition by Merah**

In November 2017 Fattah Malki was sentenced to 14 years' imprisonment for criminal terrorist conspiracy for supplying an Uzi sub-machine gun, ammunition and a bulletproof-vest to Mohammed Merah, the perpetrator of the 2012 Toulouse-Montauban attacks. Malki was a childhood friend of Merah and was involved in trading drugs, cars and stolen goods in his neighbourhood.<sup>562</sup>

The other firearm Merah used, a Colt .45 pistol, which is a popular gun in the French criminal underworld, was one of the many firearms that had been stolen from a legal gun owner in 2011; some of the other stolen firearms were later seized from Toulouse-based drugs traffickers. This strongly suggests that Merah also acquired this pistol through his pre-existing connections in the drug-trafficking milieu.<sup>563</sup>

These crime-terror firearms acquisition dynamics that involve specific criminal pasts and pre-existing connections can be illustrated by the El Bakraoui brothers and the role they played in supplying firearms to several terrorist attacks in recent years (see Box 3.2).

**Box 3.2: Terrorist firearms distribution by the El Bakraoui brothers**

The El Bakraoui brothers – two of the perpetrators of the Brussels attacks of 22 March 2016 that killed 32 people in suicide attacks using explosives at Brussels Airport and in the Brussels metro – are believed to have played a key role in supplying firearms to the perpetrators of several terrorist incidents in the EU in recent years.

It is generally believed that the brothers, who had a history of criminal activities involving Kalashnikov-type assault rifles in Brussels, used their previous criminal networks to obtain the firearms for these terrorist attacks. The brothers were part of a network of violent criminals who used firearms to carry out armed robberies and carjackings. Initially the members of this network used pistols in their criminal activities, but after some time they were able to acquire Kalashnikov-type assault rifles. In 2010 one of the El Bakraoui brothers shot at police officers with a Kalashnikov-type assault rifle after a failed robbery at a foreign exchange office in Brussels. He was arrested and sentenced to ten years in prison. The other brother was

sentenced to five years in prison in 2011 for his involvement in numerous armed carjackings in Brussels. Both brothers were radicalised in prison. In November 2016 two individuals who were part of the brothers' 2010 network were sentenced to prison for delivering Kalashnikov magazines to them, while two other members of this network were sentenced for acting as intermediaries in these deliveries.<sup>564</sup>

The perpetrators of the November 2015 Paris terrorist attacks operated in three separate teams and used at least six firearms, all Kalashnikov-type assault rifles (Zastava M70 AB2, AKS47 and Norinco 56-1). *Dabiq*, an official ISIS English-language online propaganda magazine, stated that the El Bakraoui brothers supplied the firearms used in the Paris attacks. This is also the view of the Belgian Prosecutor's Office.

In March 2016 a gunfight erupted between terrorists and police in the Brussels commune of Vorst when police officers were checking one of the leads into the November 2015 Paris attacks and stumbled on the safe house in which Salah Abdeslam, one of perpetrators of the November 2015 Paris attacks, was hiding with two companions, Belkaïd and Ayari. Shots were fired from the safe house with a Kalashnikov-type assault rifle and a pistol.<sup>565</sup> One of the El Bakraoui brothers rented the safe house under a false name, and during the recent court case on this shooting incident it was stated that the brothers had acquired the firearms and delivered them to Abdeslam and his companions.<sup>566</sup>

In the March 2016 Brussels attacks no firearms were used, but pictures discovered by the police indicate that the attackers possessed at least three CZ vz.58 automatic assault rifles, a Kalashnikov-type assault rifle, two pistols and a pump-action shotgun. It is believed that the El Bakraoui brothers transferred these firearms to a box garage a couple of days before the attacks. Despite searching more than two hundred box garages in Brussels, the police have so far been unable to find these firearms. Some officials stated that they suspect that the perpetrators of the attacks left behind an arsenal of firearms for a subsequent wave of terrorists.<sup>567</sup>

Also members of terrorist networks who do not have criminal antecedents often have to rely on criminal underworld connections to acquire firearms. In the foiled plot to carry out a drive-by shooting at policemen or soldiers in London in 2014 (see sec. 3.2, above), the potential terrorists did not have a street-crime profile, but relied

on a low-level street criminal from the community they came from to obtain weapons.<sup>1</sup> Several interviewed key actors from the UK therefore warned of the dangers of terrorist access to (low-quality) firearms through a common third-party acquaintances involved in street criminality in cities such as Birmingham, Bradford, Leeds and London.<sup>568</sup> Another indication of the availability of firearms in the local criminal context from which many terrorists have come is the 2017 seizure of cannabis and two handguns from former friends of Abdelhamid Abaaoud and Salah Abdeslam, who were key figures in the November 2015 Paris attacks.<sup>569</sup> These examples strongly suggest an overlapping of milieus that explains terrorist access to firearms instead of a deliberate collaboration or even merging of criminal and terrorist organisations. This idea is reinforced by the observation of national law enforcement agencies that there is often no evidence of a specific and explicit division of logistical roles such as firearms acquisition within jihadi terrorist networks. Individuals who acquire firearms for a terrorist network are generally not recruited for this specific purpose, but are already part of the network and later become responsible for this task because of their expertise and (criminal) networks.<sup>570</sup>

A recent case in Belgium clearly illustrates the difficulty to acquire firearms for young men who do not have a developed criminal network experience when attempting to acquire firearms to carry out terrorist attacks (see Box 3.3). It is believed that these types of would-be terrorists are more likely to use an alternative method of acquiring firearms such as the internet, and especially the dark web.<sup>571</sup> For example, this was the case with the perpetrator of the public mass shooting at the Olympia shopping mall in Munich in July 2016,<sup>II</sup> who bought his 9 mm Glock 17 pistol and 250 rounds of ammunition on the dark web. Police investigations have revealed that the pistol was originally legally sold in Slovakia as a deactivated prop gun used in a theatre. According to the Slovakian Interior Ministry, the weapon had changed hands multiple times before the attack. After a sting operation the person who sold the pistol to the perpetrator, a 32-year old unemployed man, was arrested. After his arrest the seller cooperated with the police and directed them to his hidden arms cache, where they seized a sub-machine gun, four semi-automatic pistols and a quantity of ammunition.<sup>572</sup>

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I Although in this specific case the criminal connection who provided them with the converted gun was a low-level criminal who had converted to Islam, the key actors interviewed for this research project did not see this as a general trend.

II The perpetrator seemed to be deliberately targeting teenagers and young people of Turkish or North African origin and, according to some sources, was inspired by Anders Breivik's attacks in Norway on the same day five years earlier.

### Box 3.3: Foiled terrorist plot of ‘teenage terrorists’ in Belgium<sup>573</sup>

In November 2017 five young men from Antwerp (Belgium) were put on trial for allegedly planning a terrorist attack. Because of their age (four of them were aged between 16 and 19 when they were arrested), these men were labelled ‘teenage terrorists’. The Federal Police started to investigate the men when some of them tried to go to Syria or Iraq to fight. Getting into Syria turned out to be more difficult than they had at first thought, and they only reached Turkey. According to the prosecutor, they therefore turned to a Plan B, which was to carry out a terrorist attack on the central train station in Antwerp. The successful terror attacks on Brussels Airport and the Maalbeek subway upset their plans, since security at the station was significantly increased after these attacks. So they are believed to have changed their plans again. The prosecutor stated that the young men were investigating the possibility of attacking the soldiers protecting the central station in order to get hold of their firearms and then use them to murder one of the leaders of an extreme-right wing political party. The Federal Police intervened before they were able to execute their plans and arrested them in May 2016.

Several of the perpetrators of recent terror attacks were radicalised in prison and then later used their existing criminal firearms acquisition skills to organise their attacks. Prisons, however, can also provide terrorists who do not yet have the necessary criminal connections with new opportunities to acquire such connections. According to a Dutch study, some religious extremists have in the past used their time in prison to contact criminals as possible future suppliers of firearms and explosives.<sup>574</sup> A UK study also stressed the risk that prisons could be used to forge connections between terrorists and potential firearms suppliers.<sup>575</sup>

#### 3.4.2 Low-level criminality versus high-level organised crime

Interestingly, most jihadi perpetrators of recent terrorist attacks in the EU appear to have been involved in low-level criminality rather than organised crime. The only two exceptions that we encountered during this study were Merah and the El Bakraoui brothers, who seem to have been part of the mid-level criminal world. None of the perpetrators or people arrested for organising terrorist attacks in the EU in recent years was a member of a high-level organised crime group. The observation that these mid-level criminals and – in some EU member states – even petty criminal antecedents were able to acquire such firearms suggests that the

availability of these weapons is no longer only limited to high-level organised crime groups in countries such as France, Belgium and the Netherlands. The chaotic criminal scenes in which firearms are increasingly becoming more easily available in these countries seem to be very fruitful for the potential terrorist acquisition of firearms.

In countries such as Italy, where large organised crime groups tightly control illicit firearms supply channels, it is believed that currently it is quite difficult for terrorists to acquire firearms.<sup>1</sup> These groups still exercise tight control over their ‘territories’ and the illicit firearms markets in these territories. Consequently, illicit firearms are fairly easily accessible to people with mafia connections, but those without such connections experience significant difficulties in accessing the illicit firearms market: ‘gatekeepers are needed to access the Italian illicit firearms market, which is managed by Italian organised criminal groups, with the ‘Ndrangheta being the most relevant player’.<sup>576</sup> Mafia groups seem to feel that it is not in their interests to be involved in firearms deals with terrorist networks that operate in the country. They tend to perceive the presence of such networks as a risk to their lucrative criminal activities, since they attract additional law enforcement attention and increase the level of security, for example in prisons, which causes problems for them. The Italian authorities therefore believe that would-be terrorists looking for firearms direct their efforts to more receptive criminal markets and traditional source countries. However, some experts warn that a future firearms connection between the mafia and jihadi terrorist networks cannot be ruled out: mafia groups may well provide terrorists with firearms if they believe this will benefit them.

The current limited terrorist access to firearms in Italy and the importance of this obstacle to successfully preparing and carrying out terrorist attacks are clearly illustrated in the ‘Briki Lassaad + 1’ case in 2016. According to the prosecutor responsible for this case, the two accused men had no criminal connections that would allow them to buy firearms in Italy. During a wiretapped telephone conversation they even explicitly stated: ‘we cannot do it with your name, since as soon as they see a Muslim name they activate the filter and say “let’s see what he’s doing”’. This inability to find firearms is believed to have been the major – if not the only – obstacle to their carrying out a terrorist attack.<sup>577</sup> In order to mitigate

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<sup>1</sup> In the past, terrorist networks in Italy have acquired some of their firearms through their connections with mafia groups. In the 1990s, for example, some mafia families needed money and sold firearms to outsiders. Since it was considered too risky to sell these weapons on the international market, they sold them to smaller local criminal groups and even domestic terrorists. According to an interviewed Italian expert, the ‘Ndrangheta also provided firearms to terrorist groups that were active in other European countries such as the IRA and ETA. Some unconfirmed media reports have also claimed the alleged existence of arms-for-drugs exchanges between the Camorra and ETA in the 2000s, in terms of which ETA is believed to have exchanged drugs obtained from the Revolutionary Armed Forces of Colombia for weapons with the Camorra.



such risks, the July 2015 issue of *Dar al-Islam*, a French-language ISIS magazine, contained instructions for procuring weapons that advised would-be terrorists to conceal all external displays of religiosity and instead to deliberately dress like a *jeune de cité* (youngster from the neighbourhood) who is planning an armed robbery.<sup>578</sup>

Interestingly, there have been some indications of terrorists using firearms to commit crimes in order to finance their terrorist activities. For example, in May 2014 a Dutch foreign terrorist fighter who had returned from Syria was arrested while planning an armed robbery using three firearms. The police believed the man wanted to use the proceedings from the robbery to finance terrorist activities.<sup>579</sup> In Belgium, police investigation into the right-wing group BBET suggested that some of the members, including the leader of the group, were illicitly trafficking firearms to fund their terrorist activities.<sup>580</sup> These examples need to be interpreted carefully. Generally, terrorist actors who procure firearm mainly do so exclusively for carrying out terrorist acts and defending themselves against law enforcement agencies and not for carrying out other criminal activities.

### 3.5 Firearms supply chains for criminal markets

Law enforcement officials have repeatedly stressed the difficulty of tracing firearms and identifying the supply chain linking the original diversion of a firearm and its use by terrorists. This seems to be especially the case with legacy weapons from the Balkan wars in the 1990s that have been discovered in the hands of terrorist actors. As we have demonstrated in the previous chapter, most of the firearms that are currently being smuggled into EU member states come from the Western Balkans. Usually these firearms have a long history behind them and ended up in the hands of a wide range of non-state actors during the conflicts in the former Yugoslavia in the 1990s and then disappeared from the radar. For example, an overview of the 52 firearms retrieved or seized in eight terrorism cases from the period 2012-2016 demonstrates that in the majority of cases tracing requests yielded only unsatisfactory results, especially for older weapons produced before the outbreak of the conflicts in the former Yugoslavia. Although police were frequently able to document the firearms' last known legal end users – usually the former armed forces of the Yugoslav Republic in the early 1990s – tracing was of little use in determining how and when these weapons ended up in EU member states like France.<sup>581</sup> Because too many parts of a potentially long chain of custody are missing, it was impossible to ascertain if these firearms were smuggled into France recently or had been circulating in the criminal world for many years or even decades. However, the difficulties

in tracing the Emra pistol used in the 2016 Christmas market shooting in Berlin<sup>1</sup> illustrate that identifying the supply chains between legal ownership and terrorist use is not limited to firearms that were diverted in the Western Balkans. In this case, law enforcement officials were able to trace the pistol to a legal import into Switzerland, but were not able to work out what happened afterwards, since there was no national firearms register back then and the gun was also not registered in a Swiss canton.<sup>582</sup>

As we have seen in the previous chapter, reactivated firearms have increasingly become available on EU illicit markets in recent years. Some of these firearms have ended up in the hands of terrorists. A well-known example of the acquisition and use of reactivated firearms is Amédy Coulibaly's lethal attack on the Hypercacher supermarket in Paris, which occurred a couple of hours after the Kouachi brothers' attack on the *Charlie Hebdo* office in January 2015 (see Box 3.4). Less known are the possible connections between the 2014 attack on the Jewish Museum in Brussels and Operation Portu, in which the Spanish National Police targeted suppliers of reactivated firearms and seized over 10,000 assault rifles. According to Spanish media reports, the investigation into this Spanish network originated in the follow-up to the investigation of the weapons used in the attack on the Jewish Museum, but it still remains unclear if the guns used were reactivated firearms and if this Spanish network was somehow involved. In addition, it recently became known that one of the pistols that the perpetrator of the Toulouse-Montauban shootings in 2012 possessed, a Spanish-made .45 ACP LLamma MaxII-pistol, was a reactivated gun.<sup>583</sup> Furthermore, the SAFTE country study on Belgium demonstrated that the perpetrators of the terrorist attacks in Brussels on 22 March 2016 had three vz.58 assault rifles in their possession.<sup>584</sup> This suggests that these guns were also reactivated firearms, since original versions of these firearms are seldom found on the illicit firearms market in Belgium and generally only reactivated versions have been seized. If these presumed links are correct, this would mean that possibly four recent high-profile terrorist attacks involved the perpetrators' use or possession of reactivated firearms.

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1 While this attack mainly involved the use of a truck, the perpetrator used a pistol to kill the truck driver.

### Box 3.4 Firearms acquisition by Coulibaly

During the Hypercacher attack Coulibaly was armed with two reactivated vz.58 assault rifles and two reactivated Tokarev TT33 pistols. In his apartment the police later found four additional reactivated Tokarev TT33 pistols and a Nagant M1895 dating from 1932. The Slovakian store AFG Security legally sold the reactivated firearms as acoustic expansion firearms.<sup>585</sup>

Police investigations into the supply chain between Slovakia and Paris quickly pointed to a number of Belgian connections. One of the vz.58 assault rifles was part of a shipment of 170 deactivated firearms that a Belgian national living in Charleroi, Belgium, legally bought; he also owned the tools needed to reactivate firearms. A known militant right-wing extremist with French nationality living in Comines, Belgium, legally bought the other vz.58 assault rifle and two Tokarev TT33 pistols. This person admitted to importing dozens of deactivated firearms from Slovakia, reactivating them and then selling them on the criminal market. However, both individuals have strongly denied selling the deactivated firearms directly to Coulibaly.

In 2016–2017 several people were arrested in France, Belgium and Spain on suspicion of delivering firearms to Coulibaly.<sup>586</sup>

Thefts are another important supply mechanism for EU illicit gun markets. In recent years terrorists have carried out several attacks in Europe with stolen firearms that the perpetrators or their accomplices procured on the criminal illicit firearms market. For example, the Colt .45 pistol that the perpetrator of the March 2012 Toulouse-Montauban attacks used was traced back to the theft of a large quantity of firearms in June 2011 from a sports shooter who legally owned these firearms,<sup>587</sup> while the murder of Theo van Gogh in the Netherlands in 2004 involved an HS 2000 pistol that was part of a large batch of firearms stolen in Zagreb, Croatia, in 2000.<sup>588</sup> Stolen firearms have also been used in other types of terrorist attacks. The murder of UK Member of Parliament Jo Cox in June 2016, for example, was committed with a sawn-off Weirauch .22 hunting rifle. A pest controller initially legally owned the hunting rifle, but it was stolen from his car in West Yorkshire in August 2015. It is believed that the perpetrator did not steal the rifle himself, nor cut the stock and barrel to reduce the length of the firearm. According to the police, it probably passed through a number of hands before it reached the perpetrator.<sup>589</sup>

Some of the firearms possessed by terrorist networks were illegally produced specifically for the illicit market. In 2005, for example, the Dutch police seized a Croatian-manufactured Agram 2000 sub-machine gun from suspected terrorists connected to the notorious jihadi Hofstad network in the Netherlands. The police investigation later discovered that seven members of this network had previously had access to the seized Agram machine pistol and had used it to practise their shooting skills in a forest near Amsterdam.<sup>590</sup>

### 3.6 Direct diversion from legal ownership

From a historical perspective, targeted thefts have been a vital element of the firearms acquisition patterns of separatist terror groups in Europe. As mentioned earlier, separatist groups such as the FLNC and ETA sourced significant amounts of their firearms through thefts from state stockpiles. These firearms were then used in violent terrorist attacks. For example, tracing efforts indicated that the pistol used to kill the prefect of Corse-du-Sud in 1998 had been stolen a couple of months earlier from a local gendarmerie post. Interestingly, a significant share of ETA's firearms were stolen from local authorised firearms dealers. In 2007, for example, a member of ETA killed two undercover officers of the Spanish Guardia Civil with a Smith & Wesson MP9 pistol that had been stolen as part of a batch of 400 handguns from a gun store a year earlier.<sup>591</sup>

In recent years these targeted thefts seem to have decreased. Firearms that were the object of targeted thefts have only exceptionally been encountered among jihadi networks. The only case in the SAFTE country studies that involved such a theft was the M95 rifle used in the attack on the Krudttønden Café in Copenhagen in 2015. This rifle was stolen during a planned robbery from a member of the Danish Home Guard, a volunteer military organisation that supports the military and police. The house of the Home Guard member was targeted specifically to steal the firearm stored there.

Firearms can also be diverted from legal ownership for terrorist objectives through various forms of embezzlement, but this seems to be quite exceptional in the EU. The only case we observed in the SAFTE country studies was that of a number of Glock pistols in the hands of FLNC members that were Austrian service guns smuggled to Corsica in the mid-1990s. Four Austrian police officers diverted these guns by forging documentation that allowed them to collect unclaimed service pistols reserved for retired officers who requested them. Interestingly, these police officers not only sold the firearms to local criminal networks, but also transferred them to Corsican militants with whom they were personally acquainted.<sup>592</sup>

Some of the firearms that have been found among members of extremist networks, especially right-wing networks, were legally owned. Federal government statistics from 2017 indicate that about 750 people with right-wing extremist views legally own firearms in Germany.<sup>593</sup> In 2016 the leader of Alternative für Deutschland, a radical right-wing political party, stated that the German police should be allowed to use firearms to prevent illegal border crossings and that private citizens should be able to arm themselves with firearms and self-defence devices.<sup>594</sup> A lot of attention has recently been given to the firearms owned by members of the Reichsbürger ('Reich citizens') movement.<sup>1</sup> According to a Berlin state intelligence service report, this movement comprises 'an extremely diverse range of small groups and individuals who believe in an ideological mixture of conspiracy theories, anti-Semitic and anti-democratic views, and who have been behaving increasingly aggressively for some time'.<sup>595</sup> According to media reports, a significant number of these people have gun licences,<sup>596</sup> and in October 2016 a Reichsbürger member shot and killed a German police officer in Georgensmünd when the police attempted to seize legally owned hunting weapons from the perpetrator after he refused to allow mandatory checks.<sup>597</sup>

Legally owned firearms have also been discovered among jihadi groups. In June 2017, for example, Adam Lofti Djaziri attempted to attack a police convoy on the Champs Élysées in Paris, but failed because his car burst into flames. In his car the police later found a – reportedly Israeli – assault rifle and 9,000 rounds of ammunition, while in his home a Glock pistol, a SIG Sauer pistol, a carbine, and seven Category C firearms were discovered. Although Djaziri appeared on France's terrorist suspect watch list, he legally owned the two pistols and the Category C firearms. It later turned out that this was not due to an administrative oversight, but to a deliberate decision of the French intelligence services to allow the perpetrator to renew his licence in order not to arouse suspicion that he was being monitored.<sup>598</sup> Terrorist networks have also been able to exploit other opportunities offered by the legal firearms market, for example by legally acquiring components for their firearms. As mentioned earlier, four people from the El Bakraoui brothers' past criminal network were convicted in 2017 for illegally supplying the brothers with assault rifle magazines that they had legally bought from an authorised arms dealer in Belgium at various times in the summer of 2015.<sup>599</sup>

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<sup>1</sup> This is the label given to several groups and individuals across Germany who believe that the Federal Republic of Germany is illegitimate and that the 1919 Weimar Constitution is still in effect.

### 3.7 International linkages for firearms acquisition and training

An important observation is that there are no indications of recent state-sponsored arms transfers to terrorist groups in the EU in contrast to the past transfers to groups like the IRA. For most of the contemporary terrorist networks operating in Europe, access to local illicit firearms markets is a key element in their firearms acquisition patterns. Although they are generally characterised by their own specific features and dynamics as a result of the specific local criminal context that they are part of, these local markets are often internationally linked, for example through international supply chains. Not surprisingly, we have observed possession and use of firearms by terrorists that have ended up on the local illicit market through international networks.

We have also observed the existence of several international connections between terrorist groups. Such linkages are most visible in the case of the El Bakraoui brothers – two of the perpetrators of the Brussels attacks of 22 March 2016 and both Belgian nationals – whom the Belgian Prosecutor's Office strongly suspect of having provided (some of) the weapons used in the attacks of 13 November 2015 in Paris, France.<sup>600</sup> This was also stated in an article published in *Dabiq*, an official ISIS English-language online propaganda magazine, which pointed to the brothers as the ones responsible for the acquisition of the firearms and explosives used in this attack.<sup>601</sup> The terrorist cell executing the attack was mainly composed of French nationals, but several of them had clear links with Belgium. Furthermore, the attack is believed to have been orchestrated from Belgium, and also Belgian nationals such as the El Bakraoui brothers were involved in its preparation.

Also in the attack on the Jewish Museum in Brussels possible international firearms dimensions can be discerned. Six days after the attack the perpetrator was arrested during a random drugs search at the international Marseille Saint Charles bus station in France while travelling on a Eurolines passenger bus from Amsterdam via Brussels to Marseille.<sup>602</sup> The assault rifle he used in his attack on the Jewish Museum in Brussels is believed to have been acquired on the criminal market in Marseille: French police has arrested a man with whom the perpetrator spent several years in prison, on suspicion of selling him the firearms he used in the attack.<sup>603</sup> In this case there is also a possible link with Spain. In January 2017 Spanish police, in collaboration with Europol, dismantled a network that sold deactivated firearms (which did not comply with the existing deactivation standards) and lethal-purpose firearms in several European countries, including Spain, France and Belgium. These weapons were bought through legally established channels and later reactivated.<sup>604</sup> According to Spanish media reports, the investigation into this

Spanish network originated in the follow-up to the investigation of the weapons used in the attack on the Jewish Museum,<sup>605</sup> but it still remains unclear if the guns used in the attack on the Jewish Museum were reactivated firearms and if this Spanish network was somehow involved.

International connections in general and international illicit firearms supply chains in particular not only exist between jihadi terrorist networks in Europe, but also European right-wing extremist groups. In 2014, for example, a Belgian national who was the leader of BBET (see sec 3.3.3, above) was convicted for supplying firearms to members of the Dutch right-wing extremist group Ulfhednar in 2011.<sup>606</sup> The investigation into BBET showed that these members were dealing in illegal weapons to fund their terror activities.<sup>607</sup>

Also persons with right-wing extremist views from other member states have in recent years received self-defence and weapons training in Russia. Poland, for example, reported to Europol that in 2015 Polish nationalists participated in military training in a camp near Moscow (Russia), where they learned military tactics and received firearms training. Instructors of combat training schools in Russia have also posted on the internet that they came to Poland to set up and run military camps there.<sup>608</sup> Also some members of the extreme right-wing National Front of Denmark are reported to have received weapons training in Russia.<sup>609</sup>





## Chapter 4

# Policy conclusions and recommendations

This study has generated in-depth insights into the functioning of illicit firearms markets in Europe and terrorist access to these markets. We found significant differences in the size, availability and configuration of illicit firearms markets among EU member states which clearly demonstrate that there is no such thing as a unified illicit firearms market in Europe. Rather, various regional variants of illicit firearms markets can be found within the EU. Yet these different markets are very often transnationally linked and thus strongly interrelated. Illicit trafficking within and between these markets is a multifaceted problem characterised by a multitude of demand and supply mechanisms. Apart from the significant cross-border smuggling of firearms from outside the EU, several examples of intra-EU trafficking were identified. Often, differences and loopholes in the national legislation of member states are exploited for the illicit domestic procurement of firearms. Closing one loophole usually means that trafficking activities move quickly to other locations and adopt different methods, illustrating the resilience of the phenomenon. Much-used loopholes in recent years – mainly the conversion of easily converted alarm pistols and the reactivation of poorly deactivated firearms and acoustic expansion weapons – have increased the availability of illicit firearms in Europe.

Illicit firearms markets can be considered as crucial enablers of all kinds of criminality – and of some of the most violent terrorist attacks Europe has witnessed in its recent past. Criminals operate as the main drivers of these markets, acquiring firearms for multiple reasons and purposes. Yet, not every criminal seems to have the same degree of access to illicit firearms. In general, illicit firearms markets are closed systems that rely heavily on trust and established connections between buyers and sellers. High-level criminals tend to enjoy easier access to advanced and reliable firearms, but recent developments seem to have lowered this threshold. Specialised firearms-trafficking groups are rare. Instead, most trafficking networks traffic firearms as a by-product of other types of smuggling due to firearms trafficking's relative small profit margins. Limited batches of weapons are trafficked via

ant-trade mechanisms, often along with other more lucrative illegal goods such as drugs. Our analysis has shown that, apart from criminals and traffickers, gun enthusiasts and handymen linked to the criminal milieu can play an important role through their firearms-related technical skills.

Terrorist access to illicit firearms is reflected by the regional configuration of illicit firearms markets. Most terrorists seem to prefer automatic assault rifles because they perceive these weapons as being able to cause many casualties in a short period of time. However, actually being able to acquire them usually depends on the availability of these types of weapons on local illicit firearms markets. As in the criminal milieu, terrorists need to rely on established connections. Several cases have illustrated how terrorists used their pre-existing criminal networks to acquire firearms. Therefore, the apparent increased availability of military-grade firearms in the criminal world also poses serious security risks, because it may facilitate terrorist access to these weapons.

With our point of departure being these insights into illicit firearms markets and terrorist access to these markets, in this final chapter we present the policy-related conclusions that can be drawn from our research findings. Firstly, we set out some general orientations that should form the basis of an effective policy to tackle illicit firearms trafficking (sec. 4.1). Subsequently, the key components of such a policy are discussed in light of our analysis and linked to concrete policy recommendations (secs. 4.2 to 4.4).

#### **4.1 The need for a structural, comprehensive and proactive approach**

The EU and its member states need to adopt a long-term strategy to combat illicit firearms trafficking. Up to now, policy development in this terrain has been strongly event-driven: both at the European and national levels, new policy initiatives are often announced in the aftermath of high-profile acts of gun violence. A similar dynamic can be observed in the field of counter-terrorism, which has functioned as the main driver of EU JHA policy development and is currently one of the most important security priorities throughout Europe. Needless to say, the recent policy connection between terrorism and illicit firearms trafficking after the 2015 Paris terrorist attacks has again generated significant momentum. In both the EU and some member states – most notably those directly affected by terrorist shooting incidents, such as France and Belgium – the fight against (terrorist access to) illicit firearms markets has become a central focus of policy and operational attention.

Such peaks in event-driven policy attention do not always necessarily result in equally significant and sustained progress on the ground. Although JHA policy in the EU seems to have reached an unprecedented level today, many long-standing problems continue to hinder effective cooperation among member states. This can be illustrated by the continuous repetition of recurrent problems in policy documents aimed at combating illicit firearms trafficking, such as the lack of a good intelligence picture of the illicit firearms market, inadequate operational capacities, loopholes in the regulatory framework, and insufficient information sharing and operational cooperation. These problems affect the fight against illicit firearms trafficking at the national, European and international levels. Measures announced or adopted in the aftermath of (terrorist) shooting incidents thus do not always seem to have significant and sustainable effects in practice. As one of the key informants in the UK country study aptly notes, this poses major security risks in terms of a resilient phenomenon like illicit firearms trafficking: 'If we take our eyes off the issue, the problem returns ... we need to keep up the pressure and constantly disrupt the supply of firearms.'<sup>610</sup>

In other words, national and EU policy on illicit firearms trafficking needs to move away from an event-driven logic towards the implementation of a long-term, structural strategy. For it to be successful, such a strategy needs to be both comprehensive and proactive. The multifaceted and transnational nature of illicit firearms trafficking requires a comprehensive approach that simultaneously applies pressure on various supply and demand mechanisms in all EU member states, attuned to the national or regional variations in illicit firearms markets. In turn, the crime-enabling capacity and closed nature of illicit firearms markets call for a proactive approach in law enforcement practice that prioritises investigations into illicit firearms and their acquisition. By proactively combating illicit firearms trafficking, a contribution can be made to the prevention of (gun-related) crime and terrorism as a whole.

When developing such a comprehensive and proactive approach to combating illicit firearms trafficking, it is crucial to undertake combined efforts in at least three closely interdependent areas: the intelligence picture, the policy and regulatory framework, and operational capacities and cooperation. In the following sections we will elaborate on these three essential areas and connect them to concrete recommendations to improve policies and their effective implementation at the national, EU and extra-EU levels.

## 4.2 Improve the intelligence picture of illicit firearms trafficking and gun crime

A crucial prerequisite for developing and implementing a comprehensive and proactive strategy to combat illicit firearms markets and terrorist access to these markets is that of developing an adequate intelligence picture of these multifaceted phenomena. More than a decade ago the Council of the EU diagnosed how little was known about the phenomenon of illicit firearms trafficking.<sup>611</sup> Although several initiatives have been undertaken since then to rectify this situation and the intelligence picture of various aspects of the phenomenon has improved, the 2015 EU Action Plan against Illicit Trafficking in and Use of Firearms and Explosives still stressed the need to build a better intelligence picture as a key priority.<sup>612</sup>

A strategic intelligence picture that surpasses operational intelligence will allow legislators, governments, and law enforcement agencies to prioritise and act in a well-informed, appropriately adapted and goal-oriented way. In other words, policies and operational actions to tackle (terrorist access to) illicit firearms markets significantly benefit from a good intelligence picture of the issue. Such an intelligence picture requires firearms-related data to be properly registered, information to be shared among all stakeholders, and analysis to be comprehensive and well founded. At both the national and EU levels, implementing such an intelligence-led approach to illicit firearms trafficking remains a challenge, precisely because of problems that undermine or even negate these basic requirements.

The results of Project SAFTE strongly demonstrate that the collection, sharing and analysis of data on illicit firearms markets can still be significantly improved. Not only is it virtually impossible to make reliable estimates about the size of illicit firearms markets in Europe, as the discussion in section 2.1 has clearly shown, but data about their configuration – the availability of various types of weapons, prices, actors involved in the demand and supply side – and developments in this regard are generally fragmented or often even lacking. On the basis of our research we recommend several actions related to data collection, sharing and analysis that should be taken at both the national and international levels to significantly improve the intelligence picture of the illicit firearms market.

### 4.2.1 Data collection

The collection of relevant data on the various aspects of firearms trafficking and gun crime needs to be significantly improved. In general, three types of national statistics can be used as basic material for assessing the size and nature of illicit

firearms markets: seizure data, criminal information on firearms-related infractions (such as the illegal possession of firearms, armed robbery, firearms theft), and ballistics analyses. The collection of these types of data is confronted with several problems in many EU member states, as has already been highlighted in section 2.1.

### ***Seizure data and criminal information***

We urge member states to increase the completeness and quality of firearms seizure data and criminal information on firearms-related offences, because these data serve as crucial starting points for a comprehensive analysis of the illicit firearms market. Recently, the EU took initiatives to contribute to the UN's Sustainable Development Goal Target 16.4 aimed at reducing illicit arms flows, as indicated by the number of seized small arms and light weapons that are recorded and traced. A joint EU-UN Office on Drugs and Crime (UNODC) project is now running to support global data collection and analysis on firearms trafficking and to foster cooperation and information sharing, in particular along major trafficking routes.<sup>613</sup> These initiatives are welcomed, but more is needed.

In most EU member states, seizure data and criminal information on firearms-related offences are available to a certain extent. However, several of the SAFTE country studies explicitly question their reliability and validity. This can be the result of poor practices when registering seized firearms, infringements of the firearms legislation and gun crime. Often the registration process is not meticulously carried out, sometimes because the procedures for this administrative duty are not fully clear to law enforcement officers on the ground, but more often because of an already high workload and the low priority given to registering firearms, especially when they are seized in relation to another criminal act deemed to be more important (e.g. a drug-trafficking case). As a result, not all seized firearms actually end up in the official seizure statistics.

Law enforcement officers do not always have the necessary expertise to ensure the correctness of the information they are required to register. Registered data are often of a low quality, for example linking inherently incompatible makes, types and models of firearms. Here one aspect of the solution is to improve the expertise of the officers confronted with a firearms-related infraction and to require a double check by an officer specialised in these matters. Firearms legislation and technicalities should therefore play a more important role in national law enforcement training programmes. Here, the European police college, CEPOL, can provide the necessary support. In addition to increasing the firearms-related expertise of front-line officers, a firearms expert should oversee the application of systematic quality controls to the data that are collected.

In addition, EU member states should invest in an electronic data-registration program that is easy to interpret and use, and allows for the registration of contextualised data on firearms seizures. Such a program could minimise the margins for error. Technical provisions – e.g. linked drop-down menus to ensure that makes, types and models of firearms are inherently compatible – could help to exclude mistakes. The data-registration program also needs to be easy to use in order to reduce the administrative workload of police officers. And, more importantly, it should allow seized firearms and their characteristics to be linked to the specific contexts in which the seizures have taken place.

Also in this regard, the SAFTE country studies revealed several key problems. In France and Croatia, among others, the available seizure data cover all sorts of situations – ranging from the use of legally held firearms in cases of domestic violence, to non-compliant storage or the seizure of unregistered firearms in the possession of people without criminal intent, to actual illicit firearms trafficking – without a system that allows the information to be broken down according to these intrinsically very different situations.<sup>614</sup> Apart from including correct information on at least these three crucial variables – seizure, firearms characteristics (make, type, model) and context (i.e. the criminal infraction that led to the seizure) – national databases should also be designed to be easily used for analytical purposes.

### ***Ballistics information***

The potential for ballistics intelligence to assist in the understanding and combating of illicit firearms trafficking was clearly demonstrated in Project EFFECT.<sup>615</sup> Due to the technical expertise of firearms forensics experts, ballistics analyses of firearms, bullets and casings after a seizure or a shooting incident are less likely to be flawed by a lack of quality than normal seizure data that are not subjected to such expertise. Yet this type of data is also confronted with important challenges in many EU member states. Firstly, in the overwhelming majority of member states, ballistics analyses often only occur in a limited percentage of seizures or shooting incidents. Belgian prosecutors, for example, have a great deal of discretionary power in this regard. They are also not even obligated to request such analyses from the Justice Department's official national ballistics service and can use private ballistics experts. Because these private experts do not share their information with the national service, the ballistics information that the national service obtains is incomplete.<sup>616</sup>

Ballistics analysis should become the norm instead of the exception. Ideally, all shooting incidents should be analysed. Because in practice this is often difficult to achieve, EU member states should strive to undertake as much ballistics analysis as

possible, especially in the most relevant cases. A hierarchical order of priority could be applied according to nationally prioritised offences. The current fragmentation of ballistics information not only reduces the operational chances of ‘cold hits’ or ‘warm hits’, but is also disadvantageous from an analytical point of view. Member states should therefore systematise and centralise the results of ballistics analyses of firearms, bullets and casings recovered after a seizure or shooting incident.

Our research identified several good practices in this regard. In France, although still in its infancy, a national ballistics database was established and guidelines have been issued to systematically submit recovered firearms for forensic analysis in proximity ballistics facilities.<sup>617</sup> The prime example, however, is the UK’s National Ballistics Intelligence Service (NABIS), which centralises recovered ballistics material for analysis and provides law enforcement agencies in the UK with forensic, tactical and strategic intelligence. This includes statistical data on firearms availability, recovery and use. It is widely acknowledged that this approach significantly contributes to the intelligence picture of the UK illicit firearms market and therefore stimulates a proactive policy and facilitates effective operational responses.<sup>618</sup>

#### 4.2.2 Data sharing

The challenges facing the sharing of firearms-related data within and between EU member states are connected to both the ability and willingness to share information domestically and internationally.

##### ***Ability to share information***

National law enforcement agencies are not always able to share information with national and international partners. On the one hand, this can be a consequence of the absence of (reliable) data, as discussed above. On the other hand, procedural and technical difficulties can hinder effective information sharing. Therefore, the interoperability of databases both within and between member states must be increased.

At the national level, a standardised collecting and reporting system on firearms seizures and firearms-related infractions needs to be introduced. EU member states should adopt a central database and issue clear rules and definitions for feeding data into this database. In some countries, for example Croatia and Romania, no such standardised system has been established, which makes national information sharing very difficult.<sup>619</sup>

Evidently, the lack of a standardised firearms registration system and databases also affects the ability to share data at the international level. Information from national databases is often not readily interchangeable with or available to other countries and international agencies. The most obvious example here are the differences in software used to record ballistics-related information among EU member states. Given the cross-border nature of illicit firearms trafficking, there is an urgent need for a much greater ability to share ballistics data internationally. Whereas national agencies in France and Belgium, for example, use Evofinder for ballistics analyses, countries like the UK and the Netherlands use IBIS.<sup>620</sup> The latter are connected to other countries around the world and allow data to be exchanged on crime guns and recovered casings through the Interpol Ballistic Information Network (IBIN), which allows users to identify international linkages between firearms-related crime scenes. The different software systems used by EU member states are not compatible, which implies that ballistics analyses are not interchangeable, and therefore many opportunities are missed to identify connections across Europe and beyond. Several options could be investigated to resolve this situation, ranging from providing a double-casting procedure at Europol to the use of a single software system throughout the EU.

Similar efforts can be made to facilitate the sharing of member states' seizure data. This should be achieved by developing a European database of seized firearms. This database could be used by member states who do not have an appropriate electronic tool of their own. Member states that already possess such a tool should be able to automatically link their national databases to the European database. When developing this EU seizure database, the requirements set out above, such as combining information on seizures, firearms characteristics and the context in which the seizures take place, should be taken into account as much as possible.

Efforts should also be made to integrate or make interoperable other relevant international communication and information tools with one another and with their national counterparts. The idea behind this is to reduce the administrative workload of law enforcement officers by limiting the number of required searches and entries in a particular case, and to minimise the risks of overlooking important information. The integration of SIS II and iARMS, which is currently being prepared, is a welcome step in this regard. Solutions for other challenges in this area need to be further investigated. For example, whereas communication in the EMPACT Firearms network runs through Europol's SIENA system, this is not compatible with the Risk Information Form (RIF) used by customs services to communicate within the EU.



### *Willingness to share information*

Besides the ability to share information, the willingness to do so could also be significantly improved, both among national agencies and between national and international agencies.

Given the multifaceted nature of illicit firearms trafficking, it is essential that EU member states increase their awareness of the importance of sharing information and structurally facilitate information sharing between and within their national services. The SAFTE country studies have demonstrated that often a complex web of national actors are involved in different aspects of the fight against (terrorist access to) illicit firearms trafficking: regional police agencies, national police agencies, judicial services, intelligence services, counter-terrorism agencies, export control services, customs and border control services, justice and interior departments, etc. The lack of a data-sharing culture and the existence of structural obstacles (such as differing competences and physical distance) can hinder effective data exchange among and even within these different types of services. Good practices in this regard are the coordinating platforms set up in several countries, such as the national network for controlling illegal firearms in the Netherlands, which enhances cooperation among the Dutch police, customs service, national counter-terrorism coordinator, prosecution service, forensics institute, and Ministry of Security and Justice.<sup>621</sup>

Because illicit firearms trafficking is an international phenomenon that affects all EU member states, national law enforcement services and other relevant actors need to increase information sharing with each other and internationally. At the European level, the sharing of information with other member states and Europol has improved, but national sovereignty issues continue to hinder effective JHA cooperation. Strong differences exist between member states' contributions to Europol's Analysis Project (AP) Weapons and Explosives. Whereas the UK, for example, regularly sends the results and analyses of firearms tracing activities to Europol,<sup>622</sup> a number of other national law enforcement agencies have been more reluctant to share 'their' information through this supranational platform and prefer more direct bilateral routes for data exchange. Europol can only fully take up its role as a central information hub and increase the return of relevant information to EU member states if these states increase the amount of relevant information they share with this agency. There is therefore a continued need to convince all member states of the added value of information exchange. If not, as the UK country study shows, the commitment of member states who already actively share their information threatens to fade, and they could start to feel that international data exchange has become too much of a one-way communication process.<sup>623</sup> The same

principle of reciprocity should also inspire data sharing through Interpol. EU member states' input in and (timely) responses to tracing requests to Interpol's iARMS need to be increased.

A positive development in the international exchange of data on firearms trafficking is EMPACT Firearms. This programme has been established as part of the EU Policy Cycle 2014-2017 to tackle organised and serious international crime, in which illicit firearms trafficking was included as one of nine EU crime priorities. We welcome the Council's decision to retain illicit firearms trafficking as one of the key crime priorities in EU Policy Cycle 2018-2022 and to continue the work of EMPACT Firearms. Through EMPACT Firearms, operations to combat illicit firearms trafficking are undertaken in which EU member states can choose to participate according to their relevance for their national security situation. Participating agencies are expected to exchange all the necessary national information, which is then integrated and automatically shared with Europol. Besides this, EMPACT also has an important added value by increasing awareness of and the willingness to participate in international cooperation among national law enforcement agencies (see sec. 4.4.3, below).

#### 4.2.3 National focal points

An important answer to several of the problems relating to the insufficiency of the current intelligence picture of the nature and extent of illicit firearms trafficking is the establishment of national focal points on firearms across Europe. Their function would be to collect, analyse, and share information and intelligence on firearms-related crime at both the national and international levels.

The European Commission invited member states to set up such focal points in its 2015 EU Action Plan against Illicit Trafficking in and Use of Firearms,<sup>624</sup> and Project EFFECT included this as one of the first recommendations in its report.<sup>625</sup> But currently, only a handful of EU member states have actually responded to the Commission's call. Given the pressing shortcomings that Project SAFTE has uncovered regarding data collection and sharing, we urgently recommend all EU member states to establish a national focal point on firearms.

Yet the merely pro forma setting up of national focal points will not suffice. To ensure that they effectively contribute to overcoming the current intelligence problems, their core tasks need to be clarified and implemented. Therefore, a general template should be developed at the EU level. The basic requirements for such a system are the presence of firearms expertise (administrative, technical and

legislative); access to all relevant national data on firearms-related crime, including ballistics information; sufficient analytical capacities and tools to enrich the data supplied to operational, tactical and strategic intelligence; and a commitment to national and international data exchange. The template should, however, leave enough flexibility to be adapted to the specific institutional context and the nature of the illicit firearms market in the various member states. A national focal point could take the form of a dedicated physical unit or a virtual unit bringing together multiple actors in a shared framework.

Best practices in this regard should be mapped and shared, among others through CEPOL. Besides developing a template, which could become just another pro forma exercise, the European Commission needs to encourage and monitor the effective implementation of these national focal points across the EU.

#### 4.2.4 Strategic data analysis and research

An intelligence-led approach to illicit firearms trafficking not only entails the collection and sharing of relevant data, but also the analysis of these data from an operational, tactical and strategic perspective. Our research shows that in most EU member states, strategic analyses still form an inadequate basis for investigations, action plans and policies. The intelligence picture most law enforcement agencies currently possess is mainly case bound. Fragmented information from individual cases, however, does not allow law enforcement agencies to gain a proactive insight into the bigger picture and potential trends. Project SAFTE's findings concerning, among other things, the specific dynamics of illicit firearms markets, the differences in availability of firearms, the specific features of the main actors involved in these markets, and the loopholes they exploit clearly illustrate the advantages of a more comprehensive insight into the phenomenon to develop more effective and efficient evidence-based policies and operational actions.

In most EU member states, several basic problems result in the lack of such a comprehensive insight. The first is the absence of a systematic and reliable data-recording and -sharing system (see secs. 4.2.1 and 4.2.2, above). The second is the insufficient investment in capacity and tools in many member states to undertake sound analyses. Member states should therefore increase their investment in analytical law enforcement personnel and tools as a necessary complement to specialised firearms detectives who focus mainly on operations (as opposed to analysis). Given their workload, specific expertise and preoccupation with solving individual cases, detectives often do not have the necessary time, methodological skills, interest or access to other relevant cases to undertake more aggregated analyses. Some EU

member states have specific law enforcement units that monitor phenomena such as firearms trafficking from a strategic analytical perspective. This is the case in the Netherlands, for example. Yet currently these police firearms experts mainly carry out technical tasks (such as examining confiscated firearms), but due to their excessive workload, limited time remains for analysis. Moreover, they have little or no access to relevant investigative information.<sup>626</sup> A similar situation is to be found in Belgium, where financial cutbacks have been draining the capacity of the specialised central police service responsible for analysis.<sup>627</sup>

Providing such strategic analyses at the EU level is one of Europol's key tasks. This EU agency already puts significant effort into providing member states with intelligence reports on illicit firearms trafficking. Analyses are, for example, put at their disposal via the annual Serious and Organised Crime Threat Assessment (SOCTA). The establishment of a specific AP Weapons and Explosives within Europol is a positive development and could significantly improve the intelligence picture of illicit firearms trafficking. In order to assess the broader international picture and assist member states to take action that is properly attuned to the evolving threat, we urgently point once again to the necessity of sharing relevant national data and analyses with Europol.

In cooperation with national law enforcement agencies and Europol, external researchers can also significantly add value to the intelligence picture of illicit firearms trafficking. Policy-oriented research can be potentially very enriching by combining the methodological skills of specialised scientific researchers with the operational information and expertise of law enforcement agencies. We therefore strongly advocate structural collaboration between specialised research institutes and law enforcement agencies and policy-makers in the area of illicit firearms trafficking and its related security phenomena.

Throughout Project SAFTE it became clear that in most countries there is no immediate culture of cooperation between law enforcement agencies and external researchers. The UK and the Netherlands are two important exceptions that show how a structural collaboration between both worlds can be very fruitful for the development and implementation of effective policy by identifying security trends, best practices, and challenges.<sup>628</sup> We therefore call on national policy-makers and law enforcement agencies to structurally open up possibilities for synergies with external scientific institutes and researchers.

At the European level, the European Commission has already given considerable support in this regard and committed itself to continue these efforts in the 2015 EU Action Plan against Illicit Trafficking in and Use of Firearms.<sup>629</sup> It has funded several

projects on various aspects of illicit firearms trafficking in the last few years, including Project SAFTE.<sup>1</sup> We recommend the European Commission to continue to invest in obtaining a better intelligence picture of specific features that have been identified as important aspects of illicit firearms trafficking, but have currently received (too) little research attention. Examples are the scale and nature of diversion of live-firing firearms (e.g. theft) and the specific profiles of arms-trafficking networks.

### 4.3 Upgrade the regulatory and policy framework

We recommend that national and EU legislators and policy-makers upgrade the regulatory and policy framework on firearms, since this is the second crucial component of a comprehensive and consistent approach to illicit firearms trafficking. This, of course, is highly interrelated to the other components of the long-term strategy we present. Whereas the implementation of legislation and policy presupposes sufficient operational capacities (see sec. 4.4, below), the intelligence picture of illicit firearms trafficking can both benefit from and inspire a solid, clear and effective regulatory framework. Clear legislation can improve the intelligence picture by providing national law enforcement officers with coherent and simple rules that distinguish licit from illicit situations and acts involving firearms, and therefore improve the quality of data collection. A transparent regulatory framework would thus facilitate firearms-related data collection and registration by officers on the ground.

Importantly, a good intelligence picture also contributes to the timely identification and rectification of flaws in the regulatory and policy framework. Project SAFTE, for example, has exposed several problems with the current EU and national regulatory and policy frameworks. In this section we translate these problems into five concrete recommendations:

1. close the loopholes in EU and national firearms legislation;
2. monitor the implementation of EU firearms legislation;
3. adopt firearms and ammunition surrender programmes;
4. effectively penalise illicit firearms possession and trafficking; and
5. increase security cooperation with third countries.

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<sup>1</sup> Other important projects funded by the Commission are, among others, Project EFFECT on gun crime and the possibilities of ballistics intelligence, and Project FIRE on the routes and actors involved in illicit firearms trafficking.

### 4.3.1 Close the loopholes in EU and national firearms legislation

Project SAFTE demonstrates that several forms of firearms diversion within the EU constitute significant supply mechanisms for illicit firearms markets in Europe. Important examples are theft, the conversion of replica firearms, the reactivation of deactivated firearms, and the unlawful trafficking of components and ammunition. A number of these are the consequence of lacunas and differences in national legislations that are exploited by both criminals and gun enthusiasts without criminal motivations. These loopholes have also enabled terrorists to acquire firearms. The EU's internal market and lack of internal border controls allow traffickers to move easily from one member state to another. Apart from this, internet transactions and courier deliveries, both of which are difficult to monitor, are also used as trafficking channels. These findings thus show the importance of creating clear and harmonised firearms-related regulatory barriers between the licit and the illicit at the Europe-wide level.

The first important action to be taken, therefore, is to close loopholes in firearms legislation across the EU. It is interesting to note that, as the country studies show, most member states claim that they have a strong (or even the strongest) regulatory framework. Three remarks can be made regarding such claims.

Firstly, it is intrinsically very difficult to substantiate and compare the overall strictness of national legislation, since stringent rules governing certain aspects (e.g. limited 'good causes' for firearms possession) can go hand in hand with relative leniency on other aspects (e.g. inadequate registration of firearms possession).

Secondly, implementation is key. The level of strictness is not only a characteristic of legislation as such, but also of the way in which legislation is enforced.

Thirdly, because of intra-EU trafficking, the impact of national legislation is not limited by national borders. Our research has confirmed that major loopholes can be identified in the national firearms legislation of several EU member states. The absence of internal borders in the EU facilitates the trafficking of firearms, components and ammunition that are (il)legally owned or acquired in one EU member state to other member states where their possession or acquisition might be subjected to more restrictions. In the political context of the EU as a whole, therefore, national loopholes are effectively EU loopholes.

An obvious illustration of this is the so-called 'Slovakia route', which has resulted in the accumulation of reactivated firearms, including military-grade firearms, on the illicit firearms markets and in the hands of criminals and terrorists throughout

Europe. Due to the absence of adequate deactivation standards in Slovakia, these firearms were sold in compliance with Slovakian legislation, after which they very quickly found their way to other member states, where they were often reactivated to live-firing firearms. The adoption of common EU deactivation standards in 2015 has resolved this legislative loophole, but a new one – Flobert guns – has emerged in its immediate aftermath (see sec. 2.3.2, above).

Other important loopholes that foster intra-EU trafficking also remain open today. A major one – which has already been identified by Europol, EMPACT and national law enforcement agencies – is the conversion of alarm pistols. At the moment illicit firearms markets in Europe are stocked with especially Turkish-made alarm pistols that are known to the criminal milieu to be cheap and easily convertible to live-firing weapons. Again, differences in legislation between member states facilitate their acquisition. 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.<sup>630</sup> Yet there are no clear definitions of, standards for or guidelines on what constitutes convertibility. As a consequence, there are large differences in interpretation and implementation among EU member states. Related to this, the registration and/or licensing requirements governing the acquisition and sale of alarm pistols can also differ significantly from one member state to another. This results in serious security risks and obstacles for law enforcement and record keeping.<sup>631</sup> This can clearly be illustrated by the findings of the Romanian country study. In Romania, the relative high availability of (converted) blank firers is strongly linked to more lenient rules in the neighbouring Bulgaria, where easily convertible blank firers can be bought without significant constraints. In principle, the buyer should submit a permit request to the Bulgarian authorities and declare the blank firer to the Bulgarian police within seven days. In practice, however, many of these easily convertible blank firers illicitly find their way to the Romanian black market.<sup>632</sup>

Two other noteworthy loopholes relate to ammunition and antiques. Firstly, we found evidence of differing national standards being exploited with regard to the amount of ammunition that can be bought legally. Whereas in France individuals can legally acquire a maximum of 1,000 rounds of sports-shooting ammunition per year, in Belgium there is no restriction. This has resulted in cross-border smuggling of ammunition between these countries.<sup>633</sup> Secondly, antique firearms can also be in demand on illicit firearms markets, often because of differences in leniency between EU member states’ legislation. Several types of antique firearms, for example, found their way from Belgium to the illicit firearms market in other EU member states between 2007 and 2013. Until 2013 they could legally be purchased without a licence in Belgium, while an authorisation was required in other member

states. Many foreign nationals were aware of this and travelled to Belgium to buy these firearms. Especially antique Nagant revolvers were very popular among criminals because large supplies of ammunition were still available for this gun.<sup>634</sup> In the UK, antique firearms have become increasingly popular among low-end urban street gangs, presumably because of the low availability of other types of firearms. Although the ammunition for antique firearms is considered obsolete, many such weapons can be adapted to fire modern ammunition.<sup>635</sup>

Due to the significant security risks that the identified loopholes pose (because they increase the availability of firearms and ammunition for criminals and terrorists), we recommend that the European Commission, Council of the EU and European Parliament take action to close these loopholes. This can be done by amending the 1991 Firearms Directive in the following ways:

- Flobert guns should be brought into the scope of the Firearms Directive.
- Antique guns, alarm and signal weapons should be categorised under Category C (firearms and weapons subject to declaration) to prevent leakages into the hands of criminals and terrorists.
- The European Commission should as soon as possible adopt the implementing acts – as announced in Article 10a of the 1991 Firearms Directive as amended in 2017<sup>636</sup> – laying down technical specifications for alarm and signal weapons manufactured in or imported into the EU to ensure that they cannot be converted to expel a shot, bullet or projectile by the action of a combustible propellant.
- Alarm and signal weapons not meeting these technical specifications, like the Turkish-made alarm pistols referred to above, should at least be made subject to authorisation (Category B).
- As in France, maximum amounts of ammunition that can be legally purchased per year should be uniformly introduced across the EU.

#### 4.3.2 Monitor the implementation of EU firearms legislation

In order to have the desired effect as soon as possible, it is equally crucial that national legislators ensure that the provisions of the EU Firearms Directive, as well as related European legislation such as the 2015 common deactivation rules, are adopted consciously and quickly in national legislation. Although this seems self-evident, recent history shows that the national implementation of EU rules is not always as rapid as it should be. In France, for example, it took until 2013 to move away from the almost 75-year-old eight-category system and adopt the EU classification system based on four categories as provided by the 1991 Firearms Directive.<sup>637</sup>



Furthermore, national governments should provide the necessary means and personnel to ensure that firearms legislation can actually be enforced (see also sec. 4.4, below). Loopholes closed on paper but not in practice will continue to be exploited and do not help to reduce the related security risks.

In line with these responsibilities for national governments and legislators, the European Commission should intensify its efforts to monitor the implementation of existing and new EU firearms legislation by EU member states. Based on Project SAFTE findings, several security risks can be identified to serve as specific points of focus in this monitoring exercise. For example, following up on the implementation of safe storage rules can help reduce the probability of firearms thefts. Likewise, ensuring compliance with the common deactivation standards reduces the risks of deactivated firearms being reactivated and ending up on the illicit firearms market.

The European Commission should urge member states that do not comply with EU rules (in a timely manner) to do so. Also, by monitoring the implementation of EU firearms legislation, new potential loopholes could be identified. This in turn could result in legislative changes to immediately close these loopholes and keep up a constant pressure on illicit firearms trafficking.

Closing loopholes in firearms legislation reduces the risk of new firearms ending up on the illicit firearms markets. In doing so, clear and unambiguous boundaries are defined between the legal and illegal market across the EU.

### 4.3.3 Adopt firearms surrender programmes

The legislative actions proposed above will not immediately reduce the number of illegal firearms already in circulation. For this purpose, voluntary surrender programmes have been or are being introduced in several EU member states. The advantage of such programmes is that they remove illicit firearms from the black market. They can be made traceable, neutralised or destroyed, resulting in the possible security risks related to illicitly owned firearms being significantly reduced. We therefore recommend that member states adopt voluntary surrender programmes tailored to the specific context of their illicit firearms market, targeted to achieve clear goals and embedded within a more comprehensive action plan to tackle the illicit firearms market.

The context in which such programmes are adopted can differ. In post-conflict zones, surrender programmes may be used to remove firearms from society and prevent them from entering the illicit firearms market. Croatia's particular

historical legacy of the Homeland War (1991-1995), which was accompanied by the uncontrolled distribution of firearms to private citizens, has led to the significant use of collection campaigns since 1993 (which are still ongoing).<sup>I</sup> These campaigns have resulted in the recovery of many weapons.<sup>II</sup> Based on a similar principle, pardons for citizens who voluntarily surrender illegally owned weapons that have not been the subject of a prior police investigation are a permanent feature of Croatian law.<sup>638</sup> In other instances, temporary surrender programmes can also be adopted in the wake of legislative changes, in order to allow citizens to regularise or dispose of firearms that would otherwise have become illegal. During the amnesty period running from 2006 to 2008 and introduced after the new Belgian Weapons Act became law, for example, more than 200,000 firearms were handed in to the Belgian police.<sup>639</sup> EU member states can also opt for gun amnesties at regular intervals (e.g. Denmark<sup>640</sup>) or targeted surrender programmes to respond to specific threats. The latter can be illustrated by referring to the UK, where a targeted amnesty was organised in 2009 after the finding that large numbers of converted Olympic .380 BBM blank-firing pistols were being used and recovered. The amnesty resulted in the surrender of 700 pistols.<sup>641</sup>

In order to be successful, voluntary surrender programmes need to be accompanied by several supporting measures. The administrations and law enforcement agencies responsible for processing firearms surrenders have to be given the necessary means and time to do so in an orderly and effective way. Because types, numbers and contexts of recovered firearms during amnesty periods can cast light on certain characteristics of the illicit firearms market – and thus contribute to a better intelligence picture – data on surrenders must be collected reliably and assessed using common standards. Finally, surrender programmes need to be supported by sensitising campaigns alerting civilians to the dangers of illicitly owned firearms. As the Croatian and UK country studies show, this contributes to the immediate and long-term success of such programmes.<sup>642</sup>

#### 4.3.4 Effectively penalise illicit firearms possession and trafficking

Closing loopholes in EU firearms legislation, monitoring its implementation and adopting voluntary surrender programmes are mainly aimed at reducing the general availability of firearms on the illicit market. This limits the potential misuse

I Since 2010, these campaigns have been supported by EU funding through SEESAC.

II 54,818 firearms, 13,719,940 rounds of ammunition, 2,068,892 explosive devices, and 3,352,948.79 kg of military and commercial explosives.

of firearms and makes it more difficult for criminals and terrorists to acquire firearms. The more difficult the latter becomes, the higher the possibility of timely detection by law enforcement agencies.

The direct impact of such actions on illicit firearms that are already in the hands of traffickers, criminals or terrorists, however, is less evident. EU member states are therefore recommended to take decisive action against persons active on both the demand and supply sides of the illicit firearms market who do not take advantage of voluntary surrender programmes. We urge national legislators to provide sufficiently high minimum and maximum (prison) sentences for illicit firearms possession, use and trafficking, as well as increased sentences when it is reasonable to assume that traffickers were aware that they had sold firearms to a potential terrorist. Member states' judicial authorities should also be encouraged to effectively prosecute and convict illicit firearms traffickers, buyers and owners.

The findings of Project SAFTE have demonstrated that illicit firearms trafficking is often a by-product of other criminal activities in Europe, due to the relative high risks in comparison with the possible profit margins. Mostly, firearms are trafficked in small quantities via the so-called 'ant trade' along with other, more lucrative illegal goods such as drugs. This offers both challenges and opportunities for law enforcement. Although the 'ant trade' is less easy to detect than large-scale trafficking, complicating the work of law enforcement agencies, the limited profits may increase the impact of measures that add weight to the cost side of a cost-benefits assessment.

Together with heightened law enforcement attention, as will be illustrated below (see sec. 4.4), a substantial deterrent effect can be produced by high (effective) penalties for illicit firearms trade and possession. This is notable in the UK country study. One of the key dimensions of UK legislation to address the illegal possession, use and trafficking of firearms consists of deterrence through the provision of tough prison sentences and fines, which are increased even more when the offence is committed in a terrorist context. Importantly, these sentences are put into practice through actual convictions.<sup>643</sup> The Dutch country study illustrates that not all EU member states adopt a similar sentencing policy. The sentences for illegal possession and trade of firearms in the Netherlands are considered to be relatively lenient. Furthermore, maximum sentences for 'simple' firearms possession are almost never imposed in practice.<sup>644</sup> This reduces the effects of deterrence through sentencing and may even foster a perception of relative impunity among firearms traffickers and illegal buyers.

### 4.3.5 Increase security cooperation with third countries

Most of the recommendations discussed in this section mainly relate to combating intra-EU trafficking. However, our research has also shown that the cross-border smuggling of firearms into the EU remains one of the most important sources of supply for illicit firearms markets in Europe. Heightened and continued attention therefore needs to be directed towards illicit firearms trafficking from outside the EU.

Future post-conflict zones in the EU neighbourhood, such as the Middle East and North Africa (MENA) region and Ukraine, significantly increase the risk of the influx of assault rifles – and even heavier equipment such as chemical weapons and MANPADS – into Europe in the near future. Apart from gathering intelligence (see sec. 4.2, above) and carrying out operational actions at the EU's external borders (see sec. 4.4.3, below), measures to combat cross-border smuggling can also be taken at the level of external action policy and legislation.

The 2015 EU Action Plan against Illicit Trafficking in and Use of Firearms has already laid down several actions to be taken in this regard that are fully supported by the findings of Project SAFTE. Providing EU assistance to programmes such as those run by SEESAC is a good practice and needs to be expanded to other risk areas. Importantly, illicit firearms trafficking should also be systematically incorporated into EU security and policy dialogues with key partner third countries, with the main focus on the MENA countries, Ukraine and Turkey.<sup>645</sup>

An important role in restricting (future) extra-EU sources of illicit firearms should also be granted to the European External Action Service (EEAS) and the SALW Strategy. The EU SALW Strategy was developed in 2005 as a response to the observation that the uncontrolled proliferation of SALW contributed to organised crime and terrorism. It has been implemented through a series of Council decisions. The EU is currently revising this SALW Strategy as part of the 2016 EU Global Strategy to make sure EU policies are adapted to the changing security environment. The revision process is expected to be concluded in 2018.

We recommend to explicitly include the internal-external security nexus, one of the strategic priorities of the 2016 EU Global Strategy, into the revision of the SALW Strategy. The 2005 SALW strategy largely focused on the impact of illicit SALW flows to Sub-Saharan Africa and other conflict areas around the world, but little reference is made to the internal security of the EU. One aspect of the changing security environment is the increased attention towards the nexus between internal and external security of the EU. This nexus is also highly relevant with regard to

illicit firearms markets in Europe: the cross-border smuggling of firearms from EU's neighbourhood into the EU has increased the availability of military-grade firearms for criminals and terrorists with criminal connections. Several of these trafficked firearms have been used in terrorist attacks on European soil in recent years. Providing assistance programmes to support the efforts currently done to combat the proliferation of SALW in the Western Balkans is a good practice, but needs to be expanded as soon as possible to other potential source regions for illicit firearms trafficking such as Ukraine, Northern Africa and the Middle East. It is important to identify good practices and lessons learned from the different EU-funded initiatives within the framework of the current SALW strategy, based on a comprehensive review of the impact of these different initiatives.

The 2005 SALW Strategy noted that its reactive strategy 'has to be supplemented by preventive action which will tackle illegal supply and demand as well as controls on exports of conventional weapons'. Several EU member states are important worldwide exporters of firearms. The SALW Strategy therefore called upon member states to strengthen their export control policies. Conflict Armament Research, which is funded in the framework of the EU SALW Strategy, recently published their findings from more than three years of field investigation into the weapons used in Syria and Iraq by Islamic State (IS). This report concluded that this terrorist group was able to acquire European-made weapons, including firearms, that were legally exported from different EU member states and diverted into the arsenals of IS in a very short time frame.<sup>646</sup> These findings clearly demonstrate that more careful arms export polices from EU member states are needed and that the revised SALW Strategy should more explicitly take into account how SALW export from EU member states can fuel the proliferation of such weapons in the EU's neighbourhood.

#### **4.4 Optimise operational measures, capacities and cooperation**

Operational measures constitute the third crucial aspect of a comprehensive strategy against illicit firearms trafficking. Actions to improve the intelligence picture and regulatory and policy framework need to be supported by sustained, appropriate, and sufficient operational capacities and cooperation to successfully contribute to the fight against (terrorist access to) illicit firearms markets.

On the basis of our research findings, we recommend that law enforcement agencies prioritise illicit firearms trafficking and adopt a proactive 'investigate the gun' approach aimed at uncovering the actors and networks involved in gun-related crime. Our research has shown that illicit firearms trafficking is a complex and

multifaceted criminal phenomenon in Europe. Given its technical nature, transnational features and legislative complexities, tackling illicit firearms trafficking is a difficult task. Illicit firearms markets are closed markets, based on trust and composed of traffickers for whom the firearms trade is often only a sideline because of the limited profits that can be made. Together with criminals, handymen and gun enthusiasts with high levels of technical and/or legal expertise sometimes play a part, exploiting legal loopholes and international differences in legislation. Firearms in themselves are durable goods and can be acquired for several purposes. Immediately using them is not always the prime motivation of their buyers – be they criminals, terrorists or gun enthusiasts – which means that offences related to the firearms trade can easily remain under the radar. As a consequence, criminal investigations into illicit firearms trafficking are generally long-term projects and often do not lead to immediately visible results. Thus, a long-term and proactive approach is needed to overcome these complexities and to generate an effective answer to illicit firearms trafficking.

Despite progress made in the last decade, firearms are still too often considered to be ‘collateral finds’ for law enforcement agencies. When illicit firearms are retrieved in the context of other crimes, such as drug trafficking or murder, law enforcement agencies tend to primarily focus on investigating or solving these crimes. Often, too little attention is paid to the gun or guns used and uncovering trafficking networks behind it/them. Illustrations of this can be found in several of the SAFTE country studies. This lack of attention results in significant security risks. Illicit firearms trafficking is an enabler of all sorts of criminal activities, including some of the most deadly terrorist attacks. It is therefore crucial that national criminal policy-makers and law enforcement agencies change their current approach. As illustrated by the decline of gun-related violence and illicit firearms trafficking in Merseyside (Liverpool) and Brussels, an ‘investigate the gun’ approach can have a positive effect on (gun-related) crime as a whole.<sup>647</sup>

In order to be successful, such an approach needs to be accompanied by at least four additional operational measures:

1. increasing operational capacities
2. enhancing operational coordination within EU member states
3. enhancing international cooperation
4. closely monitoring specific risks.

#### 4.4.1 Increase operational capacities

In order to successfully implement and sustain an ‘investigate the gun’ approach, EU member states need to structurally invest in specialised police teams equipped with sufficient staff, expertise and equipment (e.g. the legal power to install wire-taps or the ability to infiltrate the closed illicit firearms market). These specialised teams should be closely linked with the national focal points on firearms (see sec. 4.2.3, above). In geographically smaller member states, it could be preferable to install a centralised illicit firearms trafficking team that can incorporate the function of the national focal point.

As Project SAFTE has demonstrated, in several EU member states there are no such specific illicit firearms trafficking police teams. This may limit the development of the expertise necessary to investigate this complex phenomenon. In Italy, for example, no single authority is dedicated to combating the illicit firearms market. The illicit possession and/or use of firearms are dealt with by agencies involved in the fight against terrorism, organised crime and illicit trafficking of all kinds.<sup>648</sup> In other countries, such as the UK and Belgium, a force-by-force logic is discernable, with specialist units to tackle firearms-related crimes in police force areas with the highest levels of firearms (trafficking) offences (e.g. London, Manchester, Brussels). Budget cuts, however, could threaten the continued existence and capacities of these teams.<sup>649</sup>

Due to this general lack of specialised teams and investigators, the problem of illicit firearms trafficking is in danger of being overlooked. This risk seems currently to be especially high. The heightened terrorist threat may foster a displacement of attention towards counter-terrorism investigations and away from other (but closely related) criminal phenomena. Such a dynamic has, for example, been clearly visible in some law enforcement agencies in Belgium.<sup>650</sup>

#### 4.4.2 Enhance national coordination

We have already stressed the need for intensifying national and international data sharing as one of the actions to be taken to improve the intelligence picture of illicit firearms trafficking (see sec. 4.2.2, above). The challenges we highlighted there, of course, are also relevant in operational terms. In EU member states many actors can be involved in various aspects of the fight against (terrorist access to) illicit firearms trafficking: regional police, national police, judicial services, intelligence services, counter-terrorism agencies, export control services, customs and border control services, justice and interior departments, etc. As a consequence of the high number

of agencies involved in the fight against illicit firearms markets, the 'investigate the gun' approach needs to be operationally coordinated at the national level.

Good inter-agency coordination during operational activities is therefore of the utmost importance. Investigators need to receive operationally relevant, timely information and their actions need to be coordinated with those of other services. This can be accomplished through the establishment of inter-agency memoranda of understanding and the undertaking of joint operations, for example between police and customs services. Best practice in this regard can be discerned in the UK, where clear cooperation agreements exist between regional intelligence/police units – including, among others, those specialising in illicit firearms trafficking – such as the National Ballistics Intelligence Service (NABIS) and the National Crime Agency (NCA) International Crime Team (the latter is involved when an illegal firearm is seized at a UK port of entry).<sup>651</sup>

A specific point of focus here is cooperation and coordination between illicit firearms trafficking and counter-terrorism investigators. Project SAFTE underlines the importance of this through the insights it generated into the crime-terror nexus and terrorist access to illicit firearms markets. Potential terrorists often rely on their prior criminal connections to acquire firearms. The cases of the El Bakraoui brothers in Belgium and Mohammed Merah and Mehdi Nemmouche in France illustrate this dynamic strikingly.<sup>652</sup> This implies that illicit firearms trafficking units may have information about criminal networks and their antecedents that is highly relevant to counter-terrorism units. Inversely, investigating the guns seized in a terrorist context may help to expose and dismantle firearms trade networks and actors that are linked to potential terrorists. Notwithstanding the security benefits of cooperation and coordination, our research shows that reciprocal information exchange, and cooperation and coordination between illicit firearms and counter-terrorism services remain limited in practice. Often as a consequence of the sensitivity of their investigations, counter-terrorism services can be reluctant to share potentially useful information with illicit firearms investigators.<sup>653</sup> EU member states' illicit firearms and counter-terrorism services and units are therefore recommended to set up clear arrangements in order to facilitate forms of mutual cooperation and information exchange between them. Joint operations can also be beneficial, as illustrated by Operation Dragonroot organised by the UK NCA and the National Counter Terrorism Policing network in October 2016. This operation brought together anti-organised crime and counter-terrorism resources and intelligence to address (terrorist access to) illegal firearms in the UK, resulting in the seizure of 833 firearms.<sup>654</sup>



### 4.4.3 Enhance international cooperation

Because illicit firearms trafficking often has a transnational dimension, with supply lines operating through both intra-EU trafficking and the cross-border smuggling of firearms from outside Europe, an ‘investigate the gun’ approach also requires international operational cooperation. It is important that EU member states recognise their common interest in uncovering international criminal trafficking networks in the long run. They should also not opt for quick-win successes by focusing on dismantling low-level national cells. National cells can be replaced quickly, making the positive effects on national security only short term. Also, because the international network remains intact, this does not enhance the security situation in other countries and can create frictions between EU member states.<sup>655</sup>

Several instruments are available within the EU to implement and support various forms of international cooperation. Based on the above, EU member states are recommended to make full use of these instruments. National law enforcement and judicial services are encouraged to set up joint investigation teams. The involvement of Europol, Eurojust and Frontex (the latter if the EU’s external borders are concerned) is strongly encouraged. In the complex task of jointly setting up international operations to combat the complex phenomenon of illicit firearms trafficking, these EU agencies can play an important role by providing information; coordination; and forensic, technical and judicial expertise. Especially Europol’s AP Weapons and Explosives, which specialises in supporting and coordinating operations targeting illicit firearms trafficking, should be provided with sufficient personnel and means to carry out this important task.

Joint operations should also be set up through EMPACT Firearms. This platform is well suited to creating European synergies among and between national law enforcement services and EU agencies involved in the fight against illicit firearms trafficking. It increases commitment by giving national law enforcement a sense of ownership and responsibility, by allowing EU member states’ involvement to be attuned to the specific problems that these states are confronted with, and by stimulating awareness of the relevance and importance of European cooperation among national law enforcement and EU agencies. We therefore recommend the Council of the EU to further expand EMPACT Firearms activities and to retain it as a priority in policy cycles to come. Member states are recommended to increase their national services’ participation in and commitment to EMPACT operational actions.

To prevent firearms from illicitly flowing into the EU, stronger operational cooperation with third countries and international organisations such as Interpol and the UN is also encouraged. The corresponding measures announced in the 2015 EU

Action Plan against Illicit Trafficking in and Use of Firearms should be conscientiously implemented.<sup>656</sup> Joint operations may be set up in cooperation with countries in the EU neighbourhood and other relevant partner countries. These need to be adapted to the specific local or regional context. The Action Plan on the illicit trafficking of firearms between the EU and the South East Europe region for the years 2015-2019 can be considered an example of a good practice. In particular, as soon as the conflicts in these areas stabilise, operational cooperation needs also to be set up with Ukraine and countries in the MENA region. Preparations for such cooperation should be started as soon as possible. Other forms of operational support, such as the provision of training and relevant equipment, can help to strengthen these countries' capacities to regulate their firearms markets and combat illicit firearms trafficking on their soil.

#### 4.4.4 Closely monitor specific risks

Apart from the more general recommendations to enhance operational actions and cooperation in order to tackle (terrorist access to) illicit firearms markets discussed above, Project SAFTE also identified several specific risks requiring close monitoring and operational attention from national and EU law enforcement agencies.

The first risk is the apparent increased availability of military-grade assault rifles on European firearms markets. This can be connected to the growing cross-border smuggling of legacy weapons from the Western Balkans and the increased trafficking of deactivated firearms that can easily be reactivated between 2013 and 2015. Especially in the fight against terrorism, this increased availability poses serious security risks, because the growing presence of such firearms on the illicit firearms market may facilitate their acquisition by terrorists. Their supply therefore needs to be cut off as much as possible through targeted operational actions and the legislative changes proposed above (see sec. 4.3). Also, because their long lifespan means that they may circulate for many years, specific efforts should be aimed at taking military-grade assault rifles already present on European illicit firearms markets out of circulation. New sources such as Flobert guns and future post-conflict zones, in particular Ukraine and Northern Africa, urgently need to be monitored and dealt with by national and EU law enforcement agencies.

The second risk is the diversion of live-firing firearms from the licit to the illicit firearms markets in Europe. Project SAFTE demonstrated that diversion methods such as firearms thefts, embezzlement and non-regularisation of firearms may constitute a significant source for the illicit firearms markets in Europe. Yet until now this remains an underexplored aspect of illicit firearms trafficking. More must be

learnt about this phenomenon and close monitoring needs to be put in place in order to mitigate the related security risks.

The third risk is the potential role of certain gun enthusiasts, handymen and (participants in) arms fairs in supporting illicit firearms markets throughout Europe. These individuals sometimes possess large numbers of illicitly held firearms, their knowledge of the laws governing firearms allows them to exploit loopholes in the licit firearms market and/or they have the necessary technical expertise to work on firearms (reactivate, assemble, etc.). If these individuals are linked to the criminal milieu, their expertise and illicit firearms stocks may generate a large and dangerous criminal potential. Generally, such individuals are limited in number and are already known by law enforcement agencies. Therefore, we recommend that EU member states' law enforcement agencies be aware of the criminal potential of gun enthusiasts, handymen and (participants in) arms fairs, and monitor their activities closely.

The fourth risk is illicit firearms transactions on the internet and the delivery of weapons through postal packages and courier services. With regard to the internet, most attention in recent years has been given to the dark web. For example, in 2016 Operation Dark, supported by Europol, demonstrated that targeted actions on the dark web can be very successful. This will remain good practice as long as the dark web increases the availability of firearms and explosives. However, the open web should also receive more law enforcement attention. Illicit transactions involving firearms and their components on regular online trading platforms and gun enthusiast forums are also believed to occur regularly. Keeping track of such transactions is difficult and should therefore be effectuated by law enforcement officers specialised in monitoring the internet. Europol and CEPOL have assisted member states with this by organising cyber-patrol weeks and providing manuals and training programmes. These activities should be continued. Furthermore, because both open web and dark web sales still require a physical exchange of the firearms or components, targeted law enforcement attention should also be focused on postal packages and fast parcels. Joint operational activities could offer significant added value here. An operation around illicit firearms trafficking via courier services set up through EMPACT, for example, helped to counteract the problem of the easy reactivation of deactivated firearms throughout Europe. Other potentially relevant actions in this regard are dialogues and cooperation with private partners (postal and courier services, website administrators, etc.) to increase awareness and controls and improve procedures.

Fifthly, although the threat is not considered to be high at the moment, new developments affecting the illicit production of firearms – in particular the 3D printing of

firearms – require proactive intelligence and monitoring. 3D-printed guns comprise a specific terrorist-related threat. They are almost impossible to trace (so-called ‘ghost guns’) or detect, since the only component made from metal is the firing pin. Firearms made from plastic are difficult to detect by, for example, airport security systems.

Apart from the risks discussed above, other specific threats should also be the subject of close proactive monitoring, such as the provision of training in the use of weapons for potential terrorists in Europe (e.g. in shooting clubs).

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Flemish Peace Institute  
 Leuvenseweg 86  
 1000 Brussels  
 tel. + 32 2 552 45 91  
 vredesinstituut@vlaamsparlement.be  
 www.flemishpeaceinstitute.eu

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